

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2016 Budget Oversight Hearing: Indian Affairs
February 27, 2015
Questions for the Record

Questions from Mr. Calvert

Education Roles and Responsibilities

Calvert Q1: With regard to the 183 elementary and secondary schools in the Bureau of Indian Education system, and so that we can direct today's questions accordingly, please differentiate and clarify for us the various roles and responsibilities of the Assistant Secretary's office, the BIA, and the BIE.

Answer: The line authority for Indian Affairs programs begins with the Assistant Secretary-Indian Affairs whose primary responsibilities are to advise the Secretary of the Interior on Indian Affairs policy issues, communicate policy to and oversee the programs of the BIA and the BIE, provide leadership in consultations with tribes, and serve as the Department official for intra- and interdepartmental coordination and liaison within the Executive Branch on Indian matters.

Within the Office of the Assistant Secretary, The Deputy Assistant Secretary-Management provides senior leadership, policy, and oversight of budget, acquisition, property, accounting, facility construction, fiscal services, information technology, planning, facilities operations, and human resources down to programs in AS-IA, BIE and BIE.

The Director of the Bureau of Indian Affairs has line authority over all regional and agency field operations that administer Indian Services, Trust Services, and Justice Services, both through direct services and tribal 638 contracting. The Director of the Bureau of Indian Education has line authority over the education resource centers, 183 BIE units, and two post-secondary schools located across Indian country.

Road Maintenance

Recently several of us on the subcommittee had the pleasure of riding in a BIE school bus for 30 minutes each way on a dusty, washboard dirt road.

Calvert Q2: How does your road maintenance budget look for FY16?

Answer: The budget request for BIA road maintenance in FY2016 is \$26.7 million. The enacted budget for BIA roads maintenance in FY2015 is \$26.4 million. This funding is the primary source of funding for maintenance of all roads and bridges designated as BIA-owned. There are about 29,000 miles of BIA-owned roads and over 900 bridges in Indian country.

There are also 158,000 miles of Tribal roads and roads near tribal lands that are inventoried for the Tribal Transportation Program in the Federal Highway Administration, part of the Department of Transportation. The FY2015 budget for the Department of Transportation authorized \$450 million for the Tribal Transportation Program for transportation assets projects that improve access to and within Tribal Lands.

Calvert Q3: How can this subcommittee be surgical in an effort to improve road conditions on reservation school bus routes?

Answer: Since the majority of BIA, Tribal and County roads serve as school bus routes it's difficult to single out school bus routes as a priority for road maintenance. Within Indian country, about half of the roads are surfaced and the other half are earth and gravel. There are different maintenance requirements and schedules for different types of roads. Projects are prioritized by critical health and safety needs. In addition, maintenance funds are also used for emergency maintenance and snow and ice removal.

Contract Support Costs

The budget proposes to fully fund contract support costs in this bill in 2016 and to move the funding to the mandatory side of the ledger for 2017.

Calvert Q4: How does the proposal to move contract support costs to mandatory funding help to solve the Committee's concerns about:

- a. The difficulty of accurately estimating contract support costs before the start of each fiscal year; and
- b. Inconsistencies in contract support cost policies between Indian Affairs and the Indian Health Service?

Answer: To stabilize long-term funding and address programmatic concerns with CSC, the 2016 budget puts forth a proposal to reclassify these costs to mandatory funding beginning in fiscal year 2017. Beginning the reclassification in 2017 will allow time for tribal consultation in 2016 on operational details. The budget proposes to adjust the discretionary budget caps to reflect the reclassification. The current estimate for projected BIA program growth, above the discretionary cap amount, totals \$105 million for fiscal years 2017-2019 and would be treated as a PAYGO cost for the authorizing legislation. New CSC estimates will be provided on a three-year cycle as part of the reauthorization process. If enacted, mandatory funding for contract support costs will help stabilize this vital funding for Tribes and further self-governance and self-determination efforts. Additionally, Indian Affairs will continue to work with and consult with Tribes to strengthen administrative capacity and program management.

The structure of the BIA and IHS mandatory proposals are identical. The funding amounts are different, reflecting programmatic differences between IHS and BIA. Mandatory funding for each agency will be provided in separate accounts.

Calvert Q5: Short of shifting the funding to mandatory spending—which is outside of this Committee’s jurisdiction—would it make sense to move Contract Support Costs to a stand-alone, no-year account within discretionary spending so that any future shortfalls aren’t paid for by direct services?

Answer: The 2016 request for Contract Support Costs is \$277 million, an increase of \$26 million above 2015. Based on the most recent analysis, the requested amount for 2016 will fully fund contract support costs. Contract Support Costs are a key component of tribal self-determination and support the ability of Tribes to assume responsibility for operating Federal programs. To stabilize long-term funding and address programmatic concerns with Contract Support Costs, the 2016 budget also proposes legislation to reclassify these costs to permanent funding beginning in fiscal year 2017. If enacted, permanent funding for Contract Support Costs will help stabilize this vital funding for Tribes and further self-governance and self-determination efforts.

The budget does not propose a stand-alone no-year account within discretionary spending although it is a proposal that could be considered in the future.

Maintenance Shortfalls

The subcommittee has been concerned that requested funding may be falling short of bureau-calculated amounts to properly operate and maintain facilities, as indicated by the Bureau’s Facilities Maintenance Information System, and that improperly funding maintenance now will lead to higher replacement costs in future years.

Calvert Q6: Is there a difference each year in the calculated need and the amount requested? Is there a difference in FY16?

Answer: Indian Affairs has separate requests in its budget for facilities operations and maintenance of education facilities, justice services, and Indian Affairs administrative offices. In most years, the budget proposal does not fully address the calculated annual maintenance need. However, Indian Affairs carefully prioritizes appropriated funding for operations and maintenance to maximize the utility of the funds and as a result, the deferred maintenance backlog for buildings was lower in 2014 than in 2010. Providing Indian students an environment conducive to learning is a priority of this budget, reflected in the \$10 million increase request for school operations and \$10 million increase request for routine school maintenance.

Calvert Q7: Explain the industry standards used in the calculation.

Answer: The BIA estimates operations and maintenance needs using the Operations, Maintenance, and Repair Cost estimating guide developed by R.S. Means, a nationally recognized industry leader in this type of cost estimating. R.S. Means updates their cost estimating data annually. The formula uses standard labor and material costs for the maintenance and repair of buildings, grounds, and systems components but uses actual costs for operations such as custodial activities, utilities, telephone/communications, refuse disposal, pest control, program management, and vehicles.

Calvert Q8: Does Indian Affairs propose full maintenance funding in its annual request to the Department?

Answer: Budget formulation is done within the confines of budget targets. Within those targets, each year Indian Affairs prioritizes funding needs based on shifting priorities of the Tribes and Departmental guidance. All requests are the result of a lengthy process, including tribal consultation, to formulate the best use of available resources. This year Indian Affairs identified education operations and maintenance as a funding priority as part of its efforts to improve the educational environment for Indian students in BIE-funded schools.

Calvert Q9: Does the Department propose full maintenance funding in its annual request to OMB?

Answer: Budget formulation is done within the confines of budget targets. Within those targets, each year the Department prioritizes funding needs based on evolving needs of the bureaus and offices and OMB guidance. All requests are the result of a lengthy process to formulate the best use of available resources. This year Indian Affairs identified education operations and maintenance as a funding priority as part of its efforts to improve the educational environment for Indian students in BIE-funded schools.

Public Safety and Justice

Calvert Q10: Please describe in detail the improvements you're proposing to make to public safety and justice programs in fiscal year 2016.

Answer: Ensuring public safety and justice is one of the most fundamental of government services provided in tribal communities. Resources requested in this area fund three critical components (law enforcement, corrections, and courts) of a justice system, and fully support the Secretary's commitment to the protection of Indian Country. The FY 2016 request maintains public safety resources in key areas, while targeting funding increases to address needs identified by Tribes on a nationwide basis. Specifically, the 2016 budget maintains a \$1.0 million increase from the FY 2015 Omnibus appropriation to provide training to Tribes pursuant to new provisions of the recent Violence Against Women Act reauthorization, and includes increases totaling \$9.0 million to Law Enforcement Special initiatives and tribal Courts under BIA's Tiwahe initiative to focus on reducing recidivism and implementing alternatives to incarceration.

A \$4.0 million increase will expand BIA's efforts to reduce recidivism from the current three Tiwahe initiative sites to five sites in FY 2016. Tiwahe, the Lakota word for "Family", empowers American Indian individuals and families, and strengthens tribal communities as a whole, through a holistic approach that advocates and supports the family unit in the areas of child and family protection, job training and housing. Tiwahe is a part of Generation Indigenous, an initiative to help improve the lives and opportunities for Native American youth. These services are provided through the joint partnership of the BIA's Office of Indian Services (OIS), Office of Justice Services (OJS), and the Indian Affairs' Office of Indian Energy and Economic Development (IEED). Tiwahe is increasing the focus on family health and wellness and

directing new resources to Tribes to enhance the quality of services provided to children and families. To address public safety needs, the OJS will work with Tribes to implement comprehensive “alternatives to incarceration” strategies that seek to address underlying causes of repeat offenses, including substance abuse and social service needs. The program will encourage utilizing alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders.

BIA’s current Agency Priority Goal states by September 30, 2015, reduce rates of repeat incarceration in three target tribal communities by three percent through a comprehensive “alternatives to incarceration” strategy that seeks to address underlying causes of repeat offenses, including substance abuse and social service needs, through tribal and Federal partnerships. Through the additional resources requested in the FY 2016 budget, BIA will expand the Tiwahe initiative to five sites in FY 2016.

The corresponding \$5 million increase under tribal Courts enables the vast majority of resources under this increase to be targeted to ensure the availability of treatment options for participating Tribes. By treating the cause and breaking the cycle of repeat offenders, the BIA seeks to support stronger Indian families and communities in addition to reduced rates of recidivism.

In addition, the \$5.0 million increase requested for tribal courts will ensure the judicial branch of targeted tribal public safety systems can function effectively to meet family and community needs under the Tiwahe initiative. Specifically, the increase will provide targeted base funding to tribal courts at each Tiwahe site for:

- Child Case Presenters (dedicated position representing the Tribe and presenting all social service issues to the court);
- Guardians Ad-Litem (dedicated to the best interest of the child);
- Civil Defenders (dedicated to representing the parents); and
- Child Protective Services (CPS) code development and CPS procedural manuals specifically for the court.

The additional funding will also provide targeted on-site training sessions at Tiwahe locations to assist tribal court personnel seeking compliance with many CPS related issues, including ICWA issues. The BIA will also develop quick reference checklists, forms, and eventually bench books designed to assist tribal judges hearing CPS matters.

Detention Centers

We recently visited the Hopi Detention Center, and shortly thereafter, Committee staff visited the San Carlos Detention Center. There is a world of difference in the quality of these two facilities, but they share a common trustee—the federal government.

Calvert Q11: Do you have a detention center replacement priority list, similar to the school priority list you’re currently updating?

Answer: Indian Affairs does not have a detention center replacement priority list as new construction of tribal detention centers is currently funded in the Department of Justice budget.

Indian Affairs input is sought by DOJ to assist with prioritizing the grant requests they receive from tribes.

Calvert Q12: What is the FY16 budget proposal for detention center construction?

Answer: The FY 2016 Indian Affairs request includes \$4.4 million for high priority facilities improvement and repair projects to address deferred maintenance needs at tribal detention centers. The FY 2016 budget also includes \$3.5 million to construct seven new employee housing units at Office of Justice Services locations in Montana, New Mexico, and Utah. These facilities are remotely located and suitable housing is rarely, if ever, available or if available, beyond the means of employees.

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We are hearing from some of the large land-based tribes that the Department of Justice's competitive construction grants for tribes are too small to build the right-sized detention centers needed for larger populations. At one time, the BIA had its own construction program.

Calvert Q13: Is it time to consider moving the program back into the BIA budget in order to address concerns like these?

Answer: Discussions are currently underway between BIA and DOJ to identify potential options and/or strategies to improve the effectiveness the Federal Government's role in the construction of public safety facilities in Indian Country. Options being explored include transfer of all or part of program oversight functions, as well as possibilities to transfer funding between the agencies. At this time, no decisions have been made. The FY 2016 President's Budget requests facility improvement and repair funding in the BIA budget.

Tribal Priorities

The tribal priorities chart included in your budget proposal is very informative. Thank you for including it. I think it will help us to sort through the various items that will come up during our public witness days next month. I am surprised, however, about the top priority—scholarships and adult education—particularly because the Cobell settlement established a \$60 million scholarship fund.

Calvert Q14: Please tell us what you know about why scholarships and adult education are such a high priority for the tribes.

Answer: Scholarships and adult education have consistently been listed as high priorities by the Tribal Interior Budget Council (TIBC). TIBC is a forum for Tribes and Federal officials to develop annual budget requests for Indian Affairs programs at the Department of the Interior. In quarterly TIBC meetings and in TIBC's annual prioritization process, scholarships and adult education have consistently been listed as a significant priority. The education of adults represents a significant unmet need in the view of Tribes and consequently the request for support in this area is a consistent priority in the budget process.

With a young, fast growing population, with limited resources, Tribes are faced with an increased demand for higher education scholarships with the cost of college enrollment is increasing dramatically. The average published tuition rate and fees (not counting room and board) at four-year public colleges rose by 72% during the last 10 years. Tribes must decide to either reduce the number of scholarships or the dollar amount per scholarship. In 2013, the Navajo Tribe reported there were 17,000 Navajo students seeking funds that were pursuing a postsecondary education, but the Tribe was only able to fund 6,000 students. In addition, every year approximately 12,000 new Navajo students graduate from high school.

Other Tribes report similar situations. The Crow Tribe reports they have 4,203 members between the ages of 18 and 35. In 2013, they had 243 applications but were only able to fund 103 scholarships. The number of tribal members seeking scholarship assistance is increasing, both through recent high school graduates and older tribal members seeking advanced training or new skills to keep up with changing workforce demands.

Calvert Q15: How does your FY16 budget propose to address this priority?

Answer: To advance this priority, the BIE's FY 2016 budget includes a \$4.6 million increase for Scholarships and Adult Education. This funding provides Tribes with resources to facilitate economic development by providing community members with advanced educational opportunities to attain needed skills to meet community objectives. For FY 2016, the increase in funding includes the priority to increase student engagement with Science, Technology, Engineering, and Mathematics (STEM) related initiatives.

This subcommittee has been an advocate for the Family and Child Education (FACE) program for some time now, particularly because of the adult education opportunities it provides. We understand that the BIE has been re-evaluating where it wants to go with the \$15.6 million in the base for Early Child and Family Development.

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Calvert Q16: Does this line item help address the tribes' adult education priority, or is there more to their request?

Answer: FACE provides various services to tribal communities, which can be characterized as infant/toddler home visiting services, preschool, and adult education. Adult education is a major focus of the program and encompasses parenting skills, education, and home visitations. The actual early childhood component is limited in the number of children served each year in the school-based portion of FACE.

The adult education component has been emphasized by various interests and observers as a critical component and advocates have actively promoted a requirement that this component be implemented for all FACE recipients. However, the needs of tribal communities should not be centrally implemented without some input by the communities and the Tribes served. Thus, BIE has recently introduced some flexibility in the FACE application to relax the stringent requirement of mandatory adult participation in the FACE adult education component in order for preschool age children to participate in the FACE preschool component. This relaxation of a requirement supports the notion that a tribal school should have some semblance of input and control in the design of a program based on the actual needs of the community and also advances the self-determination for Tribes.

Calvert Q17: Please give us an update on the re-evaluation.

Answer: The Fiscal Year 2014 President's Budget stated:

“BIE will conduct an internal review of the FACE program during SY 2013–2014 to ensure that the FACE program is aligned to national early childhood initiatives and preserves a purpose of preventing achievement gaps before students start school. BIE will also investigate ways to expand early childhood education into more schools and ways to integrate preschool into the BIE's existing K–12 school system. BIE strives to invest in and strengthen early childhood education for the BIE's youngest children and the Tribes' most critical resource.”

The initial review was completed in spring 2014 and is under review by the BIE.

Moencopi Day School

Mr. Washburn and Mr. Russell, I appreciate that you and Secretary Jewell were able to join Ms. McCollum, Mr. Simpson, Mr. Cole, and myself recently to visit the Moencopi Day School on the Hopi Reservation. Together we saw why schools like Moencopi need significant repair and eventual replacement with safe, modern schools.

Not long after our visit, the Inspector General issued its critical review of violence prevention at the Moencopi Day School, reporting safety deficiencies that appear to be more a function of management and accountability than the condition of the facility.

I bring this up not to pick on Moencopi or to downplay maintenance and construction, but to make the point that the increased funding proposed in fiscal year 2016 for maintenance and construction will not by itself fix the problems. As the GAO has reported, and as you well know, there remain underlying management and accountability challenges that can and must also be addressed.

Calvert Q18: Please update us on any management and accountability improvements you've made within the past 12 months.

Answer: The safety and security of the BIE-funded school student and employee populations are paramount in our efforts to provide a high quality education to Indian students. Office of

Inspector General (OIG) reports highlighting safety and security issues in BIE-funded schools were issued in 2008 and 2010. As part of an initiative to address safety and security issues in BIE-funded schools, BIE conducted detailed surveys and corrected deficiencies. BIE School Safety Specialists continue to conduct on-site school visits to address critical needs. Additionally, safety projects such as school safety audits, school resource officers, and school security services continue.

Many schools have updated their plans and are currently implementing them to provide a safe learning environment for both students and staff. Unfortunately, at some schools emergency planning has stalled because of a lack of available support at the Education Line Offices. The DOI issued Secretarial Order 3334 that restructures BIE to respond to concerns raised in GAO report 13-774. Once restructuring is complete later this year, all school operations will be co-located to improve accountability in the areas of safety as well as finance, curriculum, and instruction. Changes would also improve direct services to schools and Tribes.

The Department is also seeking to improve accountability by building capacity of tribal nations to become full partners in the educational process. The 2016 budget includes funding focused on building tribal capacity to manage their school systems so Tribes can partner with BIE to hold local school boards accountable.

Calvert Q19: Should the Bureau of Indian Education become a true stand-alone bureau, with control over BIE personnel and facilities maintenance and construction, if doing so improves accountability but increases costs?

Answer: In order to achieve the Administration's goal of high-achieving schools, the Blueprint for Transformation recommends that the Federal government transition from focusing on directly operating schools on a day-to-day basis and instead transform the BIE into a school improvement organization that builds capacity of tribes to operate great schools. We have determined that to achieve this goal the BIE should have increased control over some personnel, facilities, maintenance and other school operations necessary to ensure this transformation occurs, but it is not necessary to become a stand-alone bureau.

The DOI Secretarial Order 3334 restructures BIE in a way that responds to concerns raised in GAO report 13-774. We are taking steps to implement the restructuring by the end of the year. Restructuring will:

- Reduce delays that schools experience regarding acquisition of instructional materials by consolidating operations within BIE;
- Incorporate new procedures into Indian Affairs monitoring activities; and
- Ensure that appropriate grant monitoring protocols will be assigned for high-risk funding recipients.

It is our intent to continue to share some standard business processes, such as processing personnel actions and facilities construction, with the Bureau of Indian Affairs as we encourage tribal control. Notwithstanding this, the restructuring will allow the Director of BIE to align and synchronize BIE business operations with educational priorities.

Calvert Q20: Since Moencopi is a grant school operated by the Tribe, is the BIE absolved of responsibility to address the items in the Inspector General report?

Answer: No. The safety and security of the BIE-funded school student and employee populations are paramount in our efforts to provide a high quality education to Indian students and it is a shared responsibility between the BIE and Tribes. Even as BIE transitions to a school improvement organization and Tribes increase oversight and management of their schools, BIE will continue to share this responsibility

GAO Investigation

Calvert Q21: What steps is Indian Affairs taking in FY15 to remedy health and safety hazards at BIE schools? What further steps are proposed in FY16?

Answer: The Indian Affairs Education Construction budget activity includes funding for facility improvement and repair projects which are prioritized based on identified critical health and safety needs. Indian Affairs conducts regular facility condition assessments and annual safety inspections at BIE-funded schools to identify health and safety hazards and establish abatement plans. Some health and safety issues are most effectively remedied by replacing entire schools. The FY2015 budget includes funding for replacement of the Beatrice Rafferty School. The FY 2016 budget proposes funding to replace the last two schools on the 2004 school replacement priority list. The FY2016 budget also proposes funding for the Facility Component Replacement Program which targets school campus locations where individual buildings are replaced to bring the campus to good condition as measured by the Facilities Conditions Index.

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GAO has testified that about 40 percent of regional facility positions are currently vacant, including regional facility managers, architects, and engineers who typically serve as project managers for school construction.

Calvert Q22: For the record, will you please provide this subcommittee with a list of every one of these vacancies?

Answer: Staffing needs for construction programs are dependent on workload. After a period of robust funding for education construction from 2001- 2009, funding for BIE replacement school and replacement facility construction declined substantially until funding for those programs was zero in FY2013 and FY2014. Staffing needs have diminished since 2009. Staffing needs for FY2015 are currently being determined based on the workload generated by increased funding levels provided by Congress in FY2015. Staffing needs for FY2016 will be determined based on that year's appropriation.

Calvert Q23: Does your FY16 budget propose an increase specifically to begin filling these vacancies?

Answer: Any positions filled in FY 2016 can be accommodated within the funding levels requested in the in FY2016 budget.

Calvert Q24: How recently have you revised your strategic workforce plan to determine ensure that you have the right people, with the right skills, doing the right jobs, in the right place, at the right time?

Answer: All Regions are currently reviewing and assessing their facility workforce plans.

Calvert Q25: How many of the 12 regions have an in-house boiler inspector on the organizational chart? How many of those positions are currently vacant?

Answer: Indian Affairs funds boiler inspections through the Education Construction Facilities Improvement and Repair budget line item which is managed at the national level. Indian Affairs distributes funding for contracting boiler inspections to the Regions based on need. Additionally, annual appropriations for minor improvement and repair funds are provided to locations for repair or replacement of pressure vessels at BIE school locations, which include boilers.

Calvert Q26: How many of the 183 schools in the BIE system have a full-time facility maintenance employee on staff? How many have more than three?

Answer: BIE-funded schools are operated by the BIE or under grant by a tribe or tribal organization. BIE can only report on employees at BIE-operated schools. Tribally controlled schools are not required to report employment information to BIE regarding staff at the schools they operate. At the 57 schools operated by BIE there are 242 full time facilities maintenance employees on staff at this time. All BIE-operated schools have three or more facilities maintenance employees on staff.

Calvert Q27: For the tribally-operated schools in the BIE system, does BIE have any say about facility maintenance employees on staff?

Answer: By law, Tribes are given wide latitude for operations at schools they run under grant authority. BIE provides funding for facility maintenance as part of the school operational costs provided to the tribe or tribal organization that operates the school. All staffing, including facility maintenance staffing, is ultimately a Tribal decision.

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Your testimony describes a \$1.5 million school bus maintenance facility construction project at a tribally-operated school in South Dakota that turned out to be too small to fit a bus with the garage doors closed. The school managed the project. Indian Affairs raised concerns about the design but they were ignored.

Calvert Q28: Who paid for the construction?

Answer: Indian Affairs paid the Grantee (St. Francis Indian School) to conduct the design, construction, management/inspection for the Facility Management/Bus Storage Building Project.

Calvert Q29: Who owns the facility?

Answer: Indian Affairs owns the facility.

Calvert Q30: Who owns the land on which the facility is located?

Answer: Rosebud Educational Society.

Calvert Q31: Who is responsible for maintenance of the facility?

Answer: Indian Affairs is responsible for the maintenance of facilities in its inventory. When a school is operated under grant by a tribe or tribal organization, BIE provides funding for facility maintenance as part of the school's operational costs to the entity operating the school. The school where this facility is located is operated under grant by the St. Francis Indian School.

Questions from Mr. Simpson

Simpson Q1: Can you explain the One-Stop Tribal Support Center in terms of the services it may offer and locations that make it accessible to tribes?

Answer: The Indian Affairs FY 2016 budget request includes \$4 million to develop a national One-Stop Tribal Support Center to make it easier for Tribes to find and access information about the programs, services, and funding opportunities available to Tribes across the Federal government. This effort will be led by the Department of the Interior in its role as chair of the White House Council on Native American Affairs and coordinated across Federal agencies that serve Tribes. The One-Stop Center will advance an “all of government” approach to meeting tribal needs, delivering on Federal responsibilities, advancing government-to-government relationships, and supporting tribal nation building. The effort will include national and interagency coordination, a One-Stop information center and portal, and regional liaisons situated in the field to facilitate streamlined communication and information exchange to help Tribes easily access Federal programs and opportunities. This effort seeks to empower Tribes and tribal organizations to more fully access and leverage Federal resources to support the goals of tribal nations and communities as they make decisions and carry out activities at the local level. Efforts will initially be focused through the Generation Indigenous Initiative on programs that support providing opportunities and removing barriers to success for Native Youth across Indian Country. DOI will consult with Tribes and work through the White House Council on Native American Affairs to develop a model to carry out and institutionalize this way of doing business going forward.

Key activities will include:

- National-level inter-agency coordination and collaboration across Federal programs and with tribal leaders and organizations to identify and analyze how current programs can be simplified and consumer information and access to tribal funding opportunities can be improved.
- Developing and launching a portal that provides Tribes with easily accessible information and resources to access Federal programs.
- Building regional capacity to connect Tribes to government-wide programs.
- Identifying and partnering with Federal agencies and tribal leadership who will help to build bridges between Indian Affairs, other Federal agencies, and Tribes.
- Working with tribal leadership and organizations to raise awareness to make these One Stop Centers highly effective and visible.
- Targeting outreach to underserved or hard-to-reach Tribes through community partnerships and outreach to rural areas.

During the first year:

- Indian Affairs will support four positions to begin the development of the Tribal Support Center. When fully executed, the Center will also support 12 regional coordinators.
- Tribal Support Center staff will work through the Council with Indian Affairs programs government-wide to develop and implement a plan for mapping Indian Affairs funding assets and information to make them available through the on-line portal and regional liaisons.

- Center staff will collaborate with Regional and Agency offices to develop an outreach scheme for communicating about Indian Affairs services and resources available to Tribes and tribal communities.
- Tribal Support Center staff will work with Information Technology staff to conduct a needs analysis to determine the services and support needed.
- The One-Stop portal will be designed and developed.
- Tribal Support Center staff will convene workgroups to evaluate the skills and tools available at the local level within tribal communities, in order to support the development of a one-stop approach to technical assistance and grant writing training for Tribes and tribal communities.

Simpson Q2: What does this budget do to help fill adequate law enforcement staff? For example, I talked to the Cheyenne River Sioux yesterday and they have 10 police officers which amount to 1 for every 140,000 acres.

Answer: Highlighting the continued importance of law enforcement, the FY 2016 request maintains public safety resources in this key area, while targeting funding increases to begin to address the underlying causes of crime on reservations as identified by Tribes on a nationwide basis. Specifically, the budget includes \$194.5 million under Criminal Investigations and Police Services to assist Tribes like Cheyenne River in their efforts to fill police officer positions. In addition, this budget targets priority increases toward reducing recidivism and alternatives to incarceration by adding a total of \$9.0 million to Law Enforcement Special initiatives and tribal Courts under BIA's Tiwahe initiative.

All too often we hear from tribal leaders that reservation crime is not committed by individuals that are "criminals," but rather by people who are substance abusers first, and end up committing crimes while under the influence or to feed their addiction. Under the Tiwahe initiative, the BIA will work with Tribes to implement comprehensive "alternatives to incarceration" strategies that seek to address underlying causes of repeat offenses, including substance abuse and social service needs, by utilizing alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders.

Through the additional resources requested in the FY 2016 budget to treat the causes and break the cycle of repeat offenders, the BIA seeks to support stronger Indian families and communities in addition to reduced rates of recidivism that will lessen the burden on tribal police officers at the end of the Agency Priority Goal measurement period.

BIE and Higher Education Opportunities

First off, I would like to thank you for your efforts with the BIE schools and the commitment this budget shows to improving BIE schools.

Simpson Q3: Looking beyond this budget, because I think we should always be looking forward, how can BIE schools use these expanded resources to increase the amount of students who enroll in higher education?

Answer: In its K-12 schools, BIE adopted and implemented new college and career ready academic standards (Common Core Standards) to reframe what students should know and be able to do for success in college and careers in the 21st century. The BIE also provided professional development for teachers and leaders. Underpinning this is an effort to better prepare students for college and careers which starts in the home and before school age. BIE's FACE program supports pre-school children and their families, and provides training to teach parents how to best encourage their children's academic growth and achievement. BIE also is now eligible and will be applying for U.S. Department of Education competitive grants to expand preschool opportunities in Indian Country.

For students ready for post-secondary education, the budget includes \$35.9 million for scholarships and adult education administered by tribes, a \$4.6 million increase. Funding for the Bureau owned and operated Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, 28 tribal colleges and universities (TCUs), and two tribal technical colleges is \$96.7 million, essentially level with 2015.

Simpson Q4: Is it possible to form a partnership with tribal colleges which are currently designated as land-grant institutions?

Answer: The BIE is currently collaborating with TCUs located near BIE-funded K-12 schools to develop a system-wide college oriented culture in its schools. The collaboration will build partnerships between TCUs and their feeder K-12 schools. The partnerships will engage students in kindergarten through high school and work to instill the belief that obtaining a post-secondary education is within the reach of all students. The implementation of the partnerships will also infuse tribal culture and language by using TCU faculty, students and curricula. In addition, BIE serves as the lead bureau in implementing the DOI's Memorandum of Agreement (MOA) with the American Indian Higher Education Consortium on behalf of the TCUs. The MOA aims to advance the capability of TCUs to attain educational excellence, promote natural resource and science career pathways among students at TCUs and their feeder K-12 schools, and further the DOI's outreach to the communities served by the TCUs.

Simpson Q5: As we have found in the past, BIE schools have struggled with communication at the administrative levels. How does this budget put in place resources to help bridge the administrative gaps that have failed students in BIE schools in the past?

Answer: In December 2014, BIE filled a key communication position, allowing BIE to prioritize communications goals to regularly inform employees, schools and both internal and external stakeholders of critical developments and key information that impact instruction and the operation of their schools and success of their students. Key accomplishments include increasing BIE social media presence with increased followers and daily updates on BIE policies, activities and events; developing an internal newsletter delivered to employees weekly via e-mail; updating the BIE National Directory; creating talking points and other written materials for employees on issues related to BIE policies and reform; conducting weekly conference calls with senior management; and offering a new webinar series that focuses on a range of topics relevant to the broad range of BIE employee roles and responsibilities. BIE will

continue to enhance its communication and outreach efforts based on input and feedback from BIE employees and schools. Additional communication priorities include a revision of the BIE website that improves readability and usability for employees and the public.

Shoshone Bannock 6th Grade

The Tribes' public elementary school on the Fort Hall Reservation serves students from Kindergarten to 5th grade. Previously, the Shoshone-Bannock Jr./Sr. High School, a school administered and funded by the BIE, served students from 7th to 12th grade. Due to the gap in a 6th grade on the Reservation and the resulting inconsistency in academic achievement of students, the School added a 6th grade. However, due to past appropriations prohibitions on BIE grade expansion, BIE would not provide funding for the 6th grade. The FY15 Omnibus included language authorizing limited grade expansions; however, BIE cites a 3-year rule, which provided zero funding in the 2014-15 school year, 1/3 funding in 2015-16, 2/3 in 16-17, and full funding in 2017-18. This 3-year rule has resulted in the Tribes carrying the continued burden of funding the 6th grade at the School instead of BIE.

Simpson Q6: The Subcommittee included language in the FY15 Omnibus to authorize limited grade expansions under certain circumstances. The Shoshone-Bannock Tribes requested and received such a waiver to expand the Shoshone-Bannock Jr./Sr. High School on the Reservation to include the 6th grade and, thus, close the gap in on-reservation educational opportunities.

I want to thank the Department for granting this request, which provides some consistency for the kids on the Reservation.

However, I do have a question about funding for the 6th Grade. The Tribes have funded the 6th Grade for more than 3 years now on its own dime, and it seems to me they should be eligible for full funding. I understand that the 6th Grade is looking at approximately 13 new students in the coming school year, and we understand that it would cost the BIE approximately \$70k. I also understand that the Tribes' requested a waiver from the BIE's 3-year rule for funding new grades. Could you please tell me the status of this waiver request and any rationale for not funding the Tribes' 6th grade?

Answer: The funding waiver request was approved by the Assistant Secretary – Indian Affairs. The funding for school year 2014-2015 used a three year average enrollment for the sixth grade including years when it was not part of the BIE school system.

Shoshone-Bannock School Improvement Grant

The Shoshone-Bannock Jr./Sr High School received a federal 3-year Student Improvement Grant (SIG) in August 2012. The funding has allowed the School to make major improvements in student success. The students are directly and indirectly affected by poverty, broken homes, homelessness, substance abuse, suicide, and incarceration. The SIG and the funding it provided has shown to have a positive effect on student outcomes and makes a direct impact at the student's chances for future success.

Unfortunately, the SIG funding is about to expire. The School is going to be faced with a significantly smaller budget and will not be able to provide the level of education that has proven successful over the past three years.

Simpson Q7: The Shoshone-Bannock Jr/Sr. High School was awarded a 3-year Student Improvement Grant from the BIE in 2012. The grant funding has been used to hire teachers and implement educational best practices. As a result, Shoshone-Bannock students' academic achievement is improving. However, the funding is about to expire, and the School does not otherwise have the funding to maintain the current staff levels and reforms implemented with SIG funding. How does the BIE plan to continue to support these proven methods of teaching after their this grant run out? Shouldn't there be long term support to sustain programs that foster academic success? How can you help ensure that the School can continue the programs it developed under its SIG grant?

Answer: Funding for Student Improvement Grants is provided by the U.S. Department of Education (DoEd) and administered through the State Education Agencies (SEA), in this case the Bureau of Indian Education (BIE). Program rules and guidelines are specified by DoEd and implemented by the SEAs. When Shoshone Bannock received a SIG award in 2012, program funding was only available for three years.

Sustainability and long term support for any achievements attained under a SIG grant are important factors during the initial grant application review process. From the beginning, the purpose of the SIG grant must be well understood by and have the support of school staff, the community, and leaders, including tribal leaders and the school board, in order to sustain long-term changes. Engaging a wide representation of the community in the planning process helps ensure long-term viability of the SIG reform process after the SIG award expires.

Several BIE schools which received SIG grants and implemented reforms see positive changes in student achievement after the initial grant period. To prevent going back to the status quo, local leaders with the support from BIE continue to make ongoing adjustments aimed at achieving still higher goals.

Under SIG reauthorization, the proposed requirements state DoEd would allow a SEA to make SIG awards for up to five years. Two years may be used for planning and other pre-implementation activities, and at least three years for full program implementation. Another option under the proposed changes would allow a school to implement the full program for three years and then support activities related to sustaining reforms for two more years.

Simpson Q8: If the BIE does not build on incremental success, how will it ever get to the point of providing the type of quality education that Native children deserve?

Answer: BIE assists schools in applying research-based methods and scaling-up best practices at both BIE operated and tribally controlled schools. BIE also supports greater flexibility for schools, anticipates barriers to success, encourages and promotes innovation, and garners resources, as needed, so that each school can become high-performing, student-centered learning environments with personalized programs and support systems to meet the needs of its students.

Educational Needs of Youth in Juvenile Detention Centers administered/funded by the BIA

The Shoshone-Bannock Tribes built an adult and juvenile detention center with our own funds a few years ago even though the BIA should have built this facility. The BIA provides funding for services at the detention center. The Tribes' goal is to rehabilitate its juvenile detainees. A juvenile's placement in a detention facility is often a last opportunity at rehabilitation to prevent youth from becoming career criminals. The Tribes seek to develop educational programs to help our juveniles turn their lives around in addition to mental and behavioral health programs. However, educational funding for our juveniles is non-existent. We are seeing a 33% increase in youth crime since our juvenile detention facility opened, primarily stemming from gang-related activities. 75% of our juveniles are repeat offenders.

The BIA used to provide funding for juvenile education under a program called Juvenile Detention Education; however, BIA juvenile education funding was only \$619,000 in FY11 for all juvenile detention centers in the BIA detention system and then was zeroed out in FY12, FY13, FY14, and FY15. For FY16, the Administration again does not request any funding for juvenile education. There are 24 BIA-funded detention facilities across the country and there is no other federal program that assists our juveniles.

Simpson Q9: What is the BIA's plan to provide for the educational needs of juveniles in detention centers administered or funded by the BIA? Why does the BIA continue to zero out funding for their education?

Answer: The budget line item for Juvenile Detention Education (JDE) was included in the BIA budget from FY 2007 through 2011. In FY 2012 the BIE and OJS reverted to the practice of jointly administering this responsibility through resources included in the existing education and detention/corrections program lines.

The vast majority of Juvenile Detention Centers are tribally run. The exact amount of funding set aside for juvenile education at these facilities is determined by the Tribes and those exact amounts are not readily available to BIA. From a broader budget perspective, the amount of funding from which to draw juvenile education funding has grown. As displayed in the table below, the FY 2016 President's Budget request for programs which juvenile education can be drawn from is \$72.8 million above the last year that the JDE program existed as a separate line item. As a result, the Indian Affairs budget is providing substantially more resources which could assist Tribes like Shoshone Bannock in this critical area.

BIA/BIE Budget Amounts Available to Support the Education of Incarcerated Juveniles (table in thousands)

	FY 2011 ENACTED	FY 2016 REQUEST	\$ CHANGE	% CHANGE
Elementary/Secondary Programs*	596,987	648,991	52,004	9%
Detention/Corrections Program	74,492	95,305	20,813	28%
Totals/Average	671,479	744,296	72,817	11%

* FY 2016 Excludes Facilities Maintenance program internally transferred in FY 2012.

Current educational programs for incarcerated youth concentrate on the core subjects of math and language arts. Resources directed to this purpose generally support teacher and tutor salaries, instructional materials such as textbooks, computers and education software, and class room supplies. Instruction is most often based on state education standards and where possible, geared to facilitate re-entry to the child's original classroom upon release.

Questions from Mr. Amodei

Real Estate Services – Records of deed

In the FY16 Bureau of Indian Affairs budget justification, the Bureau indicates 88% of deeds are recorded within 48 hours with the caveat that these deeds are “complete and non-defective deeds.” Many tribal governments in my district have expressed displeasure with the Bureau’s inability to process requests or provide explanations for discrepancies. Some tribes have outstanding requests which have been pending for more than two years.

Amodei Q1: Can the Bureau explain what processes are being reviewed to enhance performance and reduce wait times of title conveyances and record of deed requests in the Western Region?

Answer: Certification of ownership and recordation transactions for Indian trust land in the Western Region are processed by the Southwest Land Titles and Records Office (LTRO) located in Albuquerque, New Mexico. The Southwest LTRO staff completed training on ownership certification processing on October 10, 2014, to address the 29,889 backlogged transactions logged before October 1, 2014 and the 384 logged after October 1, 2014 and before the training. The office subsequently has implemented strict protocols to ensure timely operations. The LTRO has certified this entire backlog and is staying current as of this date and does not expect a further backlog to accumulate.

Additionally, the BIA Division of Real Estate Services (DRES) and the Division of Land Titles and Records (DLTR) are evaluating how to further improve operations to incorporate the best practices for processing complete non-defective title conveyances and record deed requests. These operational changes will be incorporated in the appropriate handbooks of both programs and training conducted at LTROs and agency offices.

Amodei Q2: In the Bureau’s performance metric for wait times, is the time associated with requests for additional information, or denied processing on the basis of improper material submission, legal description discrepancies, or other paperwork issues, included in that metric?

Answer: At the Land Titles and Records Offices (LTRO) a title examiner-recorder verifies that a document and the document data in the titles system of record are complete, accurate, and recordable, including verification of grantor(s) and grantee(s), verification of tract(s), validation of legal land descriptions, verification of ownership interests in tracts, and verification the document was properly executed and approved. If the examiner-recorder verifies the data in the title system is correct when compared to the document, the document is recorded and the recording information is electronically stamped on the document and the document's recording date is entered by the system. If the examiner-recorder identifies a fatal title defect in the document, then the document is not recorded and is returned to the originating office for corrective action. If the examiner-recorder identifies a non-fatal title defect in the document, then the examiner-recorder records the document and completes a title defect record for the document; a defect notice is attached to the document when the document is returned to the originating office for corrective action.

The second internal performance control measure as described above is used to monitor and track the number and percent of complete and non-defective non-probate conveyances recorded and processed within 2 business days at the LTRO. The control relies on the accuracy of data in the title system of record (TAAMS) and does not include a measure of processing time from when the document is returned to the originating office for corrective action to when it is finally returned to the LTRO with the appropriate corrections.

Amodei Q3: If the Bureau does not include those types of denials into their performance metric, what measures can be implemented to better streamline the process so tribes and tribal members are not further delayed by paperwork technicalities?

Answer: In the near term, the BIA Division of Real Estate Services (DRES) and the Division of Land Titles and Records (DLTR) propose to assemble a team consisting of Realty Specialists and Land Titles and Records Offices (LTRO) subject matter experts to investigate, identify, and report on potential backlogs not captured in the current internal control performance metric. This team will work on a detail basis at the agencies where backlogs are reported. Additionally, based on findings in the field, DRES will schedule training sessions with tribal housing authorities and land offices on how to submit complete documentation to prevent title defects and avoid time delays in processing. The programs may also propose a performance metric to track and monitor processing of documents submitted for recording from notice of defect to corrective action and recording to evaluate timeframes for processing and improving service.

Additionally, the Southwest LTRO has two employees encoding conveyances for all three regions that it serves including the Western Region. To ensure the LTROs continue to meet performance timeframes once this effort is completed, three additional support staff will help to manage conveyances processing.

TAAMS

In your written testimony, you stated TAAMS was an important tool in effective real estate transactions. One of the main burdens causing delays in my region has been related to TAAMS, which has been described as cumbersome and out of sync with necessary data and paperwork. It is my understanding the offices in the Western Region have allocated only one staff position to the TAAMS system and that its position is currently vacant. One of the tribes in my district has been waiting on 17 title conveyances for several years. Additionally, that tribe will now have to wait longer because the TAAMS system does not have the correct data paired to their information, and the staff person assigned to that data entry is no longer with the Western Regional Office.

Amodei Q4: What are the Bureau's best practices for ensuring that TAAMS is up-to-date with correct data, and that regional or district staff are properly trained to utilize the system?

Answer: Data is encoded into TAAMS as changes are received. The regional offices base their actions on the data being up-to-date and, therefore, are diligent in updating the database. The Bureau of Indian Affairs (BIA) conducts periodic reviews of the data in TAAMS and takes

corrective action as needed. In addition, BIA has a Data Quality and Integrity contract in place to assist field staff in reviewing all records and data to ensure information is correct. A team of contractors is sent to various locations to work with the realty and title staff to review documents, verify images scanned, and confirm data entered into the TAAMS system to make sure information is recorded correctly. Any discrepancies are noted and corrected by the BIA.

Training on TAAMS for government staff, including the BIA and other agencies, as well as tribal users is available as needed. BIA provides training in a number of disciplines, such as Realty, Title, Forestry, Range, reports, combination training, etc. When training is conducted specifically for a region or a group, the data that is relevant for that location or group is used to make the training most effective. If there is not a sufficient number of staff at one location to warrant training, a centralized location is selected or training is conducted at the contractor facility where users from across the country may participate. The BIA is also developing on-line web-based training which users will be able to access at any time.

Amodei Q5: If an office is struggling to efficiently utilize the TAAMS system, what programs are available to them to receive additional training or support?

Answer: The BIA currently offers in person training for BIA and other agencies, as well as tribal users when needed. BIA is also developing on-line web-based training which will reach new users and users that need refresher training more efficiently and at a lower cost to the government. There will still remain a need for formal classroom training, but utilizing on-line training will be a tremendous step in making TAAMS training more accessible.

Regarding staffing, BIA is in the process of filling vacancies in the realty program. In FY2014 and FY2015, additional funds were provided to regional realty offices, including the Western Region, to provide supplementary support for realty programs.

Regional Oversight Resource Allocation

The FY16 BIA budget request includes a 20 FTE increase in funding for Regional Oversight nationwide. In the Western Region, the office is as much a part of operations as they are oversight. The primary issue contributing to the years of wait times and workload backlogs seems to be an inadequate amount of realty staff serving our region.

Amodei Q6: How will the Bureau take into consideration backlogs, staff levels, staff input, and tribal input when distributing financial allocations, and the 20 FTE should that budget request be fulfilled?

Answer: The Bureau will review workload indicators currently in place (e.g. Realty Tracking Tool, Fee to Trust Sharepoint, TAAMS) and will work with Human Resources staff to do a staffing analysis to determine backlogs and processing needs in the field. In addition, teleconferences with Regional Realty Officers will be conducted twice a month to provide a forum for the Realty Officers to share problems/issues associated with realty activities (e.g. fee to trust, surveys, leasing functions-collection and processing of receivable transactions, rights-of-way). The Bureau currently receives tribal input regarding real estate needs and concerns when

attending various meetings on real property management in the field on a regular basis. If the \$2 million requested increase is enacted, the above described factors will be used to determine the funding allocations.

Amodei Q7: The Western Regional Office has been functioning primarily as an operational office and seems less focused on oversight responsibilities. Does the Bureau plan to use any of the additional funds included in the budget request to improve staffing in the Phoenix area realty office or to improve oversight?

Answer: The needs of the Western Region Realty Office will be assessed in line with all the other regional realty programs using the same workload and staffing indicators outlined above. This methodology will allow for the proper distribution of funding to support increased staffing at all locations.

Questions from Ms. McCollum

Special Domestic Violence Jurisdiction

One of the great successes for Indian Country in the last Congress was the reauthorization of the Violence Against Women Act, with the special jurisdiction for tribal courts to prosecute domestic violence against Native women by non-Native partners.

The Department of Justice has been working with three tribal nations in a pilot project for just over a year and early next month the jurisdiction will be in full effect.

McCollum Q1: Please describe what BIA's role has been in the pilot project, and what some of the lessons have been for full implementation.

Answer: The DOI Office of the Solicitor and the BIA Office of Justice Services (OJS) participated in the internal VAWA Federal working group and actively contributed to the group analysis regarding the VAWA pilot project applications. DOI supported the analysis used to approve the pilot project status for the five tribes (Pascua Yaqui Tribe, Confederated Tribes of the Umatilla Indian Reservation, Tulalip Tribes, Assiniboine and Sioux Tribes of the Fort Peck Reservation, and the Sisseton-Wahpeton Oyate).

In some instances, the BIA tribal court assessments supported application discussions by offering a substantive overview of the tribe's judicial system. Some of the general lessons learned from the review process include:

- The need to develop codes regarding specific subject matter such as jury selection and jury pools;
- The need for basic tribal court organizational funding - many tribes expressed concern regarding implementation because the basic infrastructure is not available due to lack of funding;
- The difficulty of obtaining qualified staff in very remote regions - specifically at Fort Peck, hiring a qualified public defender was a problem due to the remoteness of the tribal court (this is not uncommon in Indian Country); and
- The understanding of the VAWA Special Domestic Violence Criminal Jurisdiction (SDVCJ) by tribal councils.

All tribes in the pilot project created tribal specific processes and supported the intertribal nature of the working group by sharing information and lessons learned. Tribes' posted their own tribal specific codes and processes online which was beneficial to all involved. Additionally, the work of the Intertribal Technical-Assistance Working Group on Special Domestic Violence Criminal Jurisdiction (ITWG) was advantageous. The ITWG is a voluntary working group of designated tribal representatives who exchange views, information, and advice, peer-to-peer, about how tribes may best implement SDVCJ, combat domestic violence, recognize victims' rights and safety needs, and safeguard defendants' rights. The working group is one of the most effective tribal working groups established in some time.

The fact that a tribe could participate in the ITWG, before making any decisions on implementing VAWA, provided opportunities for exceptional collaboration, education and training. Tribes participating in the ITWG also had opportunities to engage with DOJ and DOI federal participants, who were available to provide technical advice to the working group as a whole and work with individual tribes to address specific issues or concerns as needed.

McCollum Q2: What will BIA's role be in helping tribes more broadly to implement the new authority recognized under the Violence Against Women Act Reauthorization?

Answer: The BIA-OJS conducts tribal court assessments that are intended to assess the entire needs of a tribal court, not simply the VAWA and/or Tribal Law and Order Act provisions. These tribal court assessments offer a tribe a strategic plan to address needs of the court and prioritize these needs according to what the tribe views as most important.

A solid tribal court organizational infrastructure must be in place before the VAWA SDVCJ provisions and/or the enhanced sentencing provisions of the Tribal Law and Order Act can be effectively implemented. Moreover, in May 2015, the BIA in conjunction with the Pascua Yaqui Tribe will host a VAWA-specific trial advocacy training. BIA will provide funding for tribes experienced in VAWA matters, such as Pascua Yaqui, to train other tribes seeking training. By participating in the ITWG and observing valuable intertribal collaboration, the BIA fully supports tribe-to-tribe training. The BIA expects to provide funding and host at least three additional VAWA-specific trial advocacy trainings this year with the expected venues to be in the Northwest Region (Tulalip Tribes and Umatilla), Great Plains Region (Sisseton-Wahpeton), and Midwest/Eastern Regions (Eastern Band of Cherokee).

Finally, the BIA provided limited funding to the three of the five Pilot Project Tribes, specifically Fort Peck, Sisseton-Wahpeton, and Umatilla. As a result of the findings in the tribal court assessments, funding was provided and targeted for defender and law trained judicial positions. Additionally, funding was provided to assist the tribes in creating VAWA bench books, and code development.

McCollum Q3: Has any funding been requested within the BIA budget to prepare tribal law enforcement and tribal courts to take on these new responsibilities?

Answer: Yes. In FY 2015, the BIA received a \$1.0 million increase to provide training to tribes to implement the special domestic violence criminal jurisdiction provisions of VAWA, and this level is maintained in the FY 2016 budget request. The BIA expects to host four VAWA-specific trial advocacy trainings this year facilitated by tribe-to-tribe training. Additionally, we continue to collaborate with other federal partners on more ways to provide VAWA-specific training.

Tribal Law and Order

McCollum Q4: What alternatives to incarceration is BIA helping tribes to provide, particularly for Native youth?

Answer: By increasing the focus on family health and wellness, the Tiwahe initiative is directing new resources to tribes to enhance the quality of services provided to children and families. In the area of public safety, the BIA will work with tribes to implement comprehensive “alternatives to incarceration” strategies which seek to address underlying causes of repeat offenses, including substance abuse and social service needs, by utilizing alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders. These alternatives will not only be offered to adult offenders but also will be tailored to youth offenders. In addition, any benefit a parent receives from these strategies will have a positive benefit on his/her children.

Examples of alternatives to incarceration obtained from tribes include:

- Probation opportunities – such as ankle bracelet systems with alcohol monitoring capabilities.
- Solution-focused sentencing – guidelines for sentencing individuals with drug/alcohol charges, including providing a model juvenile justice code for implementation.
- Standardized screening/assessment – instrument used to link all tribal human services options to needs of offender on a common data platform and track progress.
- Detention-based treatment – substance abuse and anger management therapy with a reentry focus; inmate has active links to recovery support when returning home.

McCollum Q5: How do you plan to use the additional \$5 million requested for Tribal Courts?

Answer: The proposed increase will complement the additional resources and corresponding efforts in Law Enforcement Special Initiatives, ensuring that the judicial branch of targeted tribal public safety systems can function effectively to meet family and community needs under the Tiwahe initiative. Specifically, the increase will provide targeted base funding to tribal courts at each Tiwahe site for:

- Child Case Presenters (dedicated position representing the tribe and presenting all social service issues to the court);
- Guardians Ad-Litem (dedicated to the best interest of the child);
- Civil Defenders (dedicated to representing the parents); and
- Child Protective Services (CPS) code development and CPS procedural manuals specifically for the court.

The additional funding will also provide targeted on-site training sessions at Tiwahe locations to assist tribal court personnel seeking compliance with many CPS related issues, including ICWA issues. The BIA will also develop quick reference checklists, forms, and eventually bench books designed to assist tribal judges hearing CPS matters.

McCollum Q6: What will the \$4 million requested for Special Law Enforcement Initiatives be used for?

Answer: The additional funds will enable expansion of BIA’s efforts to reduce recidivism at three Tiwahe initiative sites to five sites in FY 2016. Tiwahe, the Lakota word for “Family,” empowers American Indian individuals and families, and strengthens tribal communities as a whole, by advocating and supporting the family unit in the areas of child and family protection,

job training, and housing. It also supports Generation Indigenous, an initiative to help improve the lives and opportunities for Native American youth. These services are being provided through the joint partnership of the BIA's Office of Indian Services (OIS), Office of Justice Services (OJS), and the Indian Affairs' Office of Indian Energy and Economic Development (IEED). By increasing the focus on family health and wellness, this initiative is directing new resources to tribes to enhance the quality of services provided to children and families. In the area of public safety, OJS will work with tribes to implement comprehensive "alternatives to incarceration" strategies to address underlying causes of repeat offenses, including substance abuse and social service needs, by utilizing alternative courts, increased treatment opportunities, probation programs, and interagency and intergovernmental partnerships with tribal, Federal, and State stakeholders.

BIA's current Agency Priority Goal states by September 30, 2015, reduce rates of repeat incarceration in three target tribal communities by three percent through a comprehensive "alternatives to incarceration" strategy that seeks to address underlying causes of repeat offenses, including substance abuse and social service needs, through tribal and federal partnerships. Through the additional resources requested in the FY 2016 budget, BIA will expand the Tiwahe initiative to five sites in FY 2016.

The corresponding increase under Tribal Courts enables the vast majority of resources under this increase to be targeted to ensure the availability of treatment/reentry options for participating tribes. By treating the cause and breaking the cycle of repeat offenders, the BIA seeks to support stronger Indian families and communities in addition to reduced rates of recidivism.

One Stop Tribal Support Center

Tribal nations must navigate a complex maze to find and access the services available to them across the many agencies and programs in the Federal Government. The federal government is not doing a very good job of fulfilling our trust responsibilities if tribes cannot find or connect to the resources in place to meet their needs.

McCollum Q7: Please describe how the proposal for a One-Stop Tribal Support Center in the BIA budget will address these concerns.

Answer: The Indian Affairs FY 2016 budget request includes \$4 million to develop a national One-Stop Tribal Support Center to make it easier for Tribes to find and access information about the programs, services, and funding opportunities available to Tribes across the Federal government. This effort will be led by the Department of the Interior in its role as chair of the White House Council on Native American Affairs and coordinated across Federal agencies that serve Tribes. The One-Stop Center will advance an "all of government" approach to meeting tribal needs, delivering on Federal responsibilities, advancing government-to-government relationships, and supporting tribal nation building. The effort will include national and interagency coordination, a One-Stop information center and portal, and regional liaisons situated in the field to facilitate streamlined communication and information exchange to help Tribes easily access Federal programs and opportunities. This effort seeks to empower Tribes and tribal organizations to more fully access and leverage Federal resources to support the goals

of tribal nations and communities as they make decisions and carry out activities at the local level. Efforts will initially be focused through the Generation Indigenous Initiative on programs that support providing opportunities and removing barriers to success for Native Youth across Indian Country. DOI will consult with Tribes and work through the White House Council on Native American Affairs to develop a model to carry out and institutionalize this way of doing business going forward.

Key activities will include:

- National-level inter-agency coordination and collaboration across Federal programs and with tribal leaders and organizations to identify and analyze how current programs can be simplified and consumer information and access to tribal funding opportunities can be improved.
- Developing and launching a portal that provides Tribes with easily accessible information and resources to access Federal programs.
- Building regional capacity to connect Tribes to government-wide programs.
- Identifying and partnering with Federal agencies and tribal leadership who will help to build bridges between Indian Affairs, other Federal agencies, and Tribes.
- Working with tribal leadership and organizations to raise awareness to make these One Stop Centers highly effective and visible.
- Targeting outreach to underserved or hard-to-reach Tribes through community partnerships and outreach to rural areas.

During the first year:

- Indian Affairs will support four positions to begin the development of the Tribal Support Center. When fully executed, the Center will also support 12 regional coordinators.
- Tribal Support Center staff will work through the Council with Indian Affairs programs government-wide to develop and implement a plan for mapping Indian Affairs funding assets and information to make them available through the on-line portal and regional liaisons.
- Center staff will collaborate with Regional and Agency offices to develop an outreach scheme for communicating about Indian Affairs services and resources available to Tribes and tribal communities.
- Tribal Support Center staff will work with Information Technology staff to conduct a needs analysis to determine the services and support needed.
- The One-Stop portal will be designed and developed.
- Tribal Support Center staff will convene workgroups to evaluate the skills and tools available at the local level within tribal communities, to support the development of a one-stop approach to technical assistance and grant writing training for Tribes and tribal communities.

McCollum Q8: How does this propose to integrate services across agencies and departments?

Answer: A major component of the Indian Affairs Tribal Support Center will be an information database to make it easier for Tribes to find and use the hundreds of services available across the Federal government. This one-stop approach will make it easier for Tribes to find services and receive consistent information any time of day and reduce costs by eliminating duplication of

outreach efforts and services by Federal government agencies. Initially, the Center will focus on programs that serve Native American youth, in support of the Generation Indigenous initiative to pilot this new approach to serving needs in Indian Country.

Improved tribal access to the database will be accomplished via the internet and through regional coordinators. If Tribes do not have internet or computer access, the Tribal Support Center staff will team with other Federal agencies to help leverage other Federal initiatives and funding resources to complement the Indian Affairs initiative.

McCollum Q9: Could this service be expanded to individual tribal members accessing services?

Answer: The goal of this initiative is to develop effective resource centers, highly visible in Indian Country, that provide Tribes, tribal communities, and individual tribal members easily accessible, understandable information, assistance, and program linkage to the full range of Federal funding opportunities; infrastructure planning; and community promotion that will enhance tribal community and individual tribal choices, support informed decision-making; and foster a public understanding of the benefits of leveraging Federal resources.

Johnson-O'Malley Count

For years, Indian education leaders have been asking for an updated count of Native American students who are eligible to receive supportive funds through the Johnson-O'Malley (JOM) program. This Subcommittee needs adequate information on the Bureau's progress toward that goal in order to move forward with funding and directions for the Bureau.

McCollum Q10: What is the timeframe for delivering the new count?

Answer: The updated Johnson-O'Malley (JOM) count was electronically delivered to Congress on March 30, 2015.

McCollum Q11: During our hearing, the disparity between the Census and JOM counts of Native American youth was raised, as was the problematic nature of using Census's self-report for JOM purposes. What information/criteria will be used for a new JOM count and how will it be collected to ensure accuracy?

Answer: The Bureau of Indian Education announced tribal consultations in the March 4, 2015 Federal Register. These consultations are scheduled between March 31 and April 10. One of the discussion points will be the criteria that will be used for the JOM count. We presently receive self-reported counts, but they must meet our definition of Indians – a member of a federally recognized Tribe.

McCollum Q12: What consultation has been done within Indian Country regarding the new count? Has Secretary Jewell met with the National Johnson-O'Malley Association or other leaders to explain the delay and how the Department plans to correct prior faulty counts?

Answer: The Bureau of Indian Education has met with the National Johnson-O'Malley Association to discuss the 2014 student count, however, at that time, the count was not completed. Our original timeframe for accepting input from our stakeholders to submit their counts was September 15, 2014. However, due to feedback from Tribes and the National JOM Association, we extended the deadline for student count information to December 31, 2014. To ensure future student count data accuracy, we are consulting with Tribes between March 31 and April 10, 2015. During these consultations, the BIE will be asking for tribal input on how to ensure the count data is accurate.

Tiwahe Initiative

McCollum Q13: How, specifically, is BIA “integrating” various proposals on child welfare, domestic violence, substance abuse, poverty, and incarceration into the Tiwahe Initiative?

Answer: The intent of the Tiwahe Initiative is to build capacity, through integration in the delivery of services to children and families, that will help preserve the family unit and support healthy and productive families. Solutions lie in addressing the interrelated problems of poverty, violence, and substance abuse faced by many communities through a comprehensive, culturally appropriate approach to help improve the lives and opportunities of Indian families. This requires coordination of social service programs, taking steps to maintain family cohesiveness, preparing family wage earners for work opportunities, and providing rehabilitative alternatives to incarceration for family members with substance abuse issues. The proposed increase of \$6 million for social services programs in FY 2016 will support the Tiwahe Initiative by providing culturally appropriate services with the goal of empowering individuals and families through health promotion, family stability, and strengthening tribal communities as a whole. The budget also includes \$4 million for Law Enforcement Special Initiatives and \$5 million for tribal courts to implement a comprehensive strategy for providing alternatives to incarceration and increases in treatment opportunities across Indian Country. The BIA will work with the Departments of Justice and Health and Human Services to provide comprehensive suicide prevention training to police officers and work with tribal courts to identify and make mental health services and support more widely available.

To mitigate risks associated with domestic and family violence in American Indian and Alaskan Native communities, the Bureau of Indian Affairs (BIA) allocated \$3 million in Fiscal Year (FY) 2014 to establish an additional 26 tribal and 9 BIA Regional and Agency case worker positions to address family violence in Indian Country. All of the BIA and tribal case worker positions are on or near American Indian and Alaska Native communities with reported high rates of domestic or family violence, teen-suicide, and child abuse and neglect.

The BIA is also working with the Department of Justice, Office of Violence Against Women (OVW), the Office for Victims of Crime, and Department of Health and Human Services, Indian Health Services and Family Violence Prevention Services to coordinate efforts and streamline training and technical assistance to Tribes.

McCollum Q14: Are these simply increased investments in underfunded social services, or is the initiative changing the way that a Native American family in need is able to access supports and services?

Answer: The Tiwahe Initiative is an innovative approach to change the way American Indian and Alaskan Native families access services. Tiwahe will empower American Indian individuals and families, and strengthen tribal communities as a whole, by advocating and supporting the family unit in the areas of child & family protection, job training and housing. These services are being provided through the joint partnership of the BIA's Office of Indian Services (OIS), Office of Justice Services (OJS) and Office of Indian Energy and Economic Development (IEED). Additionally, these offices also coordinate when appropriate with the Bureau of Indian Education (BIE) and the Department of Justice (DOJ).

By increasing the focus on family health and wellness, this initiative is providing Tribes with new resources to enhance the quality of services provided to children and families. The BIA Housing program has expanded services to address the needs of young families and general overcrowding issues, IEED is expanding training opportunities to eligible American Indian Tribes and Alaska Native villages to address the rate of unemployment and poverty – impediments to family economic stability, OJS is reducing recidivism through enhanced cooperation with local human services programs and OIS is reducing the number of incidents of child abuse, neglect and domestic violence by ensuring the coordination of all these services through the Tiwahe staff at each location.

McCollum Q15: How is the BIA funded Tiwahe Initiative linked to the Generation Indigenous initiative, and how will these initiatives together help tribes identify and reach at-risk Native youth and connect them to mental and behavioral health supports?

Answer: The 2016 budget includes key investments to support the launch of Generation Indigenous, an initiative focused on addressing barriers to success for Native American youth. This initiative takes a comprehensive and culturally-appropriate approach to help improve lives and opportunities for Native American youth. As a part of Generation Indigenous, multiple Federal agencies, including the Departments of the Interior, Education, Housing and Urban Development, Health and Human Services, Agriculture, Labor, and Justice, are working collaboratively with Tribes to support educational outcomes and provide wrap around services to help address barriers and provide opportunities for youth, including behavioral and mental health, and substance abuse services

The Tiwahe initiative supports the Generation Indigenous initiative, by promoting an integrated approach to family stability and strengthening tribal communities by addressing interrelated issues associated with child welfare, domestic violence, substance abuse, poverty, and incarceration. The Tiwahe initiative seeks a number of increases in the FY2016 Budget that are coordinated with increases requested across the Federal government as a part of Generation Indigenous.

To support mental and behavioral health, Indian Affairs is proposing an increase of \$6.0 million for social services programs that will support the Tiwahe initiative by establishing additional

tribal and BIA social service positions and social services coordinators at designated Tiwahe sites. Tiwahe will utilize a collaborative and multidisciplinary team approach for services, in the areas of child protection and child welfare. Indian Affairs funding will be coordinated with an additional \$25 million to the Indian Health Service to address behavioral health issues, a \$25 million increase to the Substance Abuse and Mental Health Services Administration for the Tribal Behavioral Health program, and a \$132 million increase for the Administration for Children and Families for Tribal Child Care programs.

To address suicide prevention, the BIA will work with the Departments of Justice and Health and Human Services to provide comprehensive suicide prevention training to police officers and work with tribal courts to identify and make mental health services and support more widely available.

The Indian Affairs budget also includes \$4.0 million for Law Enforcement Special Initiatives and \$5.0 million for tribal courts to implement a comprehensive strategy for providing alternatives to incarceration and increases in treatment opportunities across Indian Country. To promote effective law enforcement and public safety that supports families, the Tiwahe initiative seeks to show how the integration in the delivery of services to children, youth, and families will preserve the family unit and support healthy and productive Indian families. Moreover, it is the intent of the initiative to specifically target American Indian and Alaska Native (AI/AN) children, youth, and families exposed to violence, especially in domestic violence and child endangerment situations. This will be accomplished by bringing together services provided through the BIA agencies of the Office of Indian Services, the Office of Justice Services, and the Bureau of Indian Education (BIE) into a unified partnership.

Questions from Mr. Kilmer

Tribal Climate Resilience

The budget proposes a significant increase in funding for Tribal Climate Resilience. As I mentioned to Secretary Jewell when she testified before this committee, the area I represent has three tribes that directly face threats associated with rising sea levels that has resulted in their need to move to higher ground. So I think this initiative is critically important.

The budget justification focuses on providing tribes with planning, assessing, monitoring and training of the threats that rising sea levels pose to tribal communities.

Kilmer Q1: How can we support tribes—including those with limited resources—take specific actions to protect public safety and preserve sacred sites?

Answer: Tribal communities face significant challenges in addressing both climate impacts and ocean and coastal planning. Tribes are already seeing the impacts and are hampered by limited capacity, resources and detailed vulnerability information, especially for high value but understudied traditional and cultural resources.

The Bureau of Indian Affairs (BIA) provides Tribes a wide range of trust services, coordinates non-trust services, and technical advice through existing programs and services. The Tribes have identified the need for the BIA to coordinate and fund the integration of climate change considerations into all programs and to increase technical support for Tribes. Both elements of the BIA FY16 Tribal Climate Resilience program directly address tribal planning for sea level rise, climate adaptation and, ocean and coastal planning for the protection and safety of tribal communities. Climate adaptation support specifically addresses climate driven analysis and planning and the ocean and coastal support includes non-climate planning and technical support.

The BIA Tribal Climate Resilience program identified in the FY16 budget has three components, direct support for tribal planning (planning, vulnerability assessments, monitoring for indicators), technical support, and capacity building.

There is significant direct support for Tribes for planning to address both climate change and ocean and coastal issues, including sea level rise. Competitive funding for tribal government strategic planning, vulnerability assessments, and monitoring are available.

The most flexible pool of funding for tribal coastal communities is the ocean and coastal planning as ocean and coastal plans can be more focused on a specific risk or resource compared with the crosscutting nature of climate adaptation planning.

The FY16 proposed increases will enable support of detailed, long term vulnerability assessments for resources and risks. Actionable science in the form of vulnerability assessments will enable Tribes and resource managers to accurately identify the risk factors in order to better refine management actions and to set up efficient, targeted monitoring systems to measure the change within the risk profile.

Tribal Higher Education

The budget proposal before us today maintains level funding for post-secondary education programs. This is despite the fact that your budget estimates that the student population will grow and demand continues to increase. We know tribal colleges and universities are extraordinarily strapped for cash, receiving per student funding levels that are still below what Congress authorized nearly 40 years ago—despite the facts that costs have significantly grown to provide a quality question.

Kilmer Q2: Are we doing enough to train students who attend tribal colleges and universities in the skills and practices that they need to be successful and stay competitive in a global marketplace?

Answer: The Indian Affairs budget supports college education of Indian students by owning and operating two Tribal colleges and administering grants to 28 Tribal Colleges and Universities and two Tribal Technical Colleges. TCUs are the cornerstone of post-secondary education in tribal communities where they are located. Current TCU budgets create challenges to hire highly qualified faculty and update technology. Allowing TCUs access to funds through the Department of Education, the Department of Health and Human Services, and the Department of Agriculture, as well as fostering more collaborations and partnerships, can help increase a TCU's capacity to bring innovative and creative practices into their classrooms that facilitate teaching students the skills and practices that they need to be successful and stay competitive in a global marketplace as well as build self-sustaining tribal economies.

The BIE budget also includes funding for post-secondary scholarship programs administered mostly by Tribes. Scholarship funding is a priority of the tribes because community members with advanced skills and education facilitate economic development and other community objectives. The 2016 budget includes an increase of \$4.6 million for scholarships and adult education and a \$250,000 increase for Special Higher Education Scholarships. Tribes are being encouraged to use a portion of their increase to increase students' engagement with Science, Technology, Engineering, and Mathematics (STEM) related studies.

Indian Forests

The National Indian Forest Resources Management Act directed the Secretary of Interior, in consultation with the affected Indian tribes, to obtain periodic independent assessments of the status of Indian forest resources and their management. The 2013 report found that more than two decades after NIFRMA, the federal government continues to fail to meet its trust obligations to Indian forestry.

Kilmer Q3: How does the BIA anticipate protecting tribal forest land under this budget request?

Answer: Forests are among the most valuable natural resources in Indian Country, serving as a key economic and societal driver on over 103 reservations and surrounding communities across 23 states. More than 18 million of the total 55 million acres of federal Indian trust land is forested. These forests are renewable resources that provide employment, income, foods,

medicines, and fuel while protecting water, soils, and habitats for fish and wildlife which are vital to tribal communities.

The Forestry Program conducts forest land management activities on Indian forest land to develop, maintain, and enhance forest resources in accordance with sustained yield principles and objectives set forth in forest management plans. The Indian Affairs request for the Forestry Program in FY 2016 is \$51.9 million. This request will support programs in both the Forestry Program (TPA) and Forestry Projects subactivities. The Forestry Program (TPA) subactivity includes the preparation and administration of forest products sales, and the management and technical oversight of those activities. The sale of forest products is a principle fiduciary trust responsibility and a key source of tribal revenue and employment. Forest products sales support BIA efforts to promote self-sustaining communities and healthy and resilient Indian forest resources. To assist tribes with identifying markets for their forest products, the program partners with the Intertribal Timber Council in marketing and branding research. The harvesting of forest products is required to maintain forest health and protect Indian forests and communities from wildfire, insect epidemics, and disease infestations. The program encompasses all elements of sale preparation, sale administration, and supervision of forest product harvesting contracts. Forestry staff performs program oversight and administrative activities to ensure compliance with applicable laws and regulations. Another component of the Forestry Program (TPA) is assisting tribes in ascertaining and documenting the goals of Indian land owners through Integrated Resource Management Plans (IRMPs).

The Forestry Projects subactivity includes programs such as Forest Development; Forest Management, Inventory and Planning; Woodland Management; and the Timber Harvest Initiative. Forest Development activities include pre-commercial thinning of overstocked forests as well as tree planting - both essential postharvest activities that protect stands from wildfire, insects, and disease. The current forest development backlog of untreated forest includes 226,000 acres of planting and 511,000 acres of thinning. Forest Management, Inventory and Planning activities include geospatial analysis, measurement of trees, determination of tree growth, and documentation of long term trends including those induced by climate change. It also includes the calculation of an annual sustained yield harvest, and the development of environmental compliance documents, forest management plans, and forest histories. Woodland Management activities occur in forested areas where traditional logging operations are considered uneconomical. However, these areas, such as the pinyon-juniper woodlands of the southwest, have important fuelwood, cultural, spiritual, and traditional characteristics important to tribes. Indian woodlands encompass over 10 million acres. The Timber Harvest Initiative program promotes the harvest of forest products on reservations that are unable to meet their annual sustained yield harvest.

The FY2016 budget justification includes an increase of \$4.0 million for Forestry Projects which will have a positive impact to the Forestry Program through improved science and data collection. This increase will fund projects which address the impacts of climate change on natural resources within tribal communities. It will allow the tribes to capture vegetation data used in inventory analyses, forest management plans, and integrated resource management plans so treatments can be scheduled to improve landscape resiliency.

Aggressive and systematic treatment of forested landscapes is the only scientifically proven method to protect the health, vigor, and commercial viability of tribal forest land. Density reduction operations, commercial (logging) or non-commercial (thinning), create landscape resiliency in the face of drying climates, reducing the size and intensity of wildland fire while keeping insect and disease populations in check.

Federal Recognition

In May 2014, the Department published in the Federal Register a proposed rule that would make changes to the Department's existing federal recognition regulations and associated criteria, and conducted tribal consultations throughout last summer.

Kilmer Q4: What is the status of the Department's review of public comments received on the proposed rule and when can we expect to see a proposed final rule?

Answer: The extended comment period on the proposed Federal Acknowledgment rule closed on September 30, 2014. Since that time, the Department has been closely reviewing all comments and working toward publication of a final rule. The Department expects to have a final rule published before the end of calendar year 2015.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2016 Budget Oversight Hearing: Department of the Interior
February 25, 2015
Questions for the Record

Questions from Mr. Calvert

Sage-Grouse

In your January 26, 2015, letters to Governors Hickenlooper and Mead, you stated that the FY15 sage-grouse rider “does not affect the U.S. Fish and Wildlife Service's court-ordered obligation to make a determination by September 30, 2015, as to whether the greater sage-grouse does or does not warrant protection under the Endangered Species Act”.

Calvert Q1: Would you like to take a moment to clarify that statement, particularly for those who may interpret it to mean that you are ignoring the law (the general provision included in the fiscal year 2015 Omnibus relating to sage grouse)? Are you?

The exact language of the settlement agreements is *not* to make a determination, but to submit to the Federal Register either a proposed rule or a not-warranted finding. By prohibiting the writing and issuance of a proposed rule, the rider prevents the submission of such rule to the Federal Register, thus overriding the Service's court-ordered obligation. This argument may seem like nuance to some, and it becomes moot if a listing is not warranted, but it could matter greatly as September 30 nears.

Answer: I assure you that we are not ignoring the General Provision in the fiscal year 2015 Omnibus relating to sage grouse.

The exact language of the stipulated settlement agreement is, “. . .the Defendants shall submit a Proposed rule or a not-warranted finding to the Federal Register for the following species no later than the end of the specified fiscal year: . . . greater sage-grouse, including any Distinct Population Segments, by FY 2015.” We will comply with our obligation to the Court to reach a determination by the end of fiscal year 2015 as to whether a listing proposal is still warranted, or not warranted. Reaching a determination does not involve writing or issuing a proposed rule. If we find that listing is still warranted, the rider language and the Anti-Deficiency Act will prevent us from proceeding to write or issue a proposed listing rule, and I have made clear that we will not do so.

Calvert Q2: If necessary, would you exercise your authority under the terms of the 2011 settlement agreements to request a six-month extension on the deadline for the submission to the Federal Register of either a proposed rule or a not-warranted finding for greater sage-grouse?

The explanatory statement accompanying the fiscal year 2015 appropriation states the following: "The Committees recognize the unprecedented collaboration regarding sage-grouse conservation.

This provision is not intended to impede current conservation efforts; it is imperative that stakeholders continue on-the-ground conservation and monitoring activities. The Committees direct the Fish and Wildlife Service to include with its fiscal year 2016 budget submission an update on the status of all sage-grouse." My position has been and will continue to be that any future legislative intervention in the arbitrary September 30, 2015, deadline should depend upon the status of the species and evidence that conservation is continuing full steam ahead.

Answer: Under the settlement agreement the FWS must submit either a proposed rule or a not warranted finding. The rider does not prevent us from making a not-warranted finding and submitting it to the Federal Register this fiscal year. If that is the outcome of our listing determination, we will be in full compliance with this element of the stipulated settlement agreement and will require no extension or relief.

If the outcome of our listing determination is that listing is still warranted, we will have no alternative but to seek to modify the settlement agreement to relieve us from the obligation to publish a proposed listing rule.

Calvert Q3: In your opinion, has the pace of local, state, and Federal conservation of sage-grouse slowed down in recent months?

Answer: No. It has been gratifying to see local, State, and Federal land managers and partners continue to develop and implement their sage-grouse conservation plans.

Calvert Q4: What is the status of sage-grouse populations?

Answer: As part of their ongoing status review, the FWS requested information from Federal, State, local and private entities regarding the species status and information from the States regarding population trends, conservation efforts and activities that are currently or will likely affect the species in the future. The FWS is currently evaluating the status of the greater sage-grouse as an integral part of the determination of whether listing the species is still warranted. On a smaller scale, a recent study issued by the U.S. Geological Survey and completed in cooperation with other Interior bureaus and the Nevada Department of Wildlife indicates the bi-State population of sage-grouse is stable.

Calvert Q5: BLM's budget request proposes a \$45 million increase to implement its sage-grouse conservation plans. This includes \$37 million for Wildlife Management and \$8 million for Resource Management Planning, Assessment, and Monitoring. The budget provides some information on how these funds will be spent. I believe we need more detail though so that we can prioritize and make good funding decisions.

What specific mitigation measures will be implemented? Do you know where they will be implemented?

Answer: The BLM is currently finalizing the planning effort for Greater Sage-Grouse, which will result in 15 environmental impact statements, affecting 68 land use plans across 10 western States (Wyoming, Montana, North Dakota, South Dakota, Northwest Colorado, Idaho, Oregon,

Nevada, Utah, and Northeast California). The planning process has been complex and highly collaborative, with meaningful coordination across a broad range of stakeholders, including State governors, State Fish and Game agencies, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and many others. The proposed plans will include a suite of measures to conserve key sagebrush habitat, avoid the need to list the Greater Sage-Grouse, and support continued multiple-use and sustained-yield of the public lands. These plans include measures addressing mitigation for impacts to sage-grouse caused by activity in sage-grouse habitat. The plans will be published in late spring 2015.

Calvert Q6: Should we focus first on mitigation and leave most monitoring for later?

Answer: It is essential that BLM pursue both mitigation and monitoring concurrently. The BLM is committed to implement on-the-ground actions for the conservation of sagebrush-steppe landscapes immediately. To ensure the conservation objectives are achieved through these actions, the BLM needs robust monitoring data to inform decisions on conservation investments and efficiently target mitigation and restoration resources toward those projects that have the greatest impact.

Calvert Q7: For the past two years, BLM has worked to revise its resource management plans to incorporate measures to address sage-grouse needs. Generally, the courts have held that in order to avoid a listing under the Endangered Species Act, regulatory mechanisms must be in place; the conservation plans must ensure the target species will not need to be listed in the future; and the plans must actually be implemented.

Will the BLM's plans stand up to court scrutiny? Will they be sufficient to keep the sage-grouse from a listing?

Answer: The BLM's Greater Sage-Grouse conservation planning effort is an unprecedented, collaborative and proactive effort throughout the West to identify and incorporate appropriate conservation measures to help conserve, enhance, and restore the sagebrush steppe. A collaborative, science-based approach has been taken to develop a comprehensive plan with our State, private, and Federal partners to conserve imperiled sagebrush habitat. A team of Solicitors is advising the BLM through the process - from start to finish - giving us confidence that our plans will withstand legal scrutiny. The U.S. Fish and Wildlife Service intends to evaluate those plans, while also considering the other unprecedented efforts of State, public, and private conservation efforts across the species' range to determine whether listing under the Endangered Species Act is warranted.

Calvert Q8: What process has the Department taken to ensure their legal sufficiency?

Answer: The BLM planning process has been complex and highly collaborative with meaningful coordination across a broad range of stakeholders and cooperators, including the Western Governors, State Fish and Game agencies, the U.S. Fish and Wildlife Service, the U.S. Forest Service, and others. Although complex, the BLM is following its usual planning process as governed by applicable law and policy, including the Federal Land Policy and Management Act, the BLM's planning regulations, and the Land Use Planning Handbook. Also, a team of

Solicitors is advising the BLM through process from start to finish, providing confidence that the plans will be legally sufficient.

Calvert Q9: USDA's Natural Resources Conservation Service recently announced that it has worked with private landowners to restore 4.4 million acres of habitat for the sage-grouse over the past four years. More than 75 percent of these acres are in Priority Areas of Conservation. Altogether, NRCS and its partners and landowners have invested nearly \$425 million in conserving sage grouse habitat. This is very good news and demonstrates the good things that can happen when we work together.

This information should inform the decision on listing on sage-grouse. Will it?

Answer: The FWS will consider and evaluate the best available information in its review of the species status. NRCS has been and will continue to be an important partner and collaborator in sage-grouse conservation and the information they have submitted to the FWS will be considered in the status review.

Calvert Q10: How will it factor into a decision to list or not list?

Answer: The FWS, in collaboration with USGS and other partners, developed the Conservation Efforts Database, an innovative approach to capturing and understanding on-the-ground conservation efforts. Projects completed and reported to the FWS will be considered in the status of the species, and future commitments, if shown to be effective and likely to occur, will be considered in the evaluation of the future status of the species.

Wildland Fire Management/Budget Cap Adjustment Proposal

The FY 2016 budget once again proposes to establish a new budget framework for the Wildland Fire Management program. Within the Department's proposed budget, \$805 million in discretionary funds (70 percent of the 10-year average for suppression costs) is requested for fire suppression. An additional \$200 million is requested for fire suppression through a budget cap adjustment.

We have eight members of this Subcommittee as cosponsors of Congressman Simpson's cap adjustment bill and I believe it won't be long before every member on the subcommittee signs on to it. We need to get this done; I remain hopeful we can move this legislation this year. Given the drought situation in California, several of the national forests in my region are already preparing for the worst.

Calvert Q11: For the sake of our new Subcommittee members and the audience can you explain the proposal and how the budget cap adjustment works?

Answer: The proposal provides assured funding for real-time firefighting without disrupting other fire program activities (e.g. fuels management) and agency funding for other programs. Under this approach we will not have to divert funds from other programs to pay for fire costs during fire season and amounts required for future suppression budgets.

The budget cap adjustment proposes to treat wildfires in the same way we treat other natural disasters by providing funding for extraordinary conditions through a cap adjustment.

Under the proposal, funding for 70% of the ten-year average of wildland fire suppression costs would be funded from the domestic discretionary cap. We estimate that this amount is necessary to suppress 99% of our fires. Extraordinary costs would be covered through access to funds in the disaster cap after issuance of a Secretarial Declaration using these criteria:

- the Secretary concerned determines that the fire has required an emergency Federal response based on the significant complexity, severity, or threat posed by the fire to human life, property, or resource; or
- the fire covers 1,000 or more acres; or
- the fire is within 10 miles of a major urban area (50,000 or more inhabitants); or
- the cumulative costs of wildfire suppression operations will exceed, within 30 days, all of the amounts previously appropriated to the Secretary concerned for wildfire suppression operations.

Calvert Q12: How did the Department determine a budget cap adjustment funding level of \$200 million for FY 2016?

Answer: The budget cap adjustment funding level was determined by using the 90% confidence level for the Department of the Interior's (DOI) Suppression operation expenditures, as estimated in the U.S. Forest Service Research Service 2-year FLAME projected expenditures. This total estimated amount of \$467 million is considered the upper bound of the anticipated expenditures for the year 2016. The \$200.0 million is the difference between the estimated expenditures and 70% of the 10-year average suppression expenditure rate.

The 10-year average calculation will continue to be calculated each year, and 70% of the 10-year average will be requested within the discretionary budget caps. The difference between the upper bound of the 2-year projected FLAME report and the 70% of the 10-year average that will be requested within the budget caps will be the amount requested in the budget cap adjustment.

Calvert Q13: Do you anticipate that this number could change before the FY 2016 Interior bill is enacted into law?

Answer: The Budget proposes to phase in the size of the cap adjustment, beginning with a maximum permissible adjustment of \$1.5 billion in 2016 that increases slowly to \$2.7 billion by 2022 and remains at that level thereafter. At this time, the Administration is requesting only \$1.055 billion be funded by the wildfire suppression operations cap adjustment in 2016 (\$854.6 million in the Department of Agriculture and \$200 million in the Department of the Interior). DOI will update its estimates of the amount needed in a cap adjustment periodically throughout the year so Congress can use the most up-to-date estimate in making appropriations decisions. Also note that the upper limit of the proposed cap adjustment would be set to allow for updated estimates.

Calvert Q14: Short of passing the Simpson bill, the only way to successfully adopt the budget cap proposal is to have the House and Senate Budget Committees (Tom Price and Mike Enzi) get on board.

Do you have any plans to meet personally with the Chairman of the House Budget Committee, Tom Price, or the Chairman of the Senate Budget Committee, Mike Enzi, to press the case for this proposal?

Answer: The Administration intends to work closely with the Committees of jurisdiction, including the House and Senate Budget Committees, to urge support for the proposed budget cap adjustment.

Antiquities Act/National Monument Designations

Last week, President Obama used authority under the Antiquities Act to establish three new national monuments. He has now used the Antiquities Act 16 times—let me repeat that—**16 times**—during his presidency to establish national monuments. In my view, some designations may have merit, others may not. However, what’s disconcerting to me and many of my colleagues is that the President circumvents an open, public, and transparent process by using the Antiquities Act to make these designations. His actions demonstrate a complete disregard for the role of Congress, affected state and local communities, and the public in making these designations.

Calvert Q15: Do you support the President bypassing Congress and affected parties to establish new national monuments or do you believe the President should work with Congress and affected stakeholders in a collaborative fashion?

Answer: The Administration believes that local and Congressional input is an important part of the designation process and works closely with local communities and their elected representatives to ensure that the vision and stewardship roles of local stakeholders are understood and respected.

The designation of the new Pullman National Monument in Chicago is strongly supported by congressional, State and local leaders, community groups and historical organizations as a way to promote historic preservation and generate economic activity. This site will be managed by the National Park Service. The area was first recognized as a National Historic Landmark in 1970. In 2013, the NPS completed a reconnaissance survey of the Pullman Historic District that affirmed the site’s national significance. Already, the National Park Foundation has raised nearly \$8 million in support, a testament to the strong support from the Chicago community to tell the story of Pullman through the national park system.

At the new Honouliuli National Monument in Hawaii, Japanese American organizations and elected leaders in Hawaii have strongly supported preserving and interpreting the camp. This site will also be managed by the NPS. In 2009, Congress authorized the NPS to conduct a special resource study of the site for possible inclusion in the national park system, and NPS sought public comment during the study. The study determined that the Honouliuli Internment

Camp was nationally significant as well as suitable and feasible for inclusion in the national park system. Local on the ground support has provided additional concrete assistance. For example, the Monsanto Company donated the property to the Federal government, making it possible to establish the monument. The University of Hawaii-West O'ahu is actively involved in research and interpretation of the site and has signed an agreement with the NPS to assure public access over its lands adjacent to the site.

With regard to the Browns Canyon National Monument, the local community has worked for more than a decade to protect this area. Legislation to recognize Browns Canyon was first introduced in 2005 by Representative Joel Hefley and Senator Wayne Allard, as well as by Senator Mark Udall in 2013. In December 2014, senior administration officials visited Salida, Colorado, at the request of Senators Michael Bennet and Mark Udall, to hear from the community about its vision for Browns Canyon. The national monument, composed of existing Federal lands, will continue to be jointly managed by the Bureau of Land Management and the Department of Agriculture's Forest Service, and allows for continued historic uses of the area, including hunting, fishing, and livestock grazing. The designation does not alter or affect the valid water rights of any party and does not affect agreements governing management of the Arkansas River flows. It supports the ongoing cooperative management of the Arkansas Headwater Recreation Area by the BLM and the State of Colorado and preserves existing agreements for recreation uses and access. The BLM and Forest Service will jointly prepare a management plan for the monument in formal cooperation with the State of Colorado, along with other local governments and Tribes, which will be developed in an open process with maximum public involvement from interested stakeholders, area ranchers and other permit holders.

Calvert Q16: What is the estimated cost in fiscal year 2016 to operate these three new national monuments?

Answer: The 2016 budget for BLM includes an increase of \$11.2 million to strengthen management of national monuments and national conservation areas. While operational costs associated with the new Browns Canyon NM were not factored into the 2016 budget request, BLM will be able to adequately meet its management responsibilities at this particular unit within the overall 2016 request level. As noted in the response to question 15, BLM and FS will jointly prepare a management plan for the monument in formal cooperation with the State of Colorado, along with other local governments and tribes. It will be developed in an open process with maximum public involvement from interested stakeholders, area ranchers and other permit holders. This planning process will help identify future operating needs for the monument.

The Pullman NM and the Honouliuli NM will be managed by the NPS, which will conduct a management planning process with full public involvement; staffing and interpretive requirements will be determined by the outcome of that planning process. Additionally, the NPS will continue to work in partnership with the many groups that have helped to preserve these sites.

Calvert Q17: Is there consideration of any cost analysis or estimate of how much it will cost to annually administer or maintain each new national monument prior to the White House making this type of announcement?

Answer: As noted above, all three of these sites were the subject of significant public involvement and analysis in advance of the national monument designation. For the NPS sites, when the NPS conducts a special resource study, it includes analysis of potential costs if added to the national park system. New park units are operated with minimal funding in the early years as management plans are completed and funds are requested and appropriated by Congress.

Reauthorization of the Land and Water Conservation Fund (LWCF)

As you know, the Land and Water Conservation Fund (LWCF) authority expires at the end of this fiscal year. The President's budget request for fiscal year 2016 includes \$400 million in discretionary funding for projects through the LWCF and \$500 million in mandatory funding, for a total level of \$900 million for the Department of the Interior and the Department of Agriculture.

Calvert Q18: Are you optimistic that LWCF authorization will be extended by the end of this fiscal year?

Answer: We are hopeful that the LWCF Act will be reauthorized so this landmark program can continue to deliver successes in communities across the country without interruption. Congress created the Land and Water Conservation Fund to embody its bipartisan commitment to safeguard natural areas, water resources and our cultural heritage, and to provide recreation opportunities to all Americans. Americans care deeply about our outdoor heritage, want to enjoy and protect it, and are willing to take collective responsibility to protect it for their children and grandchildren. Over its 50 year history, the Fund has protected conservation and recreation land in every state and supported tens of thousands of state and locally-driven projects through grants to states.

The Land and Water Conservation Fund plays an important economic role for local communities. Recreation activities in national parks, wildlife refuges, forests, marine sanctuaries, and other federally managed lands and waters contributed approximately \$51 billion and 880,000 jobs to the U.S. economy in 2012. Nationally, outdoor recreation activities contribute \$646 billion to the economy annually and support 6.1 million jobs. Moreover, the Land and Water Conservation Fund is a sound investment: for every \$1.00 invested in Federal land acquisition through LWCF, there is a return of \$4.00 in economic value from natural resource goods and services

The Administration is hopeful Congress will take timely action to reauthorize the Fund to continue the myriad of benefits that LWCF delivers to local communities, uninterrupted.

Calvert Q19: To what extent have you been working with Chairman Bishop and the Resources Committee to see this authority extended?

Answer: The Department is committed to reauthorizing the Land and Water Conservation Fund Program with full and mandatory funding for this longstanding and successful program. The

Administration is working to achieve reauthorization which includes outreach and discussion to the authorizing committees.

Payments in Lieu of Taxes (PILT)

The budget request once again proposes a one-year extension of the mandatory funding for the Payments in Lieu of Taxes (PILT) program. The authorization for PILT was extended last year with this bill providing \$372 million in discretionary funding for PILT and the National Defense Authorization Act (NDAA) providing the remaining \$72 million for fiscal year 2015. The cost for this proposal in FY16 is \$452 million.

Calvert Q20: Is the Department planning to submit a legislative proposal to the authorizers (the Resources Committee) for a one-year extension of the mandatory authorization providing full PILT funding? If so, when?

Answer: The Department is currently developing a legislative proposal for a one-year extension of the mandatory authorization providing full funding for PILT.

Calvert Q21: Has a suitable offset been identified to pay for this extension?

Answer: The 2016 President's Budget includes legislative proposals which include offsetting savings or additional revenue to fund national priorities such as the PILT program. For example, the President's Budget includes a proposal to redirect expanded revenue sharing from Gulf of Mexico oil and gas leases that under current law benefits just four States, toward broader national priorities, starting in FY 2018. The Administration proposes to work with Congress to redirect this revenue, estimated to be \$3.1 billion over ten years, to support national priorities which could include Payments in Lieu of Taxes.

This proposal ensures taxpayers throughout the country benefit from development of offshore resources owned by all Americans. The Administration looks forward to working with Congress to develop a longer-term strategy for providing sustainable levels of funding for PILT payments.

Native American Education

I appreciate that you, Ms. McCollum, Mr. Simpson, Mr. Cole, and I recently had the opportunity to visit the Moencopi Day School on the Hopi Reservation. Together we saw why schools like Moencopi need significant repair and eventual replacement with safe, modern schools. Not long after our visit, the Inspector General issued its critical review of violence prevention at the Moencopi Day School, reporting safety deficiencies that appear to be more a function of management and accountability than the condition of the facility. I bring this up not to pick on Moencopi or to downplay maintenance and construction, but to make the point that the increased funding proposed in fiscal year 2016 for maintenance and construction will not by itself fix the problems. As the GAO has reported, and as you well know, there remain underlying management and accountability challenges that can and must also be addressed.

Calvert Q22: Please update us on any management and accountability improvements you've made within the past 12 months.

Answer: The safety and security of the BIE-funded school student and employee populations are paramount in our efforts to provide a high quality education to Indian students. Office of Inspector General (OIG) reports highlighting safety and security issues in BIE-funded schools were issued in 2008 and 2010. As part of an initiative to address safety and security issues in BIE-funded schools, BIE conducted detailed surveys and corrected deficiencies. BIE School Safety Specialists continue to conduct on-site school visits to address critical needs. Additionally, safety projects such as school safety audits, school resource officers, and school security services continue.

Many schools have updated their plans and are currently implementing them to provide a safe learning environment for both students and staff. Unfortunately, at some schools emergency planning has stalled because of a lack of available support at the Education Line Offices. The DOI issued Secretarial Order 3334 that restructures BIE to respond to concerns raised in GAO report 13-774. Once restructuring is complete later this year, all school operations will be co-located to improve accountability in the areas of safety as well as finance, curriculum, and instruction. Changes would also improve direct services to schools and Tribes.

The Department is also seeking to improve accountability by building capacity of tribal nations to become full partners in the educational process. The 2016 budget includes funding focused on building tribal capacity to manage their school systems so Tribes can partner with BIE to hold local school boards accountable.

Calvert Q23: Should the Bureau of Indian Education become a true stand-alone bureau, with control over BIE personnel and facilities, if doing so improves accountability but increases costs?

Answer: In order to achieve the Administration's goal of high-achieving schools, the Blueprint for Transformation recommends that the Federal government transition from focusing on directly operating schools on a day-to-day basis and instead transform the BIE into a school improvement organization that builds capacity of tribes to operate great schools. We have determined that to achieve this goal the BIE should have increased control over some personnel, facilities, maintenance and other school operations necessary to ensure this transformation occurs but it is not necessary to become a stand-alone bureau.

The DOI Secretarial Order 3334 restructures BIE in a way that responds to concerns raised in GAO report 13-774. We are taking steps to implement the restructuring by the end of the year. Restructuring will:

- Reduce delays that schools experience regarding acquisition of instructional materials by consolidating operations within BIE;
- Incorporate new procedures into Indian Affairs monitoring activities; and
- Ensure that appropriate grant monitoring protocols will be assigned for high-risk funding recipients.

It is our intent to continue to share some standard business processes, such as processing personnel actions and facilities construction, with the Bureau of Indian Affairs as we encourage tribal control. Notwithstanding this, the restructuring will allow the Director of BIE to align and synchronize BIE business operations with educational priorities.

Calvert Q24: Since Moencopi is a grant school operated by the Tribe, is the BIE absolved of responsibility to address the items in the Inspector General report?

Answer: No. The safety and security of the BIE-funded school student and employee populations are paramount in our efforts to provide a high quality education to Indian students and it is a shared responsibility between the BIE and Tribes. Even as BIE transitions to a school improvement organization and Tribes increase oversight and management of their schools, BIE will continue to share this responsibility.

ANWR wilderness/oil & gas development

The Obama administration recently finalized a new management plan for the Arctic National Wildlife Refuge (ANWR) in Alaska that proposes designating millions of acres as wilderness and off-limits to most oil and gas development. Under the proposal, 12.2 million acres—in addition to the 7 million acres presently managed as wilderness—would be designated as wilderness. As a result of this designation, 98 percent of ANWR would be managed as wilderness effectively prohibiting oil and gas development, new road construction, and other activities. The U.S. Geological Survey—one of the bureaus you oversee at the Department of the Interior—estimates that ANWR could contain more than 10 billion barrels of oil.

Calvert Q25: Can you explain the thinking behind prohibiting additional energy exploration and development in an area with such promising oil and gas potential? Isn't this proposal short-sighted in light of our long-term goal of U.S. energy independence?

Answer: Neither the Fish and Wildlife Service (FWS) nor the Department of the Interior (DOI) has authority under current law to allow oil and gas exploration, leasing, development, or production in the Arctic National Wildlife Refuge. Section 1003 of the Alaska National Interest Lands Conservation Act (ANILCA) specifically prohibits oil and gas leasing, development, and production anywhere in the Arctic Refuge, and this remains the case regardless of the selection of an alternative in this Comprehensive Conservation Plan (CCP)/Environmental Impact Statement (EIS) planning process which was designed to guide management of the Arctic Refuge for the next 15-20 years. Without congressional action, the FWS cannot legally permit oil and gas leasing in the Arctic Refuge under any of the alternatives in the CCP.

The revised CCP/EIS for the Arctic Refuge addresses a variety of issues, including the protection of wildlife populations and their habitats, opportunities for fish- and wildlife-dependent recreation, subsistence needs of local inhabitants, and other public uses. The CCP also strengthens wildlife and habitat monitoring, as well as the monitoring of public use of the Arctic Refuge so as to better respond to changing conditions on the landscape, particularly those associated with climate change.

Based on the best available science and extensive public comment, the FWS recommends 12.28 million acres, including the coastal plain, for designation as wilderness. The FWS also recommends four rivers—the Atigun, Hulahula, Kongakut, and Marsh Fork Canning—for inclusion into the National Wild and Scenic Rivers System.

In 1988, Alaska's North Slope was producing 2.145 million barrels per day -- or 25 percent of the U.S. domestic production. Current North Slope production has declined to approximately 540,000 barrels per day. Together, the oil and natural gas resource potential represented by the Chukchi and Beaufort Seas are among the greatest available to the United States and exceed the combined resource estimates for the Atlantic and Pacific OCS.

Drilling of new offshore prospects and development of the discoveries that may be found on them could extend the long-term viability of the Trans-Alaska Pipeline and may add significantly to production from Alaska. Government estimates of economically recoverable oil and natural gas in the Alaska OCS and in unexplored portions of Alaska, including reserves growth in known fields, range from 35 to 38.6 billion barrels of oil and as much as 280 trillion cubic feet of gas, and, according to a 2011 study by the Anchorage firm Northern Economics, development of these two Arctic OCS Basins could generate as many as 50,000 jobs.

Despite this potential, this Administration has seemingly discouraged rather than encouraged development. The permit process for Shell's Chukchi project has been subject to numerous delays. Policy studies undertaken on this Administration's watch have overwhelmingly focused on the question of climate change, and have not given equivalent consideration to the resource and economic potential of the Arctic region.

The president has recently announced the intention to declare the coastal plain of the Arctic National Wildlife Refuge wilderness, despite the fact that it contains the largest single onshore oil resource that has been identified, despite the fact that operating experience on the North Slope demonstrates this resource can be developed without significant impact to the surrounding environment. The Administration has even refused to consider the State of Alaska's proposal to use modern seismic technology to verify the extent of the resource potential to assist in making an informed decision about how to proceed. The recent Draft Proposed Plan for the Chukchi and Beaufort Seas issued by BOEM places 9.8 million acres of these planning areas off limits to future exploration. The energy abundance the lower 48 is experiencing today isn't guaranteed to last.

Calvert Q26: Can you describe how an approach that adds permit and regulatory burdens to energy resource exploration, takes promising areas off the table, and fails to balance climate concerns with an equivalent study of the energy and resource potential is "balanced", and addresses the interest of Americans in developing a sustainable supply of energy in the future.

Answer: The National Strategy for the Arctic Region sets forth the United States Government's strategic priorities for the Arctic Region. One of the key aspects of the strategy is the safe and

responsible exploration and development of our Arctic resources, which have the potential to be a key component of our nation's energy portfolio.

Offshore, the Department continues to move forward with making areas available for exploration, development and leasing, and has worked diligently to overcome challenges and address critical issues in the process. The original Environmental Impact Statement (EIS) for Chukchi Sea Lease Sale 193 was published in 2007, but subsequent legal challenges and Federal court decisions remanded the lease sale back to BOEM for further analysis. Upon remand of the lease sale, the Bureau of Safety and Environmental Enforcement (BSEE) suspended all leases issued via Lease Sale 193.

In response to the court remand, BOEM conducted additional analysis using the best available data to estimate the highest amount of production that could reasonably result from Lease Sale 193 and incorporated that information into a Supplemental EIS (SEIS) that was published in February 2015. With the SEIS completed, on March 31, the Department issued a Record of Decision affirming Lease Sale 193 and the remaining oil and gas leases issued in 2008 as a result of the sale. While this work had been ongoing, the court had allowed BOEM to informally review Shell's pending exploration plan for the Chukchi Sea. Now that the lease sale has been affirmed, BSEE has lifted the Chukchi lease suspensions. BOEM and BSEE will now move forward with the remaining steps, including public engagement and additional environmental analyses, needed to complete the review and approval of specific operator activities before any exploration activity takes place.

BOEM is also progressing on Alaska lease sales in the current Program and proposed three additional sales in Alaska in the 2017-2022 Five Year Program – the Beaufort Sea (2020), Cook Inlet (2021) and the Chukchi Sea (2022).

On February 20, BOEM and BSEE released proposed regulations to ensure that future exploratory drilling activities on the OCS are done safely and responsibly. The proposed regulations codify requirements that all Arctic offshore operators are appropriately prepared for Arctic conditions and provide greater certainty for industry as it prepares for potential exploration.

We have and will continue to consider input from a wide variety of stakeholders as we work to enable the environmentally responsible and safe production of our offshore energy resources, including oil and natural gas as well as renewable energy.

National Park Service Centennial

The National Park Service marks its 100th anniversary, or centennial, in 2016. The Park Service is one of our country's most iconic and popular institutions, and benefits from a great deal of national good will. I understand that the Park Service budget request proposes a \$326 million increase in funding for the Centennial Initiative, of which \$243 million is directed to address deferred maintenance needs across the service.

Calvert Q27: Can you provide us with a brief description of the Centennial Initiative—how the proposed funds would be used, and more specifically, the Department’s plans to leverage Federal funding with non-Federal partners?

Answer: The NPS Centennial Initiative request in FY 2016 includes \$326.3 million in discretionary increases, as well a mandatory funding proposal. Of this, \$242.8 million in discretionary funding, along with a mandatory legislative proposal to provide \$300.0 million for deferred maintenance annually for three years, would address the deferred maintenance backlog by restoring and maintaining all the NPS’ highest priority non-transportation assets in good condition over ten years. To support park operations, the request includes \$8.0 million to provide additional seasonal rangers to national parks, and \$13.5 million to support new parks and critical responsibilities. The request also includes \$20.0 million for youth engagement programs, and \$2.0 million to manage growing volunteer programs.

Finally, the Centennial Initiative includes a discretionary increase of \$40.0 million for the Centennial Challenge, as well as a mandatory legislative proposal to provide \$100.0 million annually over three years. The Centennial Challenge leverages appropriated funding with non-federal donations to accomplish high priority projects in parks. Each project is required to have a minimum 1:1 non-Federal partner match. Parks work with partners (both national and local) to identify available funding. The FY 2015 project selection process was opened in early calendar year 2015 and in less than four weeks, parks submitted more than 200 projects in excess of the \$10 million in federal funding. Project selection is underway and a full list will be announced in the coming weeks. FY 2016 projects are currently being developed and will be submitted for review in April 2015. Parks were given criteria when applying for projects which specified that priority would be given to projects that leverage higher rates of partner contributions, address critical high priority deferred maintenance needs, and benefit multiple parks or contribute to Centennial goals, particularly youth engagement. The projects submitted for FY 2015 largely reflect this criteria and many projects leverage well over a 1:1 partner match.

Calvert Q28: Is the \$326 million increase intended to be a one-year surge in funding or is it intended to be a permanent increase to base funding?

Answer: One-year surge funding of \$326 million would not have a long-term impact. For example, funding of \$242.8 million would not appreciably reduce the deferred maintenance backlog on the NPS’ highest priority non-transportation assets. Similarly, one year funding of \$13.5 million for new parks and critical responsibilities would leave those same parks without support for their base operations in FY 2017. However, the Administration has not yet formulated its 2017 budget request and outyear discretionary funding commitments cannot be made at this time. With regard to the mandatory proposal, if enacted this would continue the \$300.0 million increase proposed for 2016 into 2017 and 2018.

Calvert Q29: Has the Department given consideration to creating an endowment to address the estimated \$11.5 billion maintenance backlog and other long-term needs of the National Park Service?

Answer: The creation of an endowment is an interesting idea that warrants further discussion and analysis. The National Park Service supports efforts to find sustainable supplementary funding, such as the Centennial Challenge that uses matching funds and partnerships to leverage donations to support needed investments across the Service. NPS is also exploring new options that would require legislation and funding sources, such as creating an endowment.

Wild Horses and Burros

As you know, BLM is in the process of implementing the recommendations of the National Academy of Sciences (NAS) for the Wild Horse and Burro Program, and the budget proposes an increase of almost \$3 million to continue that process. A NAS committee recently reviewed BLM's request for applications and the actual proposals for research on sterilization and contraception. It recommends issuing another request for applications in two to three years, in part because contraception and sterilization of large animals is not a major field of research.

Calvert Q30: Do you agree with this recommendation?

Answer: There is little scientific literature that addresses population growth suppression (PGS) methods for wild horses and burros with the exception of porcine zona pellucida (PZP) vaccine. Whether or not another request for applications is needed in several years will depend on the results of PGS studies that are being initiated in 2015.

Calvert Q31: Are you pleased with the quality of the proposals BLM received?

Answer: The BLM is pleased with the response and the range of approaches to PGS in the proposals. The proposals range from developing less invasive surgical sterilization methods to more effective contraceptive vaccines. Some methods may be developed and tested in two to three years while others are longer term projects.

Calvert Q32: Are there any new technologies or techniques that look promising?

Answer: Several proposals involve new and different approaches to both sterilization and contraception that will hopefully prove out; however, the outcome of research and development cannot be predicted at the beginning of the project. Even if there are positive advances in the development of more effective PGS methods, the challenges of application to thousands of animals is daunting.

Secretary's "Coastal Resilience Fund"

The budget request for the Office of the Secretary account proposes a \$63 million (24 percent) increase from current spending. Of this large increase, the request includes \$50 million to establish what is described as a "competitive Interior Coastal Resilience Fund" to support research and coastal resilience projects across the country.

Calvert Q33: What exactly is the Coastal Resilience Fund? Why is it necessary? How and where would this funding be distributed?

Answer: Understanding and preparing for the impacts of a changing climate is an Administration priority, and one in which Interior plays a critical role as both a land manager and as a partner to States, Tribes, and local governments. As a manager of natural resources, Interior knows that healthy, natural landscapes play a critical role in reducing risks that communities face, including those from a changing climate. However, degradation of natural systems—due to a variety of stressors—has impaired their ability to provide these benefits to communities.

The proposed program would build resilience in communities and ecosystems through the restoration and conservation of key natural ecological systems, such as beaches, dunes, and wetlands that reduce risks to communities and infrastructure from the impacts of coastal storms and sea level rise. Modeled after the Hurricane Sandy Competitive Grant program, this program will leverage the natural capacity of healthy landscapes to mitigate the impacts of flooding, extreme storms, and sea level rise and will focus on projects with a physical or ecological nexus to Federal lands, maximizing the impact of investments by resulting in larger healthy landscapes. In addition to yielding risk reduction and ecological benefits, this program will enhance our understanding of the impacts of extreme weather events; the benefits of nature-based infrastructure and ecosystem services; and identify cost-effective, resilience tools that help mitigate for future events. This program will incorporate monitoring and performance requirements and will help add to the growing knowledge base on the performance of natural approaches to reducing coastal risks.

The approach for implementing this initiative would be modeled on the Hurricane Sandy Competitive Grant Program in which the Department:

- worked with internal and external experts to identify the consequences of extreme events that the projects should address, the natural infrastructure strategies most likely to address those impacts, and the high risk focal geographies where those strategies would be most likely to succeed;
- distributed funds competitively to Federal and non-Federal recipients;
- leveraged Federal funds with support from the private philanthropic community and project recipients; and
- included a robust evaluation component to ensure we develop a body of knowledge on which natural infrastructure strategies work and where they work to effectively build community resilience.

For an example of the type of project that could be funded under the Coastal Resilience Fund, one can look at the Sandy grant program. The Fish and Wildlife Service repaired and restored refuges, hatcheries, and other facilities and restored wildlife habitat on public and private lands. Hurricane Sandy left behind a 22-mile debris field in the marshes and wetlands along the coastal boundary of Edwin B. Forsythe National Wildlife Refuge in New Jersey. In partnership with State agencies, these fragile areas are being cleared of trash, hazardous materials, and contaminants to restore clean water and healthy wildlife habitats.

Key benefits from the Coastal Resilience funding would be that it would help to restore coastal environments, support planning to improve community resilience, leverage outside dollars, benefit coastal communities, and build on investments already made to protect public lands.

USGS Earthquake Hazards Program – Earthquake Early Warning system

The FY 2015 Omnibus bill included \$5 million to transition the earthquake early warning demonstration project into an operational capability on the West Coast. A critical component of the earthquake early warning system is maintaining the existing real-time broadband and strong motion seismic networks along with other related monitoring networks. USGS was directed to collaborate with universities, companies and other Federal agencies with expertise to continue to observe critical fault locations.

Calvert Q34: Could you provide the Committee with an update regarding how USGS is implementing this program, and where we are currently with the process?

Answer: The USGS and its partners have been operating a non-public test earthquake early warning system since January, 2012. With funding provided by Congress in 2015, the USGS will: 1) move from a test system to a production prototype (i.e., the final hardware and software configuration); 2) expand seismic network coverage along the most hazardous faults; 3) harden seismic network communications; and 4) expand private-sector engagement and public education efforts. This work will be done in cooperation with university partners.

Calvert Q35: The FY16 budget indicates that there are not enough sensors to provide fast and reliable alerts uniformly across the West coast while also proposing a \$1.5 million reduction for the Earthquake Early Warning system. We both seem to agree that there is a need here to stand-up a reliable warning system. Therefore, can you please explain this reduction? [Particularly in the context of an 11 percent increase overall in the DOI budget, and 14 percent increase for USGS]

Answer: The 2015 Omnibus appropriation to the USGS Earthquake Hazards Program included a one-time increase of \$5.0 million for Earthquake Early Warning development; this is being used to complete the *ShakeAlert* prototype warning system and expand its geographic coverage. The President's FY 2016 budget requests \$3.5 million be added to base funding of \$1.5 million for the project, which would bring total funding to approximately \$5 million per year. The request for 2016 will support operational costs, providing a Federal cost share for the program. The USGS is continuing to work with State partners in 2015 to identify opportunities for cost sharing agreements to support the system in their states.

National Ocean Policy

Likened by the Interior Department to a “national zoning plan,” the “coastal and marine spatial planning” (otherwise known as “marine planning”) component of the National Ocean Policy is being implemented pursuant to the July 2010 Executive Order 13547. Under the initiative, new “regional planning bodies” are tasked with creating marine plans for review and approval by the new National Ocean Council.

Calvert Q36: Please describe in detail any DOI resources and personnel that has been or will be directed toward activities in support of the National Ocean Policy, including the marine planning initiative. In doing so, please provide a citation(s) to the FY 2016 budget request line item(s) that would be used to support DOI's continued participation in National Ocean Policy activities.

Answer: The Department of the Interior is working to harness emerging technologies and work with partners to elevate the Nation's understanding of our resources on a landscape-level, including those of our coasts and oceans. The mission of Interior requires diligent and thoughtful management of these resources that are vital to local, tribal, State and regional stakeholders.

The Department uses the forum provided through the National Ocean Council to work together with other Federal agencies involved in coastal and ocean issues to reduce duplication and red tape, and ensure taxpayer dollars are used most efficiently. It also provides a useful means for agencies to coordinate with States, industry, and others on a wide range of ocean and coastal responsibilities.

All oceans and coastal work support bureau missions and statutory authorities and because actions taken often support or are consistent with the NOP Implementation Plan, it is not possible to separate work done to further the NOP Implementation Plan milestones from work done to carry out those missions.

Calvert Q37: Please describe in detail DOI's planned and completed activities with regard to National Ocean Policy implementation.

Answer: The Department of the Interior is working to harness emerging technologies and work with partners to elevate the Nation's understanding of our resources on a landscape-level, including those of our coasts and oceans. The mission of Interior requires diligent and thoughtful management of these resources that are vital to local, tribal, State and regional stakeholders.

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All oceans and coastal work support bureau missions and statutory authorities and because actions taken often support or are consistent with the NOP Implementation Plan, it is not possible to separate work done to further the NOP Implementation Plan milestones from work done to carry out those missions.

Calvert Q38: The explanatory statement accompanying the FY15 Omnibus (P.L. 113-235) noted that Bureau of Ocean Energy Management's request "did not include any funds for coastal marine spatial planning and accordingly the bill provides no funds for such activities." At the

same time, BOEM's FY 2016 budget justification references the agency's "growing role in marine planning" and notes that BOEM is "building decision support tools to support coastal and marine planning."

In addition, BOEM serves as co-lead of the Mid-Atlantic Regional Planning Body and participates in coastal and marine spatial planning activities in other regions.

What is the source of funding for BOEM's continued participation in implementation of the National Ocean Policy's coastal and marine planning initiative?

How is BOEM's continued participation in these activities consistent with the Explanatory Statement to P.L. 113-235?

Answer: BOEM's mission requires diligent and thoughtful management of ocean and coastal resources that are vital to local, tribal, State and regional stakeholders. Marine planning is a fundamental part of the Bureau's statutory mandate. Both the OCS Lands Act and the Energy Policy Act of 2005 require broad stakeholder engagement and inter-agency coordination in the planning and use of offshore natural resources. Additionally, the Energy Policy Act requires DOI to "establish an interagency comprehensive digital mapping initiative for the Outer Continental Shelf to assist in decisionmaking relating to the siting of activities." Prior to the issuance of Executive Order 13547 establishing the National Ocean Policy, BOEM's predecessor agency carried out these statutory responsibilities. Since then, the National Ocean Policy has served to provide additional guidance and structure to the process of stakeholder engagement, and has not superseded existing law. All ocean and coastal work done through BOEM's marine planning efforts are critical to support its core mission and statutory authorities.

With respect to the source of funding, prior and current year budget requests for BOEM have included funding for marine planning within its base, as indicated in the General Statement and Conventional Energy chapters of its annual budget justification (see pages 7, 13, 59, and 75 of the FY 2015 budget justification). No additional funding was requested for these activities in FY 2015, and no such funds were provided. Again in FY 2016, no additional funds are requested for marine planning activities.

Offshore: Five Year Leasing Program

The Department recently proposed the Draft Proposed Program (DPP) for the 2017-2022 OCS Five Year Leasing Program.

Calvert Q39: Given that the 5-year OCS Leasing Program development process involves multiple iterations and is designed to winnow down the areas under consideration for leasing at each stage of the process, can you explain the decision to remove areas from consideration in certain planning areas without having the benefit of a full environmental analysis or compatibility study?

Answer: The Draft Proposed Program analyzed all 26 planning areas and reflects a balanced proposal that would make nearly 80 percent of the undiscovered technically recoverable resources available while protecting special areas and reducing potential multiple-use conflicts.

The options in the DPP involve sales in offshore areas that have the highest oil and gas resource potential, highest industry interest, or are off the coasts of states that expressed a strong interest in potential energy exploration, while still considering potential environmental impacts, stakeholder concerns, and competing uses of ocean and coastal areas. The DPP and scoping for the associated environmental analysis are open for public comment. Public involvement is an important step in the development of the Program and will help the Department determine whether and how it should be further refined.

Using authority granted in section 12(a) of the OCS Lands Act, 43 U.S.C 1341(a), President Obama withdrew certain areas within the Beaufort and Chukchi Seas to protect areas of critical importance to subsistence use by Alaska Natives, as well as for their unique and sensitive environmental resources. The majority of the withdrawn areas have a long history of being deferred in Five Year Programs and lease sales.

The DPP proposes a sale in the Program at least 50 miles offshore the coasts of Virginia, North Carolina, South Carolina, and Georgia within BOEM's Mid-Atlantic and South Atlantic Planning Areas. This option allows for consideration of a targeted area with resource potential, while limiting potential impacts to the environment and other ocean uses. The 50-mile coastal buffer was included for the Atlantic sale to minimize many multiple use conflicts, such as those from Department of Defense activities, renewable energy activities, and commercial and recreational fishing, while making available the vast majority of potential resources in this area. Further environmental analysis regarding minimizing potential impacts will be performed as part of the five-year Programmatic Environmental Impact Statement.

Calvert Q40: In March 2010, it was announced that the 2010-2017 5-year Program would include lease sales in the Atlantic and some additional portions of the Eastern Gulf of Mexico. After the Macondo incident, those plans were scrapped.

Why have you now proposed opening the Atlantic, but now refuse to consider the EGOM, even though the same congressional moratorium that was in place in 2010 remains in effect now?

Answer: The vast majority of the Eastern GOM (EGOM) is under Congressional moratorium and is unavailable for leasing consideration through June 30, 2022, pursuant to the Gulf of Mexico Energy Security Act of 2006. The small area of the EGOM that is available is included in the 2017-2022 Draft Proposed Program. The Atlantic OCS has not been under Congressional moratoria since October 1, 2008.

Atlantic Seismic and DPP

The Department issued a Record of Decision for Atlantic seismic last year which allows seismic surveys to determine potential oil and natural gas resources and included only a 20 mile seasonal buffer zone.

Calvert Q41: How do you reconcile the 50 mile buffer zone in the Draft Proposed Program? Why does the Department allow seismic data to be collected in an area but then decide to remove

it from consideration for leasing well before any analysis on potential impacts has been undertaken? Especially since there are several more stages in the five year planning process?

Answer: The Atlantic Geological & Geophysical (G&G) Programmatic EIS (PEIS) and subsequent Record of Decision sets a path forward for appropriate G&G survey activities off the Mid- and South Atlantic coast to update 40-year old data. This decision does not authorize any specific activities, but lays out a framework for future review of permit requests and is separate from any leasing decision.

In response to public comments and in order to make the best available resources available while balancing other conflicts and environmental concerns, the Draft Proposed Program (DPP) proposes a Program Area in the Atlantic at least 50 miles offshore the coasts of Virginia, North Carolina, South Carolina, and Georgia in a portion of the Mid-Atlantic and South Atlantic Planning Areas. This option allows for consideration of a targeted area with oil and gas resource potential, while decreasing multiple-use and other potential conflicts. The 50-mile coastal buffer was included to minimize many multiple use conflicts such as those from Department of Defense activities, renewable energy activities, and commercial and recreational fishing while making available the vast majority of potential resources in this area.

Federal Lands vs Private Lands

Calvert Q42: America's energy boom has occurred mainly on private and state lands that are outside direct federal control. Energy producers are proving that they can balance responsible energy exploration and development with protecting our environment at the same time. However, agencies in your department continue to impose new regulations on exploration and production on public lands and to persist in administering a review process that causes federal drilling permits to take several times as long to issue as permits issued by state agencies.

Can you describe the actions your bureaus are taking to make review of permit applications more consistent, more efficient and less time-consuming.

Answer: The BLM manages public lands under the principles of multiple use and sustained yield. The BLM works to balance responsible resource development with other uses and public purposes and has a responsibility to ensure development occurs safely and responsibly. The BLM is working to update regulations that are in most cases a generation old in order to keep up with industry leading technologies and best practices. Updating the regulations will streamline permitting and reduce workload for the BLM and industry by reducing the need for the BLM to process and grant variances for standard industry practices that are not reflected in the existing regulations.

The BLM is also undertaking efforts on multiple fronts to make the review of drilling permits more consistent and efficient. On the technological front, the BLM is continually improving and modernizing the tools available to its oil and gas program. The BLM is in the process of testing its new electronic Application for Permit to Drill (APD) processing module, which is part of the Automated Fluid Mineral Support System (AFMSS) II. This new system will allow operators to electronically file their APDs and includes validation checks to ensure the application package is

complete when it is received by the BLM. The BLM is also incorporating industry suggestions into the APD module. The new system uses a standardized workflow for the APD review and approval process and provides full transparency of the status of the APD to both the operator and the BLM. By implementing this system, the BLM and industry will be able to more efficiently process and review APDs. The BLM will also be able to better balance its workload and resources to assist in the expedited approval of APDs. The APD module is expected to be fully operational in all BLM offices by the end of 2015.

Calvert Q43: The President's new economic report claims that "the Administration has supported oil production on Federal and Indian lands." And yet a report from CRS indicates that, from 2009 to 2013, U.S. crude oil production on non-federal lands increased 61 percent while crude oil production on federal lands fell 6 percent. Natural gas production surged 33 percent on non-federal lands but decreased 28 percent on federal lands.

How do you reconcile that trend with an all-of-the-above approach to federal land management?

Answer: The Department of the Interior provides opportunities for industry to lease, drill, and produce from Federal lands and waters in excess of industry demand. Industry demand is driven by market conditions and the location of the resource.

Onshore Federal and Indian oil production increased 81% from FY 2008 to FY 2014. By comparison nationwide oil production over the same period increased 73%. Offshore production has also grown 8% during that time, a remarkable fact given the challenges faced by offshore development following the Deepwater Horizon incident in 2010. As development of tight gas plays in the Eastern United States has driven down the prices of gas over the past six years, the remote onshore and offshore gas fields overseen by the Department have become unattractive to developers.

Calvert Q44: Given these trends outlined by the CRS, one can reasonably conclude that it's economically challenging to produce energy on Federal lands as compared to state and private lands. Shouldn't the Department be seeking ways to encourage ways more energy production on Federal lands?

Answer: Oil and gas development is driven by market conditions and the location of the resource. As the data in the response to question 43 demonstrates, the BLM continues to support a robust oil and gas production program on the lands it manages. The BLM supports this development in the context of its multiple use and sustained yield mandate, which requires the BLM to balance an array of uses and to ensure development is conducted in a safe and responsible way. Moreover, the President's budget continues to propose significant investments for improving how the BLM leases, permits, and inspects oil and gas wells. As explained in the response to question 42, this includes updating regulations to reflect current industry practices and putting needed technology in the hands of BLM employees. The budget also includes funding increases to increase BLM's capacity for processing permits and to advance leasing reform through the development of master leasing plans.

BLM Venting and Flaring Rule

As part of the president's Climate Action Plan, the BLM is undertaking a venting and flaring rule.

Calvert Q45: Under what authority is BLM operating for the venting and flaring rule? What activities do you anticipate will be regulated under the rule? What action is BLM taking to coordinate with EPA, which also is proposing regulations focused on methane, and the States?

Answer: BLM rulemaking authority is granted in the various leasing statutes applicable to onshore Federal and Indian Tribal and allotted lands, such as 30 U.S.C. 189; 30 U.S.C. 359; 25 U.S.C. 396d; 25 U.S.C. 396; and 25 U.S.C. 2107. In particular, the Mineral Leasing Act directs the BLM to prevent the waste of Federal gas and oil resources which are owned by the American public.

The BLM is proposing regulations that would apply to onshore Federal and Indian oil and gas leases, and replace the 1979 Notice to Lessees and Operators of Onshore Federal and Indian Oil and Gas Leases (NTL-4A). The proposed rule would address prevention of waste of natural gas and royalty-free use of produced oil or gas for operations and production purposes, with a focus on reducing wasteful venting and flaring of gas resources.

The BLM is coordinating closely with the EPA on these rulemaking efforts to ensure the requirements do not conflict or impose burdensome or duplicative requirements, as well as to apply consistent approaches where appropriate, given the different statutory authorities of the two agencies. The BLM is also looking to State regulatory approaches to identify the most practical and cost-effective methods that could apply to a wide range of on-the-ground circumstances. The BLM will continue its engagement with State regulators on specific proposals to obtain the States' views on what will work best, as well as to better understand how specific proposals might interact with existing State regulations.

BLM Hydraulic Fracturing Rule

Calvert Q46: What is the status of the BLM's hydraulic fracturing rule?

Answer: The final rule was published on March 20th.

Calvert Q47: Currently, the States regulate hydraulic fracturing operations within their borders, even when the activity is taking place on federal lands. In the re-proposed rule, BLM seems to recognize the robustness of current state regulation by including a possible variance that would apply to all wells in a State, tribal area, field, or basin, where state or Indian regulations "meet or exceed" the objectives of the BLM rule.

How will BLM grant this variance? Is this a variance that each operator must have granted or will the State or Tribe work with BLM on the variance, which could then be applied state-wide? How many States do you think fall into this category of meeting or exceeding the objectives of BLM rule?

Answer: The hydraulic fracturing (HF) rule is the product of four years of work with State regulators, Tribes, industry and the public by BLM's experienced field team. It is greatly informed by the technical expertise and interests and concerns of all parties, and builds on the work of the States and Tribes to ensure best practices are required on Federal and Indian lands nationwide. There are basically two types of variances available under the rule: (1) those for individual operators/operations, and (2) those crafted with State or Tribal oil and gas agencies that would apply to all or designated portions of Tribal lands or the public land within a State. Variance provisions are regularly found in other BLM oil and gas rules, and have a history of working well. The overarching principle governing a decision on any variance request is whether or not activities proposed as part of the request meet the performance standards established by the BLM.

Individual variances could be granted where the operator's proposal meets or exceeds the performance standards of the HF rule, and State or Tribal variances may be granted if the provisions of State or Tribal rules meet or exceed the performance standards of the proposed rule. The BLM intends to work with States to ensure this rule and BLM's overall oil and gas program are being implemented in the most efficient way possible to avoid duplication or unnecessary activities by industry, other regulators, or BLM staff. As part of this effort, the BLM has reached out to several western States where the Bureau and the State may each have jurisdictional authority, to update existing Memorandum of Understanding (MOU) in an effort to strengthen coordination and reduce overlap in areas such as inspection and enforcement, variances, permitting, and idle well monitoring. Implementation of the HF rule will be part of these efforts.

Indian Water Settlements

Calvert Q48: Can you please confirm that your Department remains committed to the water settlement process and that you are being proactive in helping bring Indian water rights settlements to final resolution for Congress to consider, particularly in my drought-stricken State where such settlements are of such vital importance?

Answer: The Department is strongly committed to effectively carrying out the settlement process for Indian water rights. Securing water rights and ensuring permanent access to a clean and reliable water supply is an important component to tribal nationhood, quality of life, economic security, and to sustain fundamental cultural values. Water settlements secure tribal water rights, often ending decades of controversy and contention among tribes and neighboring communities over water. Time has shown, again and again, that Indian water rights settlements create conditions that improve water resources management by providing certainty, which in turn provides opportunities for economic development, improves relationships, and encourages collaboration among neighboring communities.

Indian land and Water Settlements (dollars in millions)			
Settlement Funding Elements	2015 Enacted	2016 Request	Change
Negotiation and Legal Support			
Bureau of Indian Affairs	16.3	30.3	+14.0
Bureau of Reclamation	3.8	5.9	+2.0
Other Bureaus and Offices	3.7	4.6	+0.9
Subtotal, Negotiation and Legal Support	23.9	40.8	+16.9
Settlement Implementation			
Bureau of Reclamation			
Ak Chin Indian Water Rights Settlement Act	14.1	15.3	+1.2
Aamodt	3.0	6.0	+3.0
Crow	2.0	12.8	+10.8
Navajo-Gallup Water Supply	81.0	89.7	+8.7
Taos Pueblos	4.0	4.0	+0
Other Ongoing Settlement Ops. and Maint.	7.9	8.2	+0.3
Subtotal, Reclamation	112.0	136.0	+24.0
Bureau of Indian Affairs			
Duck Valley Reservation	0.0	0.0	-
Aamodt	6.2	15.6	+9.4
Navajo-Gallup Water Supply	9.0	17.8	+8.8
Taos Pueblos	15.4	29.2	+13.8
Navajo Nation Water Resources Trust Fund	4.0	4.0	-
Other Ongoing Settlement Operation and Maintenance	1.0	1.0	-
Subtotal, Indian Affairs	35.7	67.7	+32.0
Subtotal, Settlement Implementation	147.6	203.7	+56.0
Total Settlement Funding	171.5	244.5	+73.0

The FY 2016 budget makes significant new investments to improve Interior's capacity to work with and support Tribes in the resolution of their water rights claims and develop sustainable water sharing agreements and management activities. These investments are critical to enabling Interior to bring about a more holistic and responsive approach to supporting Tribes and working with other non-Federal water stakeholders. The 2016 budget for technical and legal support and for authorized settlements involving tribal water rights totals \$244.5 million, an increase of \$73.0 million over 2015. This funding will support and strengthen the engagement, management, and analytical capabilities of the Indian Water Rights Office, increase coordination and expertise among bureaus and offices that work on these issues, and provide increased support to Tribes.

The kind of collaboration created by settlements and settlement negotiation is especially important when communities confront serious drought conditions as is the case in California. The implementation of the Soboba Band of Luiseño Indians Water Rights Settlement is an example where, as a result of settling the conflicts relating to tribal water rights, both the tribe and its neighbors in Southern California are in a better position to address the long-term drought currently plaguing the state. Today, the Department is closely working with the Pechanga Band of Luiseño Indians, the Tule River Tribe, and the San Luis Rey Water Authority in California as well as with other tribes around the country to finalize settlements that will benefit both Indian tribes and the neighboring communities.

Indian Reservation Lands

Calvert Q49: Can you tell me what your view is on tribes seeking to establish new reservations in the aboriginal lands of other tribes?

Answer: The Bureau is not aware of this situation taking place at any locations currently nor in the past. As such, no official policy has been established to address this particular issue. Indian Affairs would initially look at each situation individually and make a case by case decision as to the merits of each action, and take into account the benefits and costs of the action being undertaken. Consideration of the viewpoints of all affected Tribes would have to be considered as well.

Questions from Mr. Simpson

Wildfire Funding

Madame Secretary, your budget proposes to change the way that we budget for wildfires by funding catastrophic fires the same way we fund similar natural disasters, like hurricanes and floods. I strongly support the intent of this language, which would end the disastrous practice of fire borrowing in order to pay for fire suppression.

Simpson Q1: Can you explain why this is important?

Answer: Fire is a normal occurrence that is beneficial to landscapes when managed properly, however, population growth near forests and rangelands, past management practices, and changing climate have dramatically increased fire risk and fire costs.

For the past couple of decades we have budgeted for fire suppression costs using the rolling average of suppression costs of the prior ten years. When those funds are insufficient, as is often the case, funding for real-time firefighting costs is provided by transfers and borrowing of funds from other fire management activities (e.g. fuels management) and other Forest Service and Department of the Interior programs and activities.

This practice of transfers and borrowing has undermined Department of the Interior and Forest Service programs, including critically important forest and rangeland management and fire risk reduction activities. The cap adjustment proposal provides a mechanism for funding the extraordinary costs of approximately 1% of our wildland fires by providing an alternative to the transfer and borrowing approach. This proposal treats extraordinary fires in the same way the Nation treats other natural, unpredictable disasters.

The President's budget includes a wildfire suppression cap adjustment of \$200.0 million in the Department of the Interior and \$854.6 million in the Department of Agriculture-Forest Service for this purpose.

Simpson Q2: By making this change in the budget process to fighting wildfires, is it possible the Forest Service and Department of Interior will be able to mitigate the costs of future wildfires because they won't have to continually rob from the prevention costs?

Answer: The budget cap adjustment proposal is designed to improve the agencies' ability to adequately invest in preparedness, forest and rangeland health, and other fire risk-reduction work. The new funding approach will eliminate transfers and borrowing from other fire and non-fire programs to cover the wildfire suppression costs each year, stabilizing other programs' annual work plans.

Stabilizing annual work plans will improve the fuels and prevention programs' ability to plan and execute treatments mitigating the costs of future wildfires. Under this approach diverting funds from these important programs to pay for wildfire costs would be eliminated.

Simpson Q3: Can you explain why the budget cap adjustment is necessary to actually solve the problem?

Answer: The budget cap adjustment is necessary to solve the problem because it will ensure sufficient funding is available upfront to fight fires, while still allowing for needed investments in preparedness, forest and rangeland health, and other fire risk-reduction work that over the long-term will help reduce suppression costs. The proposed new budget framework treats wildfires the way other natural disasters are treated by providing funding for extraordinary conditions through a budget cap adjustment. Specifically, the President's Budget funds fire suppression at 70 percent of the 10-year inflation-adjusted average suppression cost within the discretionary budget caps. This is estimated to cover the costs of 99 percent of wildfires. Funding for costs beyond that will come from a budget cap adjustment. The cap adjustment will be used for both our very large, very costly fires and during those years in which we have an exceptional level of fire activity and costs.

The cap adjustment is an authority ceiling and not a funding target. Only extreme fires that require emergency response or are near urban areas, or activities during abnormally active fire seasons, which rightly should be considered disasters, would be permitted to be funded through the adjustment to the discretionary spending limits.

The base level of suppression funding requested within the discretionary budget caps, which equates to 70 percent of the 10-year average, ensures that the cap adjustment would only be used for the most severe fire activity since about 1 percent of the fires that cause about 30 percent of the costs.

The Department of the Interior and the U.S. Forest Service would continue to be accountable for fire costs and track costs per fire, ensure elevation of spending approvals based on set protocols and report on the results.

The cap adjustment does not increase overall discretionary spending, as it would reduce the authority ceiling for the existing disaster relief cap adjustment by the amount required for fire suppression requirements.

Sage Grouse

Simpson Q4: It is my understanding, from your comments, that the sage-grouse determination will still be made - regardless of the FY15 language included in the so called "cromnibus" - and the rule cannot be written with the language in place. Will the listing determination have any impact without the existence of a written rule and if so, what are the impacts of a determination without a rule that lists the species?

Answer: If the FWS determines that listing is not warranted, that will be a final agency action and obligations under the ESA and the stipulated settlement agreement will be fully satisfied.

If the FWS determines that the species warrants listing, the rider will preclude publication of a proposed listing rule and the species will remain a candidate species. There is no legal status or protection for candidate species under the ESA. An updated "warranted but precluded" determination would likely indicate where additional conservation work may need to be done to change the status of the species which would be a benefit to future conservation efforts.

Simpson Q5: It is my understanding that Idaho has a good plan that has been commended by both BLM and USFWS. Does the state and private lands portion still need work and if so, what can be done to help them on those lands to prevent a listing?

Answer: The Idaho Department of Lands (IDL) has prepared a draft sage-grouse conservation plan for its 2.5 million acres of State endowment lands, half of which contain sage-grouse habitat. The FWS and BLM are actively engaged with the State to further revise its draft plan to achieve sage-grouse conservation. With regard to private lands, leadership from the Governor, via financial and other support for Rural Fire Protection Associations and other State resources, has been and will continue to be very important. Additionally, the FWS and the Natural Resource Conservation Service continue to engage private landowners in Idaho to raise awareness of and facilitate participation in Federal partnerships to conserve sage-grouse and sustain working landscapes. The State of Idaho has not provided the FWS a final plan to conserve sage-grouse on private land. A clear and timely indication of what measures and mechanisms the State of Idaho plans to utilize to promote sage-grouse conservation on private lands would be very beneficial.

Simpson Q6: In the overall picture, what exactly has to happen at this point for you to decide that sage-grouse does NOT warrant a listing later this year? There are lots of players and lots of plans in the process. What needs to be done to prevent a listing?

Answer: The FWS completed, with our State partners, the Conservation Objectives Team report in 2013 (<http://www.fws.gov/mountain-prairie/species/birds/sagegrouse/COT/COT-Report-with-Deer-Interested-Reader-Letter.pdf>). This report outlines the objectives that need to be met in order to continue to have healthy sage-grouse populations. The FWS will be considering whether changes to Federal land management plans, other Federal initiatives, State regulations and strategies, and private land conservation efforts meet the conservation objectives identified in the report. The FWS continues to provide technical assistance to stakeholders regarding efforts and to support implementing measures to control impacts to the species and its habitat.

Simpson Q7: Your predecessor once told this committee that he was the defendant in 3,000 lawsuits. Clearly either way the sage-grouse decision is decided, there will be lawsuits. Can you explain the steps DOI is taking to prepare for this?

Answer: Endangered Species Act decisions are often controversial, and any final decision regarding listing of the greater sage-grouse will be no exception. The FWS has worked hard to put in place a transparent and scientifically defensible process to evaluate the status of the species. The FWS will be maintaining a comprehensive record of the information received and how it was used. Such a record will serve as the basis for defending any listing decision.

Simpson Q8: I was encouraged to read in the Washington Post on Monday, that the Western governors were somewhat optimistic about your meeting with them in regards to preventing a sage-grouse listing. I also understand that there is still work to do. However, if you are able to, can you explain the cause for optimism among western states, and some of the successful characteristics of state plans?

Answer: There is significant momentum occurring on the ground to conserve the sagebrush-steppe from the collaborative work to develop the foundational science guiding the planning and listing determination processes, to the many innovative conservation agreements coming into place with ranchers and mining and energy companies, to the steps States like Idaho are taking to combat rangeland fire and Utah took to strengthen its conservation measures on State and private lands. Federal agencies, the Western Association of Fish and Wildlife Agencies, and the States are collaborating in an unprecedented manner on rangeland fire assessments and planning that will make our efforts to prevent and suppress fires and restore habitat afterwards significantly more effective. We are putting a more effective rangeland fire strategy, built largely on these efforts, into place. Once the strong Bureau of Land Management and U.S. Forest Service plans are in place and if States like Colorado, Idaho, Montana and Oregon finalize their plans to limit disturbance in sagebrush habitat, the landscape will have changed dramatically since the FWS made its determination in 2010 thereby giving Western governors reason to express optimism. On the other hand, if momentum slows, and the sense of urgency dissipates, if plans are weakened or left incomplete, I fear we will have missed our window to act, and the landscape will only become more fragmented and the invasive/fire cycle more severe with devastating impacts not only to wildlife but to the way of life in the West.

Our relationship with affected States is collaborative, and it acknowledges the States' management authority for sage-grouse (and expertise in managing the species). We have engaged the States in every aspect of our sage-grouse work, including development of the BLM land management plans, key technical products such as the Conservation Objectives Team Report and the Conservation Efforts Database.

We have also worked with the Western Association of Fish and Wildlife Agencies to fund important scientific research on invasive species and wildfire in the Great Basin and are members of various technical and policy-level teams led by the States, such as the Governors' Sage-Grouse Task Force. Lastly, we maintain a high degree of transparency in conducting our Endangered Species Act status review and provide regular updates to State wildlife agency leadership on this process.

PILT/LWCF

We have talked before about several important programs in your portfolio — the Land and Water Conservation Fund and Payments in Lieu of Taxes— that you and I and many of my colleagues would like to address with a coordinated, long-term solution. Until that happens, this subcommittee continues to be saddled with unpalatable choices regarding whether, how, and how much we can meet these public land-related commitments to communities across the country. Regarding LWCF, I was glad to see that your budget contains discretionary funding we can consider today, as well as mandatory funding that depends on that long-term solution. I note, however, that the budget request would make PILT wholly dependent on enactment of a mandatory fix for these programs.

Simpson Q9: Without that fix, both of these programs will again be left at the subcommittee's doorstep with inadequate resources to take care of them. How can we work together to avoid that?

Answer: The Department is committed to working with the Authorizing and Appropriations committees to achieve enactment of legislation to fund both programs through mandatory funding.

Simpson Q10: Is there a way we can tie PILT/LWCF together so we can provide stakeholders on both sides with certainty?

Answer: The Department is open to working with the Authorizing and Appropriations Committees to develop funding strategies for these important programs and supports legislation to accomplish both.

Columbia River Treaty

My understanding is that the Interior Department is participating in Administration discussions related to the Columbia River Treaty after 2024.

Simpson Q11: What are the Interior Department's interests in the Columbia River Treaty?

Answer: The Department is interested in developing a modernized framework for the Treaty that ensures a more resilient and healthy ecosystem throughout the Columbia River Basin while maintaining an acceptable level of flood risk and assuring reliable and economic hydropower benefits.

Simpson Q12: What do you believe are causing the major delays in proceeding with discussions with Canada?

Answer: The Department of State has the jurisdiction to make a determination of whether or not to proceed with discussions with Canada regarding the Columbia River Treaty.

Simpson Q13: Does the Interior Department continue to support the Regional Recommendation as it was presented to the NSC and State?

Answer: Yes, the Department continues to support the Regional Recommendation as it was presented to NSC and to State.

Questions from Mr. Joyce

National Park Service

Throughout the National Park Service's existence, the agency has played a vital role in interpreting and enhancing the public's access to educational, cultural, and historic resources, by partnering with private owners and operators of significant historic sites across the country.

Joyce Q1: Given the current constraints on the National Park Service's budget, what resources does NPS plan to offer private historic site owners and operators to support these sites' mission and ensure that these historic places remain accessible to the public and are structurally protected?

Answer: The NPS recognizes that no one area of society or level of government can successfully accomplish effective historic and heritage preservation alone, and as such provides a variety of technical and financial resources to support the important contributions of state, tribal, and local governments, non-profit organizations, and private owners in historic preservation. The Federal Historic Preservation Tax Incentives Program, administered by the NPS and the IRS, promotes the rehabilitation of vacant and deteriorated historic buildings as well as the economic revitalization of our older communities; over 40,300 projects across the nation have been certified by the NPS since the program's inception, representing an estimated private expenditure of more than \$73 billion in the preservation and rehabilitation of historic buildings. In FY 2014, 1,156 proposed projects were approved for an estimated \$6 billion worth of rehabilitation work.

The NPS also supports the missions of historic sites and helps owners to maintain the integrity of their sites through robust educational and technical assistance programs. Programs such as Teaching with Historic Places, Travel Itineraries, the National Heritage Areas program, the National Register of Historic Places, the National Historic Landmarks program, the American Battlefield Protection Program, and the national historic trails program provide the means to find, learn about, and experience historic sites, while those such as the Technical Preservation Services program and the National Center for Preservation Technology and Training provide information that owners of historic sites need for the proper treatment of their properties. Additionally, NPS' official historic preservation partners in state, tribal, and local governments, national heritage areas, historic trails, nonprofit organizations, and friends groups provide similar educational, technical, and financial assistance to owners of historic sites. The FY2016 budget proposes \$89.9 million for State and Tribal Historic Preservation Grants, an increase of \$33.5 million.

Civil Rights Initiative

The Administration's Fiscal Year 2016 Department of Interior budget requests a total of \$50 million for its proposed Civil Rights Initiative to commemorate the 50th Anniversary of the Voting Rights Act. As part of the Initiative, the National Park Service (NPS) plans to invest in preserving specific sites associated with the Civil Rights Movement and the African-American experience.

Joyce Q2: Given that the Administration recognizes the significance of people, places, and events leading up to the Civil Rights Movement, will the NPS consider significant historic landmarks which are not units of the Park Service, but nonetheless associated with individuals and events prior to the Civil Right Movement, eligible for the \$30 million in competitive grants under the Historic Preservation Fund?

Answer: The FY 2016 request includes \$50.0 million to document, interpret and preserve the sites and stories of the Civil Rights Movement and the African American Experience. Of this, \$30.0 million is requested in the Historic Preservation Fund to support competitive grants to non-Federal entities such as States, tribes, local governments and non-profit organizations; benefitting properties would not be limited to those owned by the entities or organizations receiving the grants. While NPS-managed sites would benefit from other components of the initiative, the \$30.0 million for competitive grants would specifically benefit non-federal entities.

Work enabled by these grants would include surveys and documentation, the development of place-based interpretive and educational materials associated with the survey and documentation of these sites, and the planning and implementation of bricks and mortar projects for the rehabilitation and preservation of historical properties. These funds would restore, preserve, and catalog cultural resources associated with these sites, including oral histories, ethnographic studies, and museum collections, as well as providing online accessibility for associated collections.

Question from Mr. Stewart

Alton Coal Follow Up

Thank you for your response on the Alton Coal issue and the holdup that is going on at the Bureau of Land Management with regards to the coal mine expansion. I have had conversation with both Dan Ash and Neil Kornze on this subject and they invoked the same greater sage grouse reason for the delays. Juan Palma is developing the sage grouse plan and is approving the Alton Coal SDEIS; the approval of the SDEIS will only lead to another 90 day comment period not an approval to start digging up coal.

Stewart Q1: Given this, even if there were a discrepancy between the SDEIS and the sage grouse plan, how does publishing the Alton SDEIS warrant a year's delay?

Answer: With respect to the Alton Supplemental Draft Environmental Impact Statement (SDEIS), it was determined after an internal review that additional work was required to ensure the analysis reflected the information developed as part of the larger sage-grouse planning effort and related Resource Management Plan amendment. Additional work was also required to ensure that the SDEIS was consistent with the applicable regulations regarding coal unsuitability – 43 CFR 3461.5(o). The BLM Utah State Office is in the process of completing this work. Please be assured that the BLM is placing a high priority on the completion of this effort and the larger planning effort in order to ensure both provide a basis for a durable decision.

Questions from Mr. Amodei

Greater Sage-Grouse

Last year, the Secretary of Interior announced Secretarial Order 3336 to protect the sagebrush-steppe ecosystem in the Great Basin area from wildland fire and invasive species. The Department also plans to soon announce a National Seed Strategy and Implementation Plan to address invasive species, altered wildfire regimes, habitat fragmentation and ecological restoration in the West. Additionally, the Department of Agriculture recently announced a commitment to provide an additional \$207 million to greater sage-grouse conservation bringing their total commitment under the Natural Resources Conservation Service's Sage-Grouse Initiative to \$763 million.

Amodei Q1: Does the Department consider these combined efforts as an unprecedented commitment towards protecting and conserving the Greater Sage-Grouse and its ecosystem?

Answer: Yes, these investments are unprecedented and come at a critical time for a landscape that is under threat and they play a significant role in two of the three central tenants of our approach to conserving the sagebrush-steppe and the wildlife and economic activity that depends on it.

The collaborative Federal-State approach can be described as three-pronged:

- 1) Federal lands.** Because about 60 percent of the greater sage-grouse's 165 million acres of occupied range is on federally managed lands, Interior's BLM and the U.S. Forest Service are currently analyzing amendments to existing land use plans to incorporate appropriate conservation measures to conserve, enhance and restore habitat by reducing, eliminating, or minimizing threats to the habitat.
- 2) State and Private lands.** Complementing Federal efforts, 11 Western States are implementing plans to conserve and restore sagebrush-steppe landscapes on State and private lands, addressing threats from development, invasive species, and fire. About 40 percent of sage-grouse habitat occurs on privately owned lands. The Department of Agriculture's Natural Resources Conservation Service (NRCS) and its partners in the Sage-Grouse Initiative (SGI) have worked with private landowners to restore 4.4 million acres of habitat for sage-grouse while maintaining working landscapes across the West.
- 3) Fire.** Building on the work of many States, the Department is taking actions to immediately address the threat of rangeland fire to Western sagebrush-steppe landscapes in the Great Basin for the 2015 wildfire season and beyond. The actions are designed to reduce the size, severity and cost of rangeland fires; address the spread of cheatgrass and other invasive species; and position wildland fire management resources for more effective response.

Included in Secretarial Order 3336, under Section 7(b) of the Implementation Plan, Deliverables and Report, the Task Force is required to “provide the Secretary two reports that outline actions that can be accomplished prior to the onset of the 2015 Western fire season, actions that can be accomplished prior to the onset of the 2016 Western fire season, and actions that will require a longer period for implementation.” Such actions include “establishing protocols for monitoring the effectiveness of fuels management, post-fire, and long-term restoration treatments and a strategy for adaptive management to modify management practices or improve land treatments when necessary.”

Amodei Q2: Is the Department concerned with the Fish and Wildlife Service issuing a listing determination for the Great Sage-Grouse before monitoring of the effectiveness of the fuels management and habitat restoration policies outlined in the Secretarial Order is conducted?

Answer: The FWS has an obligation to review and evaluate the status of greater sage-grouse based on the best available scientific and commercial data available. The FWS expects the information gleaned through monitoring and adaptive management will help guide our understanding and refinement of approaches and techniques for fuels management and habitat restoration in the sage-steppe ecosystem. The Secretarial Order and resultant reports are an important step forward that will enable the FWS to consider immediately any policy changes that direct the prioritization and implementation of improved science-based methods for rangeland fire.

Amodei Q3: Would the Department prefer more time to monitor the results and effectiveness of its unprecedented rangeland management efforts and policies before issuing a listing determination?

Answer: The Endangered Species Act requires the use of the best available information in determining the status of a species. The FWS is considering the best information available, including input from partners and stakeholders. The FWS expects the best information available will support completion of a final listing determination within the time allowed under the court-ordered settlement.

Amodei Q4: To what extent will implementation of S.O. 3336 factor into the Fish and Wildlife Service’s Greater Sage-Grouse listing determination?

Answer: The FWS 2010 status review and the 2013 Conservation Objectives Team report both identified wildfire and the spread of invasive species as important impacts that if not addressed, would continue to significantly negatively affect the species’ habitat and ability to survive into the future. The FWS will evaluate S.O. 3336 and all other efforts in its decision regarding the current and future status of the species.

Amodei Q5: Is the Department concerned that if the Greater Sage-Grouse is listed, voluntary conservation efforts and financial commitments—from state and private landowners—to protect the species will decline?

Answer: The Department, through its respective agencies working in the sage-steppe landscape, is committed to using its authorities and working collaboratively with others to maintain working lands and the sage-steppe landscape. Our dedication to this landscape will continue regardless of the result of the status review, and we will continue to work with our partners to promote Federal, State and private conservation efforts.

Amodei Q6: If the Greater Sage-Grouse listing determination will occur September 30, 2015, why is the Fish and Wildlife Service requesting \$5 million for 20 new full-time employees for conservation in the sagebrush-steppe ecosystem for FY2016?

Answer: The FWS is committed to working with States and our partners on conservation efforts in this largely intact landscape after September 30, 2015. The best strategy we can pursue is to keep making investments in sagebrush steppe conservation. There are also many species that rely on this ecosystem including small mammals such as pygmy rabbits and sagebrush voles, reptiles like the sagebrush lizard, bird species such as sage sparrow, Brewer's sparrow, sage thrasher, and golden eagles, and game species such as pronghorn, mule deer, and elk, regardless of the outcome of the sage-grouse status review. Partners ranging from Federal land management agencies to States to private landowners are increasingly coming together to identify and pursue strategies to arrest the decline of sagebrush and dependent species across the range. The FWS is an active partner in these efforts and while much of the attention is currently focused on the greater sage-grouse, the larger issues underlying the status of the sage-grouse, namely the invasive species-wildfire nexus and the need to responsibly develop energy and other natural resources, affect a broad suite of wildlife and must be successfully managed if the sage-steppe ecosystem is to remain a vibrant and functional landscape that supports diverse wildlife and economic activity. The FWS requested an increase of \$4.0 million to continue investing in partnership efforts such as working with States like Wyoming and Nevada to implement and monitor the results of their conservation efforts, continuing to provide support and technical expertise to BLM and the U.S. Forest Service in the implementation of their plans, continuing to leverage our partnership with NRCS and SGI, and continuing to provide assurances to landowners through the Partners for Fish and Wildlife Program and Candidate Conservation Agreements with Assurances.

Wild Horses and Burros

Amodei Q7: How many wild horses and burros does the Department plan to remove from rangeland in the sagebrush-steppe ecosystem this calendar year?

Answer: Approximately 2,000.

Amodei Q8: How many acres in the sagebrush-steppe ecosystem do wild horses and burros occupy?

Answer: According to a 2013 USGS report entitled "Summary of Science, Activities, Programs, and Policies That Influence the Rangeland Conservation of Greater Sage-Grouse," the BLM manages wild horses and burros on approximately 14.6 million acres of sage-grouse habitat predominantly in Nevada, southwest Wyoming and southeast Oregon.

Amodei Q9: What percentage of Greater Sage-Grouse habitat fragmentation in the sagebrush-steppe ecosystem are wild horses and burros responsible for?

Answer: Overpopulation of wild horses and burros can contribute to degradation and fragmentation of sagebrush-steppe habitat. Degradation and fragmentation can occur at different scales and scopes. The BLM monitors the effects of wild horse and burros on a herd management area basis but does not currently have data that address fragmentation.

Grazing

Included in the Department's FY2016 budget request is \$8 million for a proposed Grazing Administration Management fee program. Of the estimated \$16.5 million the BLM would collect in 2016, about half, or \$8 million, would support a new permit processing and monitoring of livestock use in sage-grouse habitat. The increase in monitoring effort is expected to occur in the allotments currently monitored, which means there will be an increased number of compliance visits to each allotment.

Amodei Q10: What percentage of Greater Sage-Grouse habitat fragmentation in the sagebrush-steppe ecosystem is cattle grazing responsible for?

Answer: Improper livestock grazing can contribute to habitat degradation and fragmentation of sagebrush-steppe habitat. Because habitat degradation and fragmentation can occur at different scales and scopes, the BLM cannot provide an exact percentage of Greater Sage-Grouse habitat fragmentation caused by improper livestock grazing. The BLM monitors and addresses improper livestock grazing on an allotment by allotment basis.

The administration fee proposal referenced in the introduction to Amodei Q10 is a critical component of BLM's budget proposal. This fee is completely different from the existing grazing fee, which is generally well below the rates charged by States and which does not support BLM management of grazing on the public lands. The estimated \$16.5 million in fee collections from the proposed new grazing administration fee will assist BLM in achieving more timely processing of expiring grazing permits and reducing the backlog of pending applications for grazing permit renewals. As noted in the introduction, roughly half of the assessment and monitoring work conducted with the fee collections will be conducted on grazing allotments in sage grouse habitat areas to better ensure grazing activities are consistent with the sage grouse conservation plans.

Rangeland Management

Under the Department of Agriculture's Natural Resources Conservation Service's (NRCS) Sage Grouse Initiative (SGI), more than 3.8 million acres of sage-grouse habitat across the 11-state range have been conserved. Additionally, with NRCS's continued funding commitment of \$207 million through 2018, the Department of Agriculture is projecting another 4 million acres will be conserved for the benefit of the sage-grouse bringing the NRCS' total commitment since 2010 to \$763 million.

Amodei Q11: Since 2010, what amount has the Department of Interior allocated towards conserving and restoring the sagebrush-steppe ecosystem?

Answer: The Department did not begin tracking funding in support of sagebrush steppe ecosystem conservation and restoration until 2014, although in the case of BLM this funding is tracked back to 2013 when BLM included a \$15.0 increase in its Operating Plan to support implementation of its sage grouse conservation strategy. The table below shows estimated 2014 funding for BLM, FWS and USGS, and planned funding levels in 2015 and the requested funding levels in 2016. It should be emphasized that the amounts in this “Sage Steppe Crosscut” table represent only that funding which was budgeted or requested specifically and primarily for sage steppe ecosystem conservation and restoration. There may also be other base funds that indirectly contribute to sage steppe conservation and restoration, but they are not necessarily or readily trackable in all bureaus’ financial systems. For example, BLM conducts vegetative treatments and weed treatments with base funding in other programs that benefits sage steppe conservation and restoration, but that is not necessarily the primary purpose of the treatment. For similar reasons, the Sage Steppe Crosscut table does not capture funding from the Department’s Wildland Fire Management account. A portion of the funds in the Fuels Management, Emergency Stabilization, Burned Area Rehabilitation, Resilient Landscapes, Preparedness, and Suppression programs contribute to sage steppe conservation and restoration, but it is not possible to accurately differentiate and track the amounts solely for sage steppe conservation.

Sage Steppe Crosscut

(dollars in thousands)

This crosscut includes funding for activities related to restoring and conserving the sage steppe habitat of the interior West that is essential to the Sage Grouse and 350 other species dependent on sagebrush habitat and preserving the local economies and communities that depend on ranching, outdoor recreation and tourism, and other activities.

Bureau	Account - Activity	Description	FY 2014 Enacted	FY 2015 Enacted	FY 2016 Request	Change from 2015 Enacted
BLM	Management of Lands and Resources	Implementation of Sage Grouse Conservation Strategy; assessment, inventory and monitoring; 2016 increase includes portion of grazing admin. fee	15,000	15,000	68,250	53,250
FWS	Resource Management	Provide basic scientific expertise, technical assistance for ground support, and internal and external coordination and partnership building; Conserve sage steppe habitat; Inventory and Monitoring.	400	1,000	5,000	4,000
USGS	SIR - Ecosystems	Broad research program focused on analyses of sage-grouse population trends, assessing the implications of habitat fragmentation, developing restoration/rehabilitation techniques, predictive modeling of climate change and fire regimes, analyses of fire threats, assessments of cheatgrass invasion threats and control, developing habitat management strategies, effectiveness monitoring of post-fire rehabilitation, and other priority science needs of DOI.	3,834	3,834	4,834	1,000
Total FWS, USGS and BLM			19,234	19,834	78,084	58,250

Questions from Mr. Jenkins

Stream Buffer Zone Rule – Rulemaking

The Inspector General released a report in late 2013 that looked at this administration's rulemaking regarding the stream buffer zone. The Office of Surface Mining, Reclamation and Enforcement (OSM) has spent millions of dollars in the past few years to develop a replacement for the 2008 stream buffer zone rule. Secretary Jewell, you previously committed to taking a fresh look at the rule and doing your own evaluation to decide whether this regulation is necessary. On December 22 of last year, OSM officially reinstated the 1983 after the 2008 rule was vacated by court order.

Jenkins Q1: Why do you believe OSM should continue to spend taxpayer dollars on the stream buffer zone rule?

Answer: The reinstated rule, known as the 1983 stream buffer zone rule, was in effect in the primacy States throughout the appeal of the 2008 stream buffer zone rule. However, the 1983 rule, like other OSMRE promulgated stream buffer zone rules, only addressed specific issues within or adjacent to the stream itself. In the three decades since the adoption of the existing regulations, and based on our experience and engagement with state regulatory authorities, industry, non-governmental organizations, academia, citizens, and other stakeholders over this time period, significant advances in scientific knowledge and mining and reclamation techniques have occurred. We are proposing a rule that seeks to acknowledge the advancements in science, technology, policy and the law that directly impact coal miners, coal communities and our natural resources.

Questions about the scope of the 1983 rule on stream protection and the intent of the Surface Mining Control and Reclamation Act to balance the needs of coal production for American energy and appropriate environmental protection have been clarified in federal court.

Jenkins Q2: What would new rulemaking further clarify?

Answer: The primary purpose of the proposed stream protection rule is to modernize our regulations by applying updated science and reinforcing the need to minimize adverse impacts of surface coal mining operations on surface water, groundwater, fish, wildlife, and other environmental resources, with particular emphasis on protecting or restoring streams and aquatic ecosystems. Revision of the rule will also have the secondary benefit of addressing the ambiguities and inconsistencies in the interpretation of the 1983 stream buffer zone rule.

In April of 2013 OSM Director Joe Pizarchik responded to a letter stating that since 2009 OSM had spent approximately \$8.6 million developing a new stream protection rule. Despite significant opposition to the new rule, OSM continues to pursue this effort.

Jenkins Q3: To date, how much has been spent on developing this new rule?

Answer: OSMRE has spent approximately \$9.5 million to develop the rule, including the evaluation of multiple options, review of current science and technology, and consultation with stakeholders.

There have been significant advances in science and technology since the promulgation of the 1983 rule that were not addressed in the 2008 Stream Buffer Zone Rule. Incorporating the most up-to-date science, technology, and knowledge concerning the effects of surface coal mining is essential to developing maximally beneficial modern regulations. In addition, the 2008 Stream Buffer Zone Rule did not provide objective standards for certain important regulatory decisions, such as a requirement to collect baseline information about pre-mining conditions so that the regulatory authority can accurately assess the impacts of mining and assure proper reclamation. Therefore, OSMRE began work to modernize its regulations, incorporating new science, technology, and knowledge in areas that can improve, update, and more completely implement SMCRA.

Many scientific advances have occurred in the past 30 years. Under SMCRA, OSMRE can and should consider those advances when modernizing its rules. That is one reason why, combining OSMRE's on-the-ground experience with peer-reviewed academic study, we are modernizing our rules and using the best available technology and science to improve mining practices in order to minimize and mitigate environmental damage from surface coal mining. A revised rule that incorporates modern science, technology, and knowledge will enable the coal industry to do a better job of reclaiming land and restoring natural resources, and in many cases, will lead to that work being done in a more economical and efficient manner.

Jenkins Q4: How many alternatives are being considered for the rewrite of the Stream Protection Rule?

Answer: OSMRE is evaluating a total of nine (9) alternatives in the draft EIS for the proposed stream protection rule. This includes a no action alternative. In addition OSMRE considered two additional alternatives but ultimately dismissed these from further analysis due to their projected impacts on coal production.

Jenkins Q5: Is OSM considering the "no action" alternative?

Answer: Yes – the no action alternative would essentially continue application of the 1983 stream buffer zone rule as reinstated by the court. This alternative serves as the baseline against which all action alternatives are analyzed. While we have the option of maintaining the status quo, choosing this alternative would fail to address the modernization of our regulations in accordance with updated science and use of the best technology currently available.

Stream Buffer Zone Rule – Stream Miles and Jobs

During the hearing, Secretary Jewell indicated she did not know how many stream miles would be protected under the proposed rule. Additionally, Secretary Jewell stated that she had seen job impact data by region and would share that information with the subcommittee in advance of the rule being publicly released.

Jenkins Q6: Will you provide the subcommittee with any additional information regarding the amount of streams that would be protected?

Answer: The current draft of the regulatory impact analysis provides specific data on the miles of stream that are anticipated to be improved, preserved, or restored annually. This data will be available to the public when the proposed stream protection rule and associated draft EIS are published.

Jenkins Q7: Will you send the jobs impact information that Secretary Jewell had indicated she had seen in briefings on the rule?

Answer: The current draft of the regulatory impact analysis provides an assessment of employment impacts. This data will be available to the public when the proposed rule and associated draft EIS are published.

Stream Buffer Zone Rule – Cooperating with States

Jenkins Q8: The earlier stream buffer zone rule development included several cooperating primacy states as part of the NEPA process. Has this arrangement continued and when was the last time OSM communicated with those cooperating state agencies on the status of any further rule development?

Answer: When OSMRE prepared the earlier (2008) stream buffer zone rule, it did not include State coal mine regulators as cooperating agencies. However, when OSMRE began the development of the stream protection rulemaking to replace the now vacated 2008 rule, OSMRE, for what is believed to be the first time in its history, invited State regulators to be cooperating agencies. The cooperating State regulators have provided meaningful input and comments. Their help is appreciated and has been used by OSMRE. OSMRE provided a report to the States on the status of the rulemaking in October 2014.

Jenkins Q9: Has OSM ever raised any objection with primacy states in implementing the 1983 rule?

Answer: The 1983 Stream Buffer Zone Rule has a long history of litigation and varying interpretations. While some States have applied the rule to all mining impacts, others have exempted certain activities, such as burial of streams with excess spoil and coal mine waste. In addition, interpretations of the 1983 rule advanced by some in the environmental community would effectively ban all mining in intermittent or perennial streams. OSMRE intends to address these ambiguities and inconsistencies in interpretation through a proposed stream protection rule.

Jenkins Q10: Are you aware of any states that support OSM's current effort to rewrite the Stream Buffer Zone rule?

Answer: Until the proposed rule is actually published and comments are received, the extent to which any State or other party may support some or all of the proposed rule cannot be determined.

Jenkins Q11: Has OSM shared any new science with the States that would justify replacing the 1983 rule?

Answer: All of the new science that OSMRE has used to develop the proposed rule is published and available to the States and the public at large. In one case, an Appalachian State regulatory authority actually contributed to a joint Environmental Protection Agency and OSMRE study on the long-term impacts of mining on downstream water quality. In addition, when published, the draft EIS will clearly identify all such studies and provide an opportunity for input on the appropriate use of such science in the development of our proposed rule.

Jenkins Q12: Has OSM shared with any of the states what the alternatives for the new rule will be, and if not, how are the states expected to fulfill their role as cooperating agencies under NEPA?

Answer: OSMRE shared chapters of the draft Environmental Impact Statement early in the development stages of the stream protection rule, which includes some of the alternatives considered. At that time there were concerns raised by the cooperating agencies regarding the initial development of the draft EIS, and we appreciate the efforts and contributions the cooperators made.

Since that time, OSMRE and a new contractor have assumed the primary responsibilities for completing the draft EIS. During the intervening time, new alternatives have been developed and analyzed. During the on-going development of the draft EIS, the Director of OSMRE requested that his staff utilize the expertise of the cooperating agencies on a case-by-case basis whenever it was determined their special expertise was needed.

OSMRE's engagement with cooperating agencies was meaningful and provided ample opportunity for the States to offer their feedback and inform the development of the proposed rule early in the NEPA process. OSMRE looks forward to continuing to engage cooperating agencies as the rulemaking process moves forward.

Jenkins Q13: In your opinion, is OSM meeting its statutory obligations to the state under NEPA and the MOUs to which it is a party?

Answer: Yes, as previously explained, OSMRE has used and will continue to rely on the expertise of the cooperating agencies whenever it is determined their special expertise is needed.

Jenkins Q14: What plans does OSM have to uphold its legal obligations to the states as cooperating agencies under NEPA and the signed MOUs should the agency choose to move forward with this misguided rule?

Answer: OSMRE will continue to seek out and rely upon the expertise of the cooperating agencies whenever it is determined their special expertise is needed for technical issues as provided for in the MOUs.

Jenkins Q15: OSM Director Pizarchik has implied that OSM was doing states a favor by not sharing revised drafts of the EIS or regulatory impact analysis due to limited State budgets. If a cooperating state agency expressed an interest in receiving drafts of such documents as they are being developed, will you share those drafts with them so they can make a decision on whether to provide OSM with earlier input on the accuracy, quality and efficacy of those drafts?

Answer: At this point, OSMRE does not contemplate distributing additional drafts of the draft EIS prior to publication of the proposed rulemaking for public review and comment. However, once the proposed rule and draft EIS are published, OSMRE anticipates receiving comments from cooperating agencies.

Abandoned Mine Land (AML) Fund Surplus

According to OSM's budget justification, more than \$8 billion in industry AML fees have been appropriated, but the cost of reclaiming the priority 1, 2 & 3 AML sites has been only about \$2.5 billion.

Jenkins Q16: Can you explain where the remaining \$5.5 billion was spent?

Answer: Since 1978, approximately \$8 billion has been appropriated as discretionary and mandatory funding from the AML Reclamation Fund. Revenue deposited into the Fund is derived from AML fees and interest earned on the Fund. Appropriations have provided \$5.1 billion for AML grants to States and Tribes to reclaim abandoned sites. The States and Tribes have obligated these funds according to the purposes set forth in SMCRA, which include:

- 50%, or \$2.5 billion, was spent on construction costs for coal AML Priority 1, 2, and 3 projects completed as of September 30, 2014.
- 14%, or \$700 million, is the estimated construction costs of coal AML projects funded and not yet completed.
- 7%, or \$355 million, is estimated to have been spent by AML States and Tribes for administrative costs from 1998 - 2014.
- 5%, or \$223 million, is estimated to have been placed in acid mine drainage set-aside funds by States; these set-aside funds are authorized to be placed in interest bearing accounts for operation and maintenance of water treatment systems.
- The remaining 24% is estimated for expenditures such as:

- Technical support that is not specifically tracked and not included as part of the completed project's cost. These costs include: 1) Planning processes for the use of AML grants (e.g. interagency review and coordination, consultations and documentation for compliance, such as the National Environmental Policy Act compliance); 2) Project design (e.g. preparing engineering designs, engineering estimates, feasibility review of potential reclamation methods); and 3) State/Tribal oversight costs (e.g. inspections, site visits).
- Expenditures associated with the initial start-up cost of States and Tribes establishing their own AML programs and building capacity to implement the programs (e.g. staff, training, field equipment, vehicles, etc.).
- Administrative costs prior to 1998. This may include coordination for bids, contracts, and grant activities.
- Non-coal construction costs.

Of the remaining \$2.9 billion appropriated as discretionary and mandatory funding from the AML Fund, \$1.3 billion was from interest earned and has been transferred to certain health care plans administered by the United Mine Workers of America (UMWA) Health and Retirement Funds since 1996. The remaining \$1.6 billion was available to carryout activities related to environmental restoration and other requirements, including: annual appropriations supporting OSMRE's AML operating expenses since FY 1978; Federal reclamation project administration; and, construction costs for emergency and high priority projects in States and Tribes without an AML reclamation or emergency program. In addition, OSMRE provided funding to States for the Small Operator Assistance Program and to the Department of Agriculture for the Rural Abandoned Mine Program in the past, though these programs are no longer funded. Finally, funds were appropriated and provided to States for specific purposes, such as AML emergencies.

Jenkins Q17: Can OSM provide an accounting of all the expenditures to date under the AML program in terms of amounts that were spent on each priority? Please include the amounts for both federal and state overhead costs.

Answer: OSMRE does not track expenditures at a level of detail to provide total expenditures and overhead costs by priority. Since 1977, over 368,000 equivalent acres of priority 1 and 2 public health, safety, and associated environmental related coal problems have been reclaimed. OSMRE has developed a national inventory that contains information for more than 21,000 problem areas associated with abandoned mine lands, mostly coal. A problem area is a uniquely defined geographical area that contains one or more abandoned mine land problems. Therefore, construction costs for more than one problem area related to one or more priority may be addressed under each approved, funded project.

As described in the response to Question 16, overhead and technical support is not included as part of the completed costs, by priority, in the inventory. The AML Accomplishments table that appears in OSMRE's budget request presents AML problem types, construction costs for completed reclamation, and estimated remaining reclamation construction costs for each of the problem types. OSMRE's FY 2016 budget requests funding to evaluate AML program

implementation, including identifying more effective and efficient tools for AML site identification, contract management and program oversight.

Abandoned Mine Land (AML) Fund Fees

Jenkins Q18: Given the \$2.5 billion surplus balance in the AML and with less than one out of every three dollars going to priority AML work, how can the Administration be proposing to increase the AML fees on the coal industry?

Answer: The statement regarding the “one out of every three dollars” spent on priority AML work, is incorrect. Of \$8 billion in appropriated funds, \$5.1 billion, or 64 percent of the funds, have been provided to States and Tribes since FY 1978 with the primary objective of reclaiming abandoned coal mine sites and for other authorized uses. Additionally, OSMRE has transferred \$1.3 billion to the United Mine Workers Association as required by SMCRA and \$1.6 billion was available to carryout activities related to environmental restoration and other projects.

Regarding the rationale for the proposal to increase AML fees, several factors have contributed to the OSMRE proposal to return the AML fee to its original level prior to the 2006 SMCRA amendment including:

- 1) The current inventory of unreclaimed AML problems, by some estimates is over \$9 billion. Over \$4 billion worth of these unreclaimed high priority sites feature problems classified as Priority 1 (extreme danger to public health and safety) and Priority 2 (adverse effects to public health, safety,). In addition, there are more than \$2 billion worth of unfunded Priority 3 sites (adverse effects to land, water resources, or environmental problems adjacent to another Priority), and another \$3 billion worth of unfunded problems designated as general welfare sites that are under review.
- 2) The estimated cost to reclaim the AML problems listed above is likely below the actual costs to reclaim those sites because the inventory of AML problems is not adjusted for inflation.
- 3) The AML inventory system is dynamic. Given the increased accessibility in remote areas using enhanced mapping technologies, equipment and demographic expansion into areas once considered remote, new AML problems are being added to the inventory and data on existing AML problems are being updated on an ongoing basis.

To expedite and ensure reclamation of AML problems, it is prudent to restore the AML fees to the 1977 levels, which were in effect until the 2006 amendment to SMCRA reduced the fees.

Storm Water Runoff Analysis

OSM has been conducting oversight on the topic of storm water runoff analysis (SWROA) for about 15 years. The West Virginia Department of Environmental Protection (WVDEP) has taken several actions over those years to improve the implementation of SWROA provisions. These include staff and industry training and development of web-based systems for identifying rainfall events that need further monitoring. West Virginia has the most in-depth analysis of

surface water runoff of any state including Tennessee, where OSM is the mining regulator. While West Virginia's program contains this provision, it doesn't have a federal counterpart.

Jenkins Q19: Why does OSM review sections of the West Virginia program that is already more stringent than the federal program?

Answer: OSMRE is obligated to perform oversight of every State's approved mining regulatory program. While West Virginia has improved its program by incorporating and providing training to those responsible for administering and complying with the SWROA requirements, having a regulation with more specificity on the method of documentation of operator compliance does not relieve OSMRE of its oversight responsibilities to ensure the State is properly administering that part of its program. OSMRE is executing oversight responsibility by examining the compliance and effectiveness of the SWROA requirements.

Underground mine pools and Post Underground Mining Assessment (PUMA)

OSM has published reports on the Fairmont mine pool and the North Branch of the Potomac mine pools and is threatening an action plan on mine pool monitoring issues and releases on underground mines. From discussions with other states, there seems to be less of an emphasis on this issue by OSM.

Jenkins Q20: Why does OSM spend time and effort and funds on this in West Virginia? If a discharge were to occur, it would be regulated under Section 402 of the CWA.

Answer: The State of West Virginia requested technical assistance from OSMRE to help characterize the hydrology associated with the complex of mines associated with the Fairmont mine pool. Similarly, Maryland requested help in characterizing the North Branch of the Potomac mine pool, which straddles both Maryland and West Virginia. We continue to provide this type of assistance to other States as well. For example, we are helping Pennsylvania map and characterize the mines in the Little Conemaugh River outside of Johnstown so that Pennsylvania and others can consider various alternatives to effectively treat the mine water discharges that have been degrading that river for decades.

OSMRE has the experience and the unique hydrology, engineering, and geographic information system expertise to help the States address mine pools. OSMRE has provided the States valuable information regarding the hydrology of flooded mine complexes including projections of future conditions should existing conditions change. An example would be the location, quantity, and quality of surface discharges, should an active coal mine operation discontinue pumping and treating. OSMRE and the States in the Appalachian Region are beginning to use lessons learned from these studies to address or avoid similar situations with flooded underground mines.

OSMRE also has a duty to ensure all primacy states properly administer their respective SMCRA programs regarding underground mine hydrology, as failure to control the discharge from some of these large mine pools could have major environmental, economic, and social impacts to downstream communities. SMCRA requires the protection of the hydrologic balance [SMCRA sections 515(b)(10) and 516(b)(9)]. The operator has to predict the probable hydrologic consequences of its actions [SMCRA section 507(b)(11)] and the regulatory authority must

consider the cumulative impact of all anticipated mining in the area on the hydrologic balance to ensure the proposed operation has been designed to prevent material damage to the hydrologic balance outside the permit area [SMCRA section 510(b)(3)], and finally, the operator must then monitor [30 CFR 816/817.41] those potential impacts. While SMCRA does not set the water quality standards, compliance with the CWA is required as part of the SMCRA permit [30 CFR 816/817.42]. In underground mines, after coal extraction is completed, it may take years for the mine to fill with water. The long-term effects of flooded underground mines must be considered and adverse effects avoided.

SMCRA provides a financial safety net by requiring reclamation bonds, or other alternative financial guarantees, to ensure public safety or avoid pollution should a mine operator default on the conditions of the mining permit. There is no similar bonding system in the CWA.

With respect to a formal Action Plan specifically for West Virginia, it should be noted that OSMRE oversight in that State previously discovered long term pollution drainage conditions that were not properly analyzed in the permitting process. OSMRE and the West Virginia Department of Environmental Protection agreed to develop additional permitting and site monitoring procedures with associated training to address these problems. This effort has not been completed in a timely fashion so the OSMRE Charleston Field Office is considering the more formalized process of an Action Plan.

Use of the Ten Day Notice Procedure for perceived permit requirements

It appears that OSM has now more frequently interjected itself into the permit review and approval process. Historically, such permit processing has been left to the state agency and their discretion.

Jenkins Q21: Why does OSM use the TDN process to involve itself in the permit review process?

Answer: The provisions of SMCRA that set out OSMRE's TDN authority do not distinguish between types of violations; they apply to *any* violation of SMCRA. Thus, permit issues are handled like any other violation under SMCRA. This means that OSMRE generally must issue a TDN whenever: (a) the authorized representative has reason to believe a permit defect exists (whether based on an oversight inspection, an administrative permit review, a citizen's complaint, or any other information available to the authorized representative); or (b) on the basis of a Federal inspection, the authorized representative determines that a permit defect exists and OSMRE has not issued a previous TDN for the same violation. Thus, if a State issues a permit that is in violation of SMCRA, then the permit can be subjected to the TDN process.

OSM Budget

Chairman Rogers asked Secretary Jewell about the additional \$5.5 million that OSM requested for its regulatory budget. This is while OSM simultaneously proposes to cut state grants by over \$3 million, despite the fact that the states do most of the regulatory work.

Jenkins Q22: What is OSM planning to use the additional \$5.5 million for?

Answer: For the Regulation and Technology Account, OSMRE is requesting a net increase of \$5.7 million, including funding for fixed costs for pay and other items, and funding for program monitoring and support services.

The 2016 request includes \$65.5 million for regulatory grant amounts to States. This request will fully fund State regulatory programs. In recent years, the States have not used all of the appropriated funding and returned regulatory program funds end the end of the fiscal year. For this reason, the budget reflects a reduction of \$3.1 million from the enacted level. The OSMRE will utilize recovered funds to support State regulatory programs in the unlikely event that the requested funding is insufficient.

The programmatic increases included in the 2016 request support improvements and investments in technology to better implement SMCRA. These include: additional technical staff to support improvements in the implementation of existing laws and technical assistance to States/Tribes; data applications for electronic permitting and Federal cost recovery; expansion of the GeoMine Project (a coal mining geographic information system) to share data among States, Federal agencies, industry and the public to provide for more efficient, quality decisions; funding to provide to States and universities for technical studies specific to coal mining activities; and dedicated staff, including youth employment opportunities to expand reforestation of reclaimed coal mine sites.

Jenkins Q23: With fewer coal mines in operation today than two years ago, it would seem that OSM should be cutting its own budget rather than increasing it. Has OSM done any analysis of the trends in operating coal mines over the past few years and adjusted its budget to match the trend?

Answer: OSMRE has studied its requirements to review, inspect, and maintain permits as part of its proposed Federal Cost Recovery Rule and has recommended reductions in its budget based on the estimated costs to carry out those functions where OSMRE is the regulatory authority. Where OSMRE conducts State program evaluations, its regions conduct an annual analysis of staffing needs for oversight and inspections based on the number of inspectable units. Personnel work with State regulatory authorities and tribal leaders to develop annual plans. Reductions in compliance reviews due to fewer operations are considered during these discussions. The majority of the increases requested in OSMRE's FY 2016 Budget will invest in technology and technical expertise to support regulatory and reclamation operations.

Jenkins Q24: OSM's own performance projections forecast a reduced workload throughout the agency including a reduction in the percent of active coal mine sites that have off site impacts. The proposed budget also anticipates a reduction in permits submitted to OSM for the coming fiscal year.

With the reduced workload, on what does OSM plan to use the requested \$15.8 million budget increase?

Answer: OSMRE does not forecast a reduced workload. While the number of permit applications and active sites may be estimated to decrease, oversight inspections are still required until bond is released on each site. Also, a decline in the number of permitting actions does not portend a decline in OSMRE's workload because the complexity among permits varies. Furthermore, a mine that is not producing coal must still be inspected until final bond release which can take ten years or more. When the coal market is depressed, as it is now, some mine operators do not adhere to regulatory requirements, which causes violations and require additional administrative and on-the-ground work to monitor and track resolution.

OSMRE's budget request includes increases for the following items. Additional information on each item is contained in the FY 2016 Budget Justification.

Increases include:

- + \$3,846,000 to Improve Implementation and Support the States and Tribes (+12 FTE);
- + \$1,899,000 for Applied Science Projects to advance technologies;
- +\$2,500,000 for Expansion of OSMRE's GeoMine Project (+2 FTE);
- +\$2,000,000 to Support AML Project Planning (+3 FTE);
- +\$1,400,000 for AML Program Evaluation (+3 FTE);
- +\$1,000,000 for Expansion of the Reforestation Initiative (+3 FTE);
- +\$971,000 for Fixed Costs
- +\$750,000 to Support Electronic Permitting;
- +\$500,000 for Cost Recovery Data Application;
- +\$440,000 for Solicitor Support;
- +\$293,000 to Support Project Monitoring of Federal Reclamation Projects;
- +\$200,000 for Financial Management Monitoring; and
- +\$2,000 for Indirect Cost Negotiations (DOI Working Capital Fund, direct bill).

Jenkins Q25: According to OSM's proposed budget, "States and Tribes regulate about 97 percent of the Nation's coal production and complete over 90 percent of the abandoned mine lands abatement work. Of the 2,300 government employees directly involved on a daily basis in implementing the regulatory and reclamation programs of SMCRA, less than 25 percent work for OSM." States and tribes are doing an increasingly effective job of implementing existing performance standards in recent years, and yet OSM continues to target state grant funding.

What is OSM doing to restore state grant funding?

Answer: OSMRE's budget request of \$65.5 million is expected to fund the Federal share of State and Tribal regulatory programs at the maximum level allowable under SMCRA based on the annual return at the end of grant cycles of at least \$3 million in appropriated funds. Appropriated prior year funds are also available to support regulatory programs.

Questions from Ranking Member McCollum

Onshore Oil and Gas Inspections

The budget request again includes a proposal for an expanded inspection program for onshore oil and gas operations to be paid for by inspection fees charged to industry. As you know, in the FY 2012 Interior and Environment Appropriations Act, Congress authorized these same inspection fees for offshore oil and gas operations.

McCollum Q1: What steps is the Interior Department taking to improve the onshore oil and gas inspection program?

Answer: The Interior Department is taking numerous steps to improve its onshore oil and gas inspection program. In FY 2011, the BLM initiated a risk-based strategy for prioritizing production inspections. This risk-based strategy allows BLM to maximize its limited inspection resources to meet its inspection goals and requirements. In FY 2014, the BLM performed production inspections on 100 percent of all cases rated as high priority by the BLM. During FY 2015, the BLM has set a goal of accomplishing not only 100 percent of the high priority production inspections, but also 100 percent of all other high priority inspections including drilling, abandonment, work over, idle well, and environmental inspections.

To ensure it retains and attracts qualified employees, the BLM has used pay differential authority for petroleum engineering technicians, as provided in the 2014 Omnibus Appropriations Act, and is working with the OPM on a longer-term administrative solution to ensure it can offer competitive benefits for priority positions that are also in demand in the private sector.

Efforts are also underway to implement various GAO recommendations aimed at correcting and improving the inspection and enforcement program, including efforts to continue to improve oversight and coordination across BLM offices.

Finally, the BLM is working on revising Onshore Oil and Gas Orders 3, 4, and 5 which address how oil and gas is measured and stored in a secure facility to prevent theft and mishandling of production, waste, and beneficial use. These updates will help ensure consistency of practices across offices which will help BLM make its inspection program even more efficient within existing resource constraints.

McCollum Q2: What role would the inspection fees play in implementing these improvements?

Answer: The estimated \$48 million in collections generated from the inspection fee will provide a \$6.9 million budget increase for these activities. Similar to offshore, the onshore inspection fee proposal would also provide for more stable inspection resources to reduce risk. These funds will allow the BLM to recruit, hire, and train new inspectors. These inspectors are needed to ensure the agency's high priority inspection workload is achieved, to conduct additional production inspections to ensure the proper measurement and reporting of production, and to conduct additional environmental inspections to ensure environmental compliance in all phases of development. This increase will enable the BLM to be more responsive to industry demand and an ever evolving inspections workload.

McCollum Q3: How do the proposed inspection fees compare to the income the oil and gas industry generates from production on Federal onshore lands?

Answer: The BLM does not have proprietary data on the amount of income individual operators generate from production on Federal onshore lands, and how this compares to the amount these individual operators would pay in proposed inspection fees. However, in the aggregate, the oil and gas industry generated approximately \$33.3 billion from sales of oil and gas products from onshore lands in FY 2014. The total of \$48 million in inspection fees would represent approximately 0.14 percent of the revenues the oil and gas industry generates from onshore lands.

Land and Water Conservation Fund

Last year was the 50th anniversary of the Land and Water Conservation Fund (LWCF), a landmark program that has preserved millions of acres of unique and special lands for the benefit of present and future generations. For the past several years appropriations from the LWCF have totaled a little more than \$300 million annually, even as the Administration has requested the full funding of \$900 million annually for the program.

McCollum Q4: With the Administration requesting many more projects than have been actually funded, can you tell us how the lack of full funding has impacted Interior's ability to preserve important lands and eliminate inholdings?

Answer: The LWCF enjoys widespread popularity, and there are consistently more willing sellers than available LWCF funding. Yet the program is constrained by uncertainty about annual appropriations and insufficient appropriations. Unpredictable funding has made it increasingly challenging for local, State and Federal managers to engage in multi-year planning to address the development threats facing the nation's most important open spaces, pristine habitats, and cultural sites-the lands and waters that support vibrant outdoor economies, provide community recreation opportunities, and preserve our history. Dozens of valuable conservation opportunities are passed over each year when appropriations do not meet the level of the budget request. Limited funding also forces the agencies to complete larger acquisitions piecemeal, which is inefficient and ends up costing more money in transaction and administrative costs in the long run.

At St. Marks National Wildlife Refuge in Florida, the Fish and Wildlife Service had the opportunity to acquire 14,679 acres valued at \$32.8 million in FY 2013 which contains unfragmented habitat for a variety of federally-listed endangered and threatened species. If sufficient LWCF funding had been available in FY 2013, FWS could have acquired the acreage at a greatly reduced cost; and the Service would not incur additional overhead expenses for separate land appraisals, title searches, and closings for partial acquisitions. The FY 2016 budget requests \$12.0 million to purchase 33 percent of the acreage, leaving 67 percent of this habitat vulnerable.

In FY 2015, the National Park Service requested \$776,000 for acquisition of inholdings at Acadia National Park which were not appropriated. As a result, the Maine Coast Heritage Trust (MCHT), a partner in land protection within Acadia NP, continues to hold the 5 acres it purchased to protect land for Acadia NP, limiting their flexibility to address other opportunities at the park. If the appropriation had occurred, NPS would have purchased the 5 acres from MCHT, they would have had funds available to acquire a tract of land, within the park and completely surrounded by NPS land, which recently went into foreclosure. Unfortunately, without available capital, MCHT was not able to acquire this property and it was recently acquired by an investor for development. This piece of land is visible from a major island highway on Mount Desert and commands scenic views on either side with undisturbed wildlife habitat. Development will fragment the habitat.

The Bureau of Land Management FY 2016 request includes \$3.3 million to acquire 621 acres for the Agua Fria National Monument in Arizona. The property is a significant Monument inholding, and is highly threatened by rural residential development. The acquisition includes more than a mile of Agua Fria River riparian habitat, and a substantial number of water rights. This stretch of the Agua Fria River is habitat for several endangered and State and Bureau sensitive species including but not limited to: Gila Chub, Gila Topminnow, Longfin Dace, Speckled Dace, Lowland Leopard Frog, Gila Monster, Yellow-billed Cuckoo, and Zone-tailed Hawk. The upland portions of the property encompass numerous pueblo ruins, rock art sites, and artifact scatters. The property is highly scenic and includes dense stands of saguaro cacti, and other rare plant species. This acquisition is a high BLM priority due to its natural resource values, new public access opportunities, water rights, and the proximity to the Phoenix metropolitan area. If sufficient funding is not available the BLM risks losing management efficiency and the preservation of Monument values and objects, including open space, a flowing stream, riparian habitat, recreation opportunities, and cultural resources.

McCollum Q5: Are we losing important lands when willing sellers end up selling to others because they can't wait for federal funding?

Answer: Inholding properties for sale within Federal lands are in high demand because of their scenic and recreation value, and agencies miss opportunities to purchase important inholdings when funding is not available when a property owner is ready to sell. Sometimes third parties can act quickly to act as a bridge until funding becomes available, but too frequently, the opportunity to protect inholdings in our national public lands is lost when funding does not come through. The following examples illustrate these challenges.

At Umbagog National Wildlife Refuge in New Hampshire, the FWS signed an option to acquire land and requested \$3.2 million in LWCF funding in 2010 and 2011 for the Androscoggin Headwaters Phase 1 acquisition at the refuge. The Service received \$1.0 million in FY 2010, but the option expired in December 2010. The seller declined to extend it because Congress had not yet enacted the FY 2011 appropriation for the remaining portion. The Trust for Public Land stepped in, acquired the land from the seller, and held it for six months until the Service received a FY 2011 appropriation. TPL conveyed the property to the Service in June 2011. This is a typical example of a conservation partner assisting the FWS to protect land so the opportunity is not lost for lack of timely funding.

However, a recent example in Georgia's Kennesaw Mountain National Battlefield Park is illustrative of instances when, despite the active assistance of other parties, important land acquisition opportunities are lost. In this instance, the property identified for acquisition consisted of 16.2 acres and was the last private undeveloped in-holding within the authorized boundary of the Kennesaw Mountain National Battlefield. The Trust for Public Land (TPL) and the National Park Service worked jointly to try to acquire this property in 2010, when it became available. The TPL obtained an option on this property in 2012, but without Federal funding, they were unable to exercise the option and it expired. Frustrated, owners put the property on the open market. Despite efforts to secure private donors, the owners received an offer from a developer above their asking price. The property was sold and has been developed into "The Farm at the Retreat" subdivision which consists of six high-end single family homes.

Water Availability

Water availability has become a major issue for much of the nation. To help address this issue, the budget request includes \$89 million for WaterSMART.

McCollum Q6: How would these funds be used to help the country manage its water resources?

Answer: Interior's collaborative WaterSMART initiative works to secure and enhance water supplies to benefit people, the economy, and the environment, and identifies adaptive measures that help to address climate change and future demands. The Department's 2016 budget includes \$58.1 million for water sustainability efforts through the Bureau of Reclamation, an increase of \$7.5 million from the 2015 enacted level. The budget also includes \$31.0 million for the U.S. Geological Survey WaterSMART Availability and Use Assessment initiative, a \$14.6 million increase from the 2015 enacted level.

Interior will continue efforts to promote sustainable water strategies and improve water management through science, collaboration, and cooperation. These approaches are demonstrated through further implementation and development of the Water Census, Reclamation Basin Studies, WaterSMART Grants, Water Reclamation and Reuse projects, Cooperative Watershed Management programs, and a new Drought Response program. Comprehensive basin-wide approaches such as these are critical to assess water demands, evaluate the availability of and risks to water supplies, and plan for the impacts of reduced availability and increased demands in collaboration with Interior's partners.

In 2016, Reclamation anticipates funding one or two new basin studies in the western U.S. and one new West-wide climate risk impact assessment, seven Water Reclamation and Reuse projects, over 40 new WaterSMART Grant projects, and establish or expand four to six watershed groups. Reclamation proposes to increase the Drought Response program begun in 2015 with drought planning and implementation actions such as water marketing solutions to address municipal water shortages, installing water measurement devices to improve efficiency and measure drought impacts, and other small-scale improvements to increase water supply reliability. Additionally, Reclamation will continue implementing the Resilient Infrastructure program, through which Reclamation proactively maintains and improves existing infrastructure

for system reliability, safety, and efficiency for water conservation to prepare for new weather extremes and support healthy and resilient watersheds.

The USGS produces critical data, studies, and information to help inform water management and balance competing needs for water. One of the primary WaterSMART activities conducted by the USGS is the National Water Census. An important component of Interior's water sustainability strategy is to inform the public and decision-makers about the status and changes over time of the Nation's freshwater resources. The USGS National Water Census works to provide a more accurate picture of the quantity and quality of the Nation's water resources for beneficial uses and provide a basis for improved forecasting of water availability for future economic, energy production, and environmental uses. Through this effort, USGS works directly with stakeholders to identify and address critical information gaps needed to inform management decisions and uncertainties.

The USGS research conducted under WaterSMART includes characterizing long-term trends in streamflow, assessing groundwater availability, quantifying water losses to the atmosphere, estimating water use requirements, and developing tools to understand the ecological impacts of changes in water availability. Three USGS Geographic Focus Area Studies in the Apalachicola-Chattahoochee-Flint Basin, the Colorado River Basin, and the Delaware River Basin, are an important part of this effort. They contribute to ongoing assessments of water availability in large watersheds with potential water use conflicts, provide opportunities to test and improve approaches to water availability assessment, and inform and ground truth the Water Census with local information. These studies enabled researchers to adopt a place-based approach to integrate diverse lines of scientific investigation while integrating feedback from stakeholders on their science needs and most critical uncertainties.

Interior is also continuing its partnership with the Environmental Protection Agency in the Urban Waters Federal Partnership to restore urban waterways and reconnect city populations with flowing rivers and streams in their immediate neighborhood. Cleaning up and restoring local water resources is essential to human health, the economic vibrancy of communities, and an overall improved quality of life.

Question from Mr. Kilmer

Lahar Detection and Warning System

According to the USGS, Mount Rainier in my home state is the most dangerous active volcano in North America. A lahar event at Mount Rainier could result in significant loss of life and billions of dollars in economic impacts. The current lahar detection and warning system at Mount Rainier only covers only two of the six river valleys off Mount Rainier and the technology has reached its “End of Life.” There is a collaborative effort in my home state among regional, state, and local entities to find a comprehensive solution that will cover all six river valleys with new technology and modern capabilities.

Kilmer Q1: Can you discuss whether the Department supports investing in the modernization of a lahar detection and warning system at Mount Rainier? What plans does the Department have for upgrading this system?

Answer: In 2005, the USGS embarked on creating a National Volcano Early Warning System (NVEWS). The purpose of the initiative is to improve the monitoring and alerting infrastructure at U.S. volcanoes that present the highest threats to nearby communities and the aviation sector. Not surprisingly, snow and ice covered Cascade volcanoes like Mount Rainier were found to be among the highest threats owing to their explosive nature, nearby population and infrastructure, and history of producing far-traveled destructive lahars. The current lahar detection system in place on the Carbon and Puyallup Rivers was designed by the USGS more than 15 years ago and was installed by the USGS and Pierce County. Since installation, the system has been operated and maintained by Pierce County with technical assistance from the USGS. As components have aged and become obsolete, the current system is at the end of its usable service life. Pierce County has dedicated funds to upgrade the lahar detection system on the Carbon and Puyallup Rivers this year. The USGS is working closely with Pierce County in an advisory capacity on this upgrade.

In 2007 and 2008, the USGS improved the overall Mount Rainier monitoring network to a basic level. For the foreseeable future we will be addressing serious shortfalls in monitoring capability at Mount Hood, Glacier Peak, Mount Baker, and Mount Adams, before returning to undertake an overhaul of the Rainier network including the lahar system. USGS will continue to advise and work with Pierce County to modernize the system.

Questions from Mr. Israel

Wildlife Trafficking

We'll have a chance to talk to Fish and Wildlife Service Director Dan Ashe in a few weeks, but I wanted to ask quickly about wildlife trafficking issues. I think all of us here agree that this is a major issue that we need to be doing more to confront, even if we don't always necessarily agree on how to do it.

Israel Q1: Do you feel as though the Fish and Wildlife Service has the necessary tools in their toolbox to address wildlife trafficking?

Answer: Wildlife trafficking is a difficult problem and as such, requires cross-government coordination to address the issue. Over the last several years, the Federal government—with FWS as a key participant—has engaged in interagency discussions to develop a government-wide strategy for combating illegal wildlife trafficking. The culminating strategy—the National Strategy for Combating Wildlife Trafficking spells out three strategic priorities for the U.S. government: Strengthening enforcement; Reducing demand for illegally traded wildlife; and Expanding international cooperation and commitment.

FWS is committed to advancing these strategic priorities. For example, the FWS has already taken several steps to strengthen regulatory controls over import, export, and sale of African elephant ivory, rhino horn, and specimens of other protected species, and we are exploring additional ways to strengthen wildlife laws and regulations to better position the Service to address wildlife trafficking.

The FWS Office of Law Enforcement (OLE), in cooperation with the Department of State, is building its international presence and influence by placing several international special agent attachés overseas. The first is already in place in Thailand. Three pending selectees will be placed in Botswana, Tanzania, and Peru, FWS is working to obtain approval for an attaché position in China—a key player in much of the demand for illegal wildlife and wildlife products. Additionally, OLE is training African and Asian wildlife officers; increasing the intelligence shared among law enforcement agencies with common missions; enhancing the targeting of illegal wildlife shipments; and implementing wildlife detector dogs that support frontline wildlife inspectors and special agents.

The FWS International Affairs Program is also actively engaged in combating wildlife trafficking, increasingly targeting FWS's species programs and regional grants programs to support on-the-ground efforts to protect wildlife in range states and reduce demand for illegal wildlife products in consumer countries. By providing direct support for conservation projects, and harnessing matching funds, FWS is scaling up wildlife law enforcement, demand reduction, and international cooperation efforts around the world. The FWS is also currently developing a multi-year program of work to build the capacity of key countries in West and Central Africa to effectively implement the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the only international agreement focused on regulating wildlife trade.

The FWS is also working to decrease domestic demand for illegal wildlife products. The FWS is working to build a diverse coalition of partners from across sectors and specialties to address the U.S. role as a significant consumer market. Over the next year, FWS will evaluate and assess the domestic market for illegal wildlife products, identify key consumer groups and target audiences, and develop and launch messaging that will resonate with those audiences.

As mentioned, FWS initiatives to combat wildlife trafficking are coordinated with a government-wide program of action including other Federal agencies and offices. One way the United States is strengthening international commitment in this area by pressing for pioneering commitments to combat wildlife trafficking and illegal logging in the Trans-Pacific Partnership (TPP) agreement currently being negotiated between the U.S. and eleven other countries in the Asia-Pacific region, including many of the world's fastest growing economies. This effort is led by the Office of the U.S. Trade Representative with advice from an interagency group including the Department of the Interior and FWS. The President is working with Congress to pass Trade Promotion Authority so we can finalize the TPP.

Current violations for most wildlife trafficking laws carry only a maximum one-year sentence and minimum fines. Additional tools are needed as a means of deterrence to combat global wildlife trafficking such as increasing the penalties for conducting illegal trade. Granting the Federal government the authority to prosecute a criminal violation of the Endangered Species Act, the African Elephant Conservation Act, or the Rhinoceros and Tiger Conservation Act with more stringent fines and sentencing will further deter would-be poachers.

Israel Q2: Are we in a place where more funding for the Office of Law Enforcement would be effective or do we need to go to work on the authorization side as well?

Answer: The President's budget for 2016 includes sufficient funding to accomplish the Department's strategic goals. As proposed, the 2016 budget would provide an extra \$8.0 million and 45 FTEs for the Office of Law Enforcement (OLE), as compared to 2015 Enacted. These new personnel will provide the capacity needed to better combat and pursue traffickers of natural resources and enhance our working relationships with domestic and international partners.

Half of that increase, \$4.0 million and 25 FTEs, is requested to improve OLE's capacity to fight wildlife trafficking. These additional funds and Special Agents are proposed to support:

- Ten Intelligence Analysts to increase OLE's information analysis capability, create liaisons with Federal intelligence and law enforcement agencies, and address and pursue electronic illegal activities;
- Ten Special Agents, assigned domestically and internationally, to focus on illegal electronic commerce and enhance relationships with other Federal, State, local, and foreign government agencies;
- Five Special Agents, assigned to the Digital Evidence and Recovery Computer Forensics lab in Jacksonville, FL, to identify suspects and protect the integrity of cyber investigations.

The remainder of the requested increase in the 2016 request for FWS OLE, \$4.0 million and 20 FTEs, is to address the drastic shortfall of Special Agents needed to enforce the Nation's wildlife

laws, such as the Lacey Act; perform ongoing investigations; and address concerns of officer safety. The additional FTEs will address concerns for the personal safety of FWS agents and improve the capacity to investigate illegal activities. These additional 20 agents would greatly assist the ever-growing need for field deployments for direct interdiction of illegal commercial exploitation by organized crime elements.

Renewable Energy

The Department has made great strides in advancing responsible renewable energy development on public lands. These large-scale renewable energy projects are beneficial to our economy, climate and energy security, but can still have leave an impact on nearby communities and our public lands even when sited in the right place.

Israel Q3: How can we ensure that renewable energy development on public lands move forward in a way that benefits local conservation efforts, the people who use and rely on public land for recreation, and local communities living near development?

Answer: Public involvement is a vital component of the BLM Renewable Energy Program. The BLM has employed a “Smart from the Start” approach to responsible renewable energy development that has made it possible to site projects in areas with high potential for renewable energy generation and where they are compatible with protection of public landscapes, important resource values, and public uses. Landscape level planning efforts like the Western Solar Plan, the Arizona Restoration Design Project, and the ongoing California Desert Renewable Energy Conservation Plan are essential to ensure that all sectors of the user public are engaged in the “Smart from the Start” process. To further institutionalize the “Smart from the Start” approach to renewable energy development, the BLM is also in the process of developing a competitive leasing rule for wind and solar leasing to promote renewable energy development in designated leasing areas that have strong renewable resources, access to existing or planned transmission infrastructure, and few resource and use conflicts as identified through landscape level planning processes. The lessons learned through these partnerships with industry, State and local governments, and various user groups help to ensure wise renewable energy development that benefits the public and protects sensitive landscapes.

Land and Water Conservation Fund

I am concerned that the Land and Water Conservation Fund’s authorization will expire in September without Congressional action. Many important conservation projects have been funded through LWCF over the years, and I know it has been an essential tool for your agency to conserve exceptional places not fit for development.

Israel Q4: From your perspective, what do we need to do to ensure that LWCF is reauthorized and that sufficient LWCF funding remains available?

Answer: The Administration has proposed reauthorizing the LWCF Act with full, mandatory funding. Private property owners and partner organizations across the country are working together with Interior agencies on plans to conserve lands for the public under LWCF. It is

important that Congress reauthorize the law before it expires on September 30, 2015, to ensure continuity of the program.

The Administration has proposed making LWCF funding permanent to increase the financial certainty needed to build and enhance local and community conservation partnerships and optimize valuable investments by leveraging other federal and non-federal funds. Permanent appropriations will support the efficiencies demonstrated by the LWCF programs and facilitate a more predictable, transparent and inclusive process. Permanent funding will also finally achieve the original intent of the LWCF Act: to dedicate a meaningful portion, \$900 million, of the royalties private companies pay to access the nation's offshore oil and gas reserves, to preserving the nation's lands and waters for the benefit of all Americans, now and in the future.

National Park Service

I was very glad to see a significant increase in funding for deferred maintenance in the National Park system. These historic sites and natural wonders show off the best of our country, and we should treat them as such.

Israel Q5: Can you talk briefly about the importance of increasing NPS funding, both for deferred maintenance and the upcoming centennial?

Answer: The deferred maintenance backlog remains a top priority of the NPS, however, current funding levels are insufficient to maintain the backlog in a steady state, let alone reduce it. At the end of FY 2014, the deferred maintenance backlog stood at \$11.5 billion; of this \$2.2 billion is due to deferred maintenance on the NPS' highest priority non-transportation assets. The deferred maintenance request is the largest component of the Centennial Initiative in the FY 2016 President's Budget Request. The NPS proposes a discretionary increase of \$242.8 million and mandatory funding of \$300.0 million annually over three years. If fully funded over ten years, these funding levels would restore all of the highest priority non-transportation assets to good condition. Equally important, they would also provide the funding needed to maintain them in good condition through ongoing cyclic maintenance.

The remaining increases proposed as part of the FY 2016 Centennial Initiative are targeted, strategic requests to ensure parks are prepared for a second century of welcoming visitors and managing our nation's premier natural and cultural resources. This includes \$8.0 million to provide additional seasonal rangers to the parks. Seasonals are often the face of the national parks for visitors, and are a cost-effective way to maintain a ranger presence in peak visitor seasons. However, the flexible nature of their employment often means these positions are reduced when fixed costs are absorbed. The request also proposes \$13.5 million to support new parks and critical responsibilities, including funding for the newest units authorized in the National Defense Authorization Act of 2015.

The request also supports important youth and volunteer engagement programs, with \$20.0 million to support the Every Kid in a Park Initiative and \$2.0 million to expand our volunteer management capacity. These funds would help bring more than one million students from urban Title 1 elementary schools to nearby national parks, and update and expand our existing

programming to ensure youth and their families were welcomed to national parks, whether through digital outreach, or in-park experiences like guided hikes and tours and Junior Ranger programs.

Finally, the Centennial Initiative includes a request to expand the Centennial Challenge, an innovative program that requires a minimum 1:1 non-federal match to accomplish signature projects and programs in national parks. Funded at \$10.0 million in FY 2015, the FY 2016 request includes a discretionary increase of \$40.0 million and a mandatory proposal for \$100.0 million annually for three years. As the NPS enters its Centennial year, garnering partner support will be instrumental in preparing park sites across the country for increased visitation and for investments in priority park assets; this project funding will strengthen existing partnerships and draw new ones.

The NPS' top priority every year is full funding for fixed costs. The FY 2016 request includes \$26.7 million for fixed costs, as well as a programmatic increase to cover the cost of extending federal healthcare benefits to seasonal and temporary employees. When fixed costs such as these are not supported in the enacted appropriation, parks have to absorb the costs within their base budgets, reducing their operational capacity and flexibility to address priorities and emerging issues.

Sandy/Resiliency

Hurricane Sandy caused devastation along the East Coast, including in my district, and we learned first-hand about the importance of climate resiliency. Real on-the-ground progress is needed to restore and strengthen beaches and tidal marshes and other ecosystems which provide storm damage reduction benefits, as well as ecological restoration, and economic opportunities.

Israel Q6: How is the Administration investing in climate resiliency in the DOI budget?

Answer: Understanding and preparing for the impacts of a changing climate is an Administration priority, and one in which Interior plays a critical role as both a land manager and as a partner to States, Tribes, and local governments. The budget for DOI invests in increasing the resilience of communities and ecosystems through six targeted programs described below.

1) Coastal Resilience Fund: The budget proposes a new \$50.0 million competitive grant program to support the restoration and conservation of key natural ecological systems, such as beaches, dunes, and wetlands that protect communities and infrastructure from the impacts of coastal storms and sea level rise. Modeled after the Hurricane Sandy Competitive Grant program, this program will fund projects that restore natural systems to support both ecosystem and community resilience, focusing on projects with a physical or ecological nexus to Federal lands. In addition to yielding risk reduction and ecological benefits, this program will also enhance our understanding of the impacts of extreme weather events; the benefits of nature-based infrastructure and ecosystem services, and identify cost-effective, resilience tools to help mitigate future events. This program will incorporate monitoring and performance requirements and will help add to the growing knowledge base on the performance of natural approaches to reducing coastal risks.

For an example of the type of project that could be funded under this new program, one can look to the Hurricane Sandy Competitive Grant Program. One funded project was the Fish and Wildlife Service's living shoreline project, which will increase coastal resilience by restoring 337 acres of salt marsh and adjacent uplands on Delaware Bay. The bay was flooded during Hurricane Sandy, eroding salt marsh habitat that is important to wildlife and helps to reduce the impact of coastal storms.

2) Challenge Cost Share: The Challenge Cost-Share program is a 50/50 partner matching program that funds projects mutually beneficial to public lands and the cost-sharing partner. The Department proposes \$30.0 million—split evenly between the Bureau of Land Management, National Park Service and Fish and Wildlife Service—to leverage non-Federal investments in projects that increase the resilience of landscapes to extreme weather events with a focus on inland challenges, including wildfire, flooding, and drought.

3) Tribal Lands Resilience: Interior will provide government-wide leadership and funding to Tribes in support of climate preparedness and resilience. Criteria for tribal funding will be developed and prioritized in consultation with Tribes, Alaska Native Villages. Funds will be used to develop science tools and training, conduct climate resilience planning, and implement actions to build resilience into infrastructure, land management, and community development activities.

4) Insular Areas Resilience: Interior will work with other Federal agencies serving the insular areas to support island communities in planning, preparing, and responding to the impacts of climate, including sea level rise. Climate change is an immediate and serious threat to the U.S.-affiliated insular areas. By their geography and mid-ocean locations, these island communities are on the frontline of climate change, yet among the least able to adapt and to respond to the expected far-reaching effects on island infrastructure, economic development, food security, natural and cultural resources, and local culture. An additional \$7.0 million is requested to address needs in the insular areas related to sea level rise by supporting development of infrastructure and community resilience initiatives.

5) Water Resources Resilience: The Bureau of Reclamation supports resilience in water management through a number of initiatives, including expanded drought planning to effectively respond to severe drought conditions by incorporating a competitive process with prioritization criteria. Another initiative emphasizes Reclamation's efforts to prepare for the impacts of climate change on its own infrastructure. It is essential that Reclamation proactively maintain and improve existing infrastructure for system reliability, safety, efficiency, and water conservation, particularly given the likely scenarios for disruption to normal operations due to drought, flooding, and perturbations in the weather patterns.

6) USGS Coastal Change Hazard Portal: The USGS launched a new Coastal Change Hazard Portal in 2014 to allow online access to information to help understand vulnerability to extreme storms, sea level rise, and shoreline change at local, regional, and national scales. The portal will help as communities seek to take action to increase the resilience of the Nation's coasts. In 2016, USGS will build on datasets, regional geologic studies, and models of coastal change and

vulnerability developed and enhanced with supplemental funding in the aftermath of Hurricane Sandy.

Questions from Mr. Quigley

Great Lakes Fishery Research

The current U.S. Geological Survey budget includes a \$250,000 increase to the budget for fishery research within the Great Lakes through the Great Lakes Science Center. The U.S. Geological Survey is responsible for the fishery research, science and monitoring that sustains the \$7 billion Great Lakes fishery.

Quigley Q1: Given the decline in the USGS Great Lakes Science Center budget since FY2009, how will this small budget increase provide sufficient support for furthering the science in the Great Lakes?

Answer: The USGS Great Lakes Science Center (GLSC) is responsible for providing the best available science for Great Lakes fisheries management by States, Tribes, and Canadian Provinces. For more than a decade, the USGS has prioritized and balanced the science portfolio of the Center to address Great Lakes science needs. Within the GLSC, the USGS has advanced the deep water science program through targeted increases, building three new research vessels at a cost of \$14.6 million, three new laboratories to support the deep water research program at a cost of \$15.4 million, and approximately \$4.8 million targeted for docking facility upgrades and construction. Through these targeted increases in the GLSC, the USGS has successfully upgraded or replaced all large research vessels and support facilities at a cost of nearly \$35.0 million.

The USGS will work to optimize these investments to reduce operational costs, overcome winter ice/seasonal restrictions for sampling, and improve safety for the crew, vessels, and the environment. The GLSC is currently initiating a program to adapt or develop new technology for those vessels to provide better, faster, cheaper, safer, and greener data. This process began in 2014 with a \$125,000 investment to hire a research scientist whose primary job is to build new partnerships with other Federal agencies, academia, private industry, and non-governmental organizations. These partnerships will take full advantage of rapidly advancing tools and technologies already coming online, tools and technologies that will allow the ability to see and understand biological systems and processes at scales that even a few years ago could never have been imagined.

Such tools and technologies are emerging every day, tools that will greatly enhance the scope and scale of GLSC sampling capabilities and optimize USGS investments. The proposed increase of \$250,000 is an investment in the implementation of an advanced technology program capable of providing 21st Century scientific information to support management of the incredibly valuable Great Lakes fisheries. The technology program builds on successes and discoveries from other fishery research agencies and other scientific disciplines to gather needed management information, and demonstrates the Administration's commitment to innovative research, monitoring, and technology within the Great Lakes region.

Quigley Q2: How will the DOI and the USGS further support adoption of innovative technologies, already in use in marine systems, to more efficiently and effectively monitor and manage the Great Lakes fisheries?

Answer: The USGS is leading the way, building new partnerships with colleagues on the Atlantic and Pacific coasts, to investigate innovative and advanced technologies being used in ocean environments and to identify novel and exciting possibilities for applying those technologies to more efficiently and effectively monitor and assess Great Lakes fisheries.

The USGS has begun to shape new partnerships, leverage resources, and develop strategies with cooperators to bring greater attention to this topic in the Great Lakes region. Partnerships have formed with Michigan Technical University, the Monterey Bay Aquarium Research Institute, the Woods Hole Oceanographic Institute and Coastal and Marine Science Center, the NOAA Advanced Sampling Technology Working Group, the NASA Ames Research Center, and the USGS Innovation Center for Earth Sciences. Plans are developing for methods to deploy new technology from the USGS Great Lakes research vessel fleet, such as unmanned remote sensing platforms, including long-range autonomous underwater vehicles and mini-underwater labs called environmental sample processors. The USGS has already deployed test sensors offshore from the beaches of Indiana and Illinois with local partners. Lake Erie, offshore from Ohio, represents 50% of the \$7.0 billion per year Great Lakes fishery. This region would likely benefit significantly from continued development and deployment of the advanced technology initiative targeting key management questions for those waters. The importance of developing a better understanding of remote waters offshore from Minnesota and Wisconsin in Lake Superior, at scales previously unimaginable, will also be critically important for the characterization of historical reference conditions and comparisons across all the Great Lakes.

The USGS is on the cutting edge of a scientific and technological revolution that will support management of Great Lakes fisheries more effectively and more efficiently than ever before. The Administration's FY 2016 budget represents an important investment in science and technological advancements needed to assess and monitor the precious biological resources so important to economies throughout the Great Lakes region.

State Invasive Species Plans and Regional Panels

The current FY2016 budget noted an increase of \$42,000 for the implementation of State Invasive Species Plans and Regional Panels.

Quigley Q3: How will that funding be divided among implementation of the state plans and regional panels?

Answer: The Nonindigenous Aquatic Nuisance Species Prevention and Control Act (NANPCA) of 1990 as amended by the National Invasive Species Act of 1996 authorized \$300,000 for the Aquatic Nuisance Species Task Force (ANSTF) Regional Panels. Regional Panel funding was reduced by \$60,000 due to sequestration cuts in FY2013, and the ANSTF has identified the restoration of these cuts as essential for both its work and its Regional Panels. Accordingly, the entire increase will be directed towards Regional Panels to partially restore these cuts.

Quigley Q4: What additional efforts within the FY2016 budget request will support the states and their on-the-ground efforts, coordinating efforts, and their approved state/inter-state AIS management plans?

Answer: The 2016 President's budget request supports a number of State initiatives beyond the State/Interstate Aquatic Nuisance Species Management Plans authorized under NANPCA. The 2016 President's budget request includes:

- \$7.9 million for Asian carp in the FWS budget, an increase of \$2.4 million. This funding will be used to develop and implement high priority management efforts to address the threats posed by Asian carp to the Great Lakes, the Mississippi River and its tributaries, including activities that are part of State AIS management plans.
- \$2.0 million for Aquatic Invasive species prevention, an increase of \$669,000. This funding will support additional risk assessments for use by Federal, State, and tribal governments, as well as other stakeholders and partners, to identify and prevent the establishment and spread of invasive species in the United States. This funding will also enhance FWS's ability to list injurious wildlife and, when combined with additional prevention actions, will reduce the need for States to conduct costly AIS management actions.
- \$1.0 million to sustain ongoing efforts by States and others to implement the Quagga-Zebra Mussel Action Plan in the West. In addition, \$1.0 million is requested for grants to States for implementation of State/Interstate ANS Management Plans for Quagga-Zebra Mussel.

Quigley Q5: Are there challenges to the Department of Interior, and specifically the USFWS, ability to state/interstate aquatic invasive species management plans?

Answer: Historically, the States have requested more funds than are available to fund an increasing number of approved Plans. The requested increases will be used to help support critical prevention activities and address management actions for some of the invasive species in the Plans. For example, we will develop and implement high priority management efforts to address the threats posed by Asian carp to the Great Lakes, the Mississippi River and its tributaries, including activities that are part of State AIS management plans. The requested increase will also support Regional Panel coordination which will improve strategic efforts on the ground for invasive species, and prevention and outreach activities to help mitigate the need for future invasive species control and management efforts.

The FWS continues to seek and implement other opportunities to support State efforts to reduce the risks of the establishment and spread of invasive species. The FWS provides national coordination, leadership, and technical skills necessary to enable the States to make more effective decisions and take action on-the-ground. For example, FWS processes environmental DNA samples received from States and other partners through its Whitney Genetics Lab in La Crosse, Wisconsin. The FWS is also working collaboratively with industry and others to encourage voluntary actions that will raise public awareness and help reduce the threat posed by invasive species.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Fiscal Year 2016 Budget Oversight Hearing: National Park Service
March 17, 2015
Questions for the Record

Questions from Mr. Calvert

Deferred Maintenance Backlog

Like other members of the subcommittee, I'm very concerned about the growth of the Park Service deferred maintenance backlog. The budget request proposes sizeable increases for deferred maintenance needs including a \$64 million increase for cyclic maintenance and a \$67 million increase for repair and rehabilitation projects. The request also includes a \$112 million increase within the Construction account. With the deferred maintenance backlog now in excess of \$11 billion, these increases are really just a drop in the bucket in terms of overall need.

Calvert Q1: Again, assuming a flat budget overall, to help guide our decision making, how would you prioritize these three buckets of funding in the budget request—cyclic maintenance, repair and rehabilitation, and construction? Which is the most important and why?

Answer: All three fund sources are critical components of the NPS' asset management strategy. Both line item construction and repair and rehabilitation projects reduce deferred maintenance that the NPS has already incurred. Cyclic maintenance funding ensures the NPS completes preventative maintenance on schedule, keeping assets in good or fair condition, and curtailing the continued growth of the deferred maintenance backlog. Without sufficient funding for cyclic maintenance, investments made through line item construction and repair and rehabilitation cannot be sustained.

Calvert Q2: How specifically would the request for the Construction account address the backlog? Please provide specific examples of maintenance backlog projects, why these projects have not been funded to date, and why completing these projects is critical.

Answer: The FY 2016 request for Construction includes discretionary increases of \$91.7 million for Line Item Construction projects, \$20.3 million for the necessary planning and project management activities to support this expanded project workload, and a mandatory proposal for \$300.0 million annually over three years to address the deferred maintenance backlog on the NPS' highest priority non-transportation assets. In concert with the related requests proposed in the Operations account, these funding proposals would allow the NPS over ten years to make targeted, measurable, and quantifiable upgrades to all of its highest priority non-transportation NPS assets and restore and maintain them in good condition.

For example, the FY 2016 Line Item Construction list includes several deferred maintenance projects at Yosemite National Park that are critical to ensuring the protection of resources and visitor access. The first, \$4.9 million for Phase 1 of rehabilitating the El Portal sanitary sewer, will replace 70-year old failing sewer lines to prevent additional sewage spills and groundwater infiltration. The park has been warned by the State of California that future sewage spills carry potential fines between \$5,000 and \$10,000 per day; this would require a shutdown of wastewater flows from Yosemite Valley and Yosemite View Lodge facilities, impacting visitors and revenues for concessioners and partners. The entire \$4.9 million requested would address deferred maintenance needs.

The second project, \$1.7 million to address leaking portions of the water distribution system in the Mariposa Grove of Giant Sequoias, would repair and replace more than 9,400 feet of water lines and replace an old water storage tank. The water lines were originally installed in 1932, and the park estimates they leak approximately 39,500 gallons per day of chlorinated water into the Mariposa Grove, home to approximately 500 mature sequoia trees, many of which are more than 2,000 years old. Leaking water pipes affect the natural hydrological flow that is essential to the long-term health of these centuries-old trees. Of the \$1.7 million requested, \$1.5 million would address deferred maintenance, and \$0.2 million would address capital improvement to construct and install a 30,000 gallon water tank.

Calvert Q3: How much of the Construction account budget is to reduce the maintenance backlog, as opposed to new construction that will eventually place pressure upon the maintenance budget?

Answer: The FY 2016 request for Construction is focused on deferred maintenance, and does not propose funding construction of new facilities. Where appropriate, deferred maintenance projects also include capital improvement to address concerns with building, safety, accessibility and health code compliance, as well as energy and sustainability guidelines. The 2016 request for Construction also includes several small projects to demolish and remove excess and failing structures, which are currently contributing to the overall backlog.

Calvert Q4: How much of the Service's maintenance backlog is actually deferred maintenance infrastructure projects within the parks and how much is related to roads maintenance which would be funded largely through the highway bill and other legislative vehicles?

Answer: Of the total \$11.5 billion deferred maintenance backlog as of the end of FY 2014, just under half, or \$5.6 billion, is attributable to paved roads and structures. Projects to restore these transportation assets would be funded largely through the highway bill reauthorization. Under the current transportation authorization, the NPS receives \$240 million annually for its Federal Land Transportation Program.

Calvert Q5: Should Congress consider placing a moratorium on establishing new Park Service units until the maintenance backlog is reduced?

Answer: The mission of the National Park Service is to protect and preserve cultural and natural resources for the enjoyment of the public and future generations. There are many sites currently unprotected and vulnerable to development or degradation that may be as important to our American story as resources already under NPS protection.

Calvert Q6: How much funding is needed above the FY16 budget request in order to reduce the maintenance backlog relative to FY15?

Answer: The FY 2016 request includes a discretionary increase of \$242.8 million, and a mandatory proposal of \$300.0 million annually over three years, to address the deferred maintenance backlog of its highest priority non-transportation assets. Of the more than 75,000 assets in the national park system, the NPS has identified 6,735 of these to be the highest priority non-transportation assets with \$2.2 billion in deferred maintenance. If the FY 2016 request is fully funded, including sufficient funding in future years, these proposals would allow the NPS over ten years to make targeted, measurable, and quantifiable upgrades to all of its highest priority non-transportation NPS assets and restore and maintain them in good condition. While the FY 2016 request does not fully eliminate the entire deferred maintenance backlog, and

in particular does not address any deferred maintenance on transportation assets, it does represent the funding level needs to address the NPS' highest priorities.

Centennial Challenge

The Committee and Congress provided \$10 million in fiscal year 2015 for the so-called “Centennial Challenge.” This program is designed to leverage public/private partnerships through at least a 1-to-1 matching requirement, targeting funds at high priority programs and projects.

Calvert Q7: What is the current status of those fiscal year 2015 funds and what specific projects are being funded? Are you meeting and/or exceeding the 1-to-1 matching requirement?

Answer: The NPS opened its project selection process in early 2015; in less than four weeks, parks submitted more than 200 projects, well exceeding the \$10 million available in FY 2015. Parks were given criteria when applying for projects; for example, the evaluation criteria specified that priority would be given to projects that leverage higher rates of partner contributions and address critical high priority deferred maintenance needs. The NPS will be announcing the selected projects in the coming weeks; the list will demonstrate that the NPS significantly exceeded the 1-to-1 matching requirement. The total project value is estimated at \$26 million, with only \$10 million coming from the federal share, and \$16 million from partner donations. Approximately half the projects exceed the 1:1 match, including several large projects where the match exceeds 3:1.

Calvert Q8: Why is the Administration proposing such a sizeable increase for the Centennial Challenge in fiscal year 2016? Is funding for the Centennial Challenge a higher priority than other Centennial –related priorities within your budget request?

Answer: The Centennial Initiative includes several high priorities; if funded in FY 2016, these strategic investments will pave the way for a strong second century of visitor engagement and stewardship of our nation's natural and cultural heritage. For example, the requested discretionary increase and mandatory proposal for the Centennial Challenge helps the NPS leverage the significant interest in the business and philanthropic community to partner with the NPS on signature projects and programs at national parks. The Centennial is a truly unique opportunity to build these partnerships. Similarly, the requested discretionary increases and mandatory proposal for deferred maintenance would allow the NPS to restore and maintain all its highest-priority non-transportation assets to good condition over ten years. And finally, the Centennial Initiative includes requests to restore seasonal rangers and address new and critical operating needs across the national park system, as well as engage youth and volunteers, ensuring the parks have sufficient capacity to greet new and returning visitors.

However, even in the Centennial year, NPS’ highest priority is full funding for fixed costs. Without this funding, parks must absorb these costs in their base budgets, reducing their financial flexibility to meet operational needs.

Chairman Rogers Question/Lewis and Clark Trail study

In 2008, Congress directed the National Park Service to conduct a study—known as the Eastern Legacy Study—to determine whether the Lewis and Clark Trail could be extended through several additional States. Funding was appropriated in 2010 and the Service was directed to have the study completed within three years. As we sit here, in March of 2015, the Park Service has yet to complete the study, which is now two years overdue.

Calvert Q9: Can you provide us with an update on the status of the Eastern Legacy Study?

Answer: On May 8, 2008, Public Law 110-229 was enacted directing the National Park Service to conduct a Special Resource Study to assess the suitability and feasibility of potentially extending the 1978 designated Lewis and Clark National Historic Trail to include "Eastern Legacy" sites and route segments associated with the preparation and return phases of the historic Lewis and Clark "Corps of Discovery" expedition. The NPS is developing and vetting findings for significance, feasibility, and suitability analyses in 2015. The study will be released to the public in 2016, and transmitted to Congress after public comments have been incorporated.

Calvert Q10: Can you explain to this Committee why it is almost two years overdue and what is causing such serious delays?

Answer: The Eastern Legacy study area includes approximately 7,400 miles of potential Trail corridors in fourteen eastern states and the District of Columbia. The study area includes the districts of 69 members of Congress. Each of the 12 National Trails System Act (NTSA) criteria are being applied to each trail segment to determine the suitability, feasibility, and desirability for potentially extending the designated Trail to include "Eastern Legacy" historic sites and route segments. Considerations are being made for current Trail management practices as well as existing and potential challenges and opportunities. During the scoping process there were 12 public meetings. The process for confirming the national significance of a national trail extension involves internal agency review, review by the Landmarks Committee, review by the NPS Advisory Board, and approval by the Secretary.

Calvert Q11: Can you provide us with your projected timeline for completing the project and outline your plan for adhering to this timeline?

Answer: NPS is developing and vetting findings for significance, feasibility and suitability analyses in 2015. The study will be released to the public in 2016, and transmitted to Congress after public comments have been incorporated.

Antiquities Act/National Monument Designations

Two weeks ago, President Obama used authority under the Antiquities Act to establish three new national monuments. He has now used the Antiquities Act **16 times** during his presidency to establish national monuments. In my view, some designations may have merit, others may not. However, what's disconcerting to me and many of my colleagues is that the President circumvents an open, public, and transparent process by using the Antiquities Act to make these designations. His actions demonstrate a complete disregard for the role of Congress, affected state and local communities, and the public in making these designations.

Calvert Q12: What is the estimated cost to the National Park Service in fiscal year 2016 to operate and maintain these three new national monuments?

Answer: The NPS will manage two of the three new monuments: Pullman NM and Honouliuli NM. The NPS will conduct a management planning process with full public involvement, and will continue to work in partnership with the many groups that have helped to preserve these sites. However, no new recurring funding will be provided to these units for base operations until appropriated by Congress.

Calvert Q13: Does the Service prepare any cost analysis or estimate of how much it will cost to annually administer or maintain each new national monument *prior to* the White House making announcements of this nature?

Answer: When the NPS conducts a special resource study, it includes analysis of potential costs if added to the national park system. New park units are operated with minimal funding in the early years as management plans are completed and funds are requested and appropriated by Congress. These sites were the subject of significant public involvement and analysis in advance of the national monument designation.

The designation of the new Pullman National Monument in Chicago is strongly supported by Congressional, State and local leaders, community groups and historical organizations as a way to promote historic preservation and generate economic activity. The area was first recognized as a National Historic Landmark in 1970. In 2013, the NPS completed a reconnaissance survey of the Pullman Historic District that affirmed the site’s national significance. Already, the National Park Foundation has raised nearly \$8 million in support, a testament to the strong support from the Chicago community to tell the story of Pullman through the national park system.

At the new Honouliuli National Monument in Hawaii, Japanese American organizations and elected leaders in Hawaii have strongly supported preserving and interpreting the camp. In 2009, Congress authorized the NPS to conduct a special resource study of the site for possible inclusion in the national park system, and NPS sought public comment during the study. The study determined that the Honouliuli Internment Camp was national significant as well as suitable and feasible for inclusion in the national park system. Local on the ground support has provided additional concrete assistance. For example, the Monsanto Company donated the property to the Federal government, making it possible to establish the monument. The University of Hawaii-West O’ahu is actively involved in research and interpretation of the site and has signed an agreement with the NPS to assure public access over its lands adjacent to the site.

Calvert Q14: How many National Park Service units have been created by executive action or by authority under the Antiquities Act since 2009? How much funding has gone into these units since their creation?

Answer: The following were authorized by Presidential Proclamation since 2009:

Park Unit	Cumulative Operational Funding through FY 2015
Fort Monroe NM	\$1,672,000
Cesar E. Chavez NM	\$709,000
Charles Young Buffalo Soldiers NM	\$389,000
First State NM*	\$414,000
Harriet Tubman Underground Railroad NM	\$374,000
Pullman NM	\$0
Honouliuli NM	\$0

*Subsequently redesignated as the First State National Historical Park by P.L. 113-291.

The Administration believes that local and Congressional input is an important part of the designation process and works closely with local communities and their elected representatives to ensure that the vision and stewardship roles of local stakeholders are understood and respected.

FLREA/Expiration of Recreation Fee Authorization

The Park Service's authority to levy entrance fees through the Federal Lands Recreation Enhancement Act (FLREA) expires at the end of this fiscal year. Your fiscal year 2016 budget request seeks to have this authority extended by another year. We know that this authority—which is also important to the Forest Service and other DOI land management bureaus—is critical to providing revenue to our national parks for maintenance and improving maintenance facilities. The Service has been in a similar position the last several years—facing the expiration of this authority—and the Appropriations Committee has extended the recreation fee authority on an annual basis each of the last two years. This is an area of particular importance to our authorizers, specifically Chairman Bishop and the House Resources Committee.

Calvert Q15: To what extent is the Park Service working with the Resources Committee on a long-term extension of this authority and, if so, what is the status of those efforts?

Answer: The current extension of FLREA is through September 30, 2016. Permanent reauthorization of FLREA will provide an important authority that allows the agencies to continue to effectively serve the visiting public, provide high-quality visitor amenities, and respond quickly to meet changing visitor needs. FLREA provides these important benefits to visitors as a result of the agencies' ability to immediately reinvest recreation fee dollars and use them for site enhancements, resource protection, interpretive programs, visitor safety, and other vital services and improvements. We look forward to working with our sister agencies, Chairman Bishop, and the House Resources Committee on a long term solution.

Calvert Q16: Are you optimistic that the authorizers will pass a rec fee extension this year?

Answer: The NPS looks forward to working with Congress to support an extension of this authority. With respect to a long-term authority, we recommend the Congress permanently authorize this program. Permanent authorization would not preclude Congress from ongoing oversight of the program, and agencies have consistently submitted reports of their activities to Congress.

Calvert Q17: What are the ramifications if this authority is allowed to expire at the end of the fiscal year?

Answer: FLREA is currently authorized through the end of FY 2016. The NPS, and its sister agencies, require this authority a year in advance to avoid complications with selling the annual passes that are valid for one-year from the date of purchase, as well as systems that accept reservation up to one-year in advance. If the authority was allowed to expire, the NPS would see a significant, negative impact to its capacity to complete projects that provide high quality visitor services and programs, improve visitor safety, reduce deferred maintenance, improve accessibility, and facilitate partnerships.

Calvert Q18: How much annual revenue do these entrance fees generate for our national parks? What percentage of these fees does the Service presently use to address deferred maintenance needs?

Answer: The NPS estimates it will collect \$187.9 million in FY 2015, with \$70.0 million, or 37 percent, planned for deferred maintenance. Additionally, the NPS plans to spend another \$14.0 million, or seven percent, on annual maintenance and capital improvements to its assets.

Raising NPS Recreation Fees

The Service has initiated efforts to raise entrance fees (rec fees) that visitors pay to visit our national parks. I understand that these fees have been frozen since 2008.

Calvert Q19: Where are you in this process of determining whether to raise fees? Does the Service raise these fees administratively or is legislation necessary? How is the fee assessed or determined for each Park Service unit? What is the average increase for NPS units?

Answer: Beginning in 2015, parks were authorized to change their recreation fee rates to align with the new Entrance Fee Rate Schedule, after they actively engaged the public and stakeholders about proposed changes and impacts. Parks must document the results of this outreach, which must be considered by the park and approved by the NPS Director to ensure that the fee increases are implemented in a way that works best for parks and visitors. In March 2015, six regions submitted their requests to increase fees in some parks; these requests are currently under review by the Director. FLREA authorizes the NPS to adjust these fees administratively.

Recreation fees are based on the Entrance Fee Rate Schedule, which groups parks into four categories-- Group 1 consists of National Historic Sites, National Military Parks, National Battlefields, National Battlefield Parks, National Memorials/Shrines, National Preserves, and Parkways; Group 2 includes National Seashores, National Recreation Areas, National Monuments, National Lakeshores, and National Historical Parks; and Groups 3 and 4 include National Parks.

Calvert Q20: How much additional revenue do you project would be raised each year through raising these fees? How would these additional revenues generated be used?

Answer: The NPS estimates the new fee rates could raise an additional \$45.0 million annually. The new revenue from the fee increases will help the NPS address maintenance needs for visitor use facilities.

National Mall

The Park Service continues to make considerable investments on the National Mall which attracts millions of visitors each year. The enacted fiscal year 2015 budget contained additional funds for projects on the Mall.

Calvert Q21: Can you give us an update of the projects presently underway on the Mall and their projected completion dates? Are there additional projects the Service will undertake in the near future?

Answer: The FY 2015 appropriation included \$5.0 million to support Phase 3a of the National Mall Rehabilitation project, a multiphase project to install irrigation, drainage, and water collection system, and re-landscape the National Mall. Phase 1 (improvements between 3rd and 7th streets) is complete; Phase 2 (between 7th and 12th streets) is approximately 20 percent complete, and is expected to be complete by spring 2016. The contract for Phase 3a (between 12th and 14th streets) has been awarded. The FY 2016 President's Budget Request includes \$5.2 million to complete this project; if enacted, the project should be completed by January 2017, in time for the 2017 Inauguration.

The FY 2016 President's Budget Request for Line Item Construction includes several other projects on the National Mall, including \$11.2 million to rehabilitate the water conveyance systems for emergency and potable water supplies in Potomac Park, and \$2.5 million to upgrade the accessibility of the Lincoln

Memorial spaces, restrooms and pathways. The NPS is working with the Department of Energy to improve the efficiency of lighting at several memorials, and working with non-federal partners on several projects. These include the construction of the Vietnam Memorial Education Center, which will be done in partnership with the Vietnam Veteran's Fund, and rehabilitation of Constitution Gardens, with the Trust for the National Mall.

The Constitution Gardens project development also included design for the landscaping and sidewalk south of the 17th St levee. The levee was completed in fall 2014; the landscaping and sidewalk will be completed in spring 2015. The U.S. Army Corps of Engineers is under contract to complete certification of the closure structure, which is anticipated to take one year. Following certification, the Federal Emergency Management Agency will redraw flood maps so that areas protected by the levee system will no longer be considered to be within the 100-year floodplain.

Reimbursing States for Government Shutdown Costs

During the 2013 government shutdown, six states entered into an agreement with the Service to use State funds to reopen park units. My understanding is that these States provided almost \$4 million to these units for a period of one to six days. In total, 13 units were re-opened: Statue of Liberty (NY); Grand Canyon (AZ); Mount Rushmore (SD); Great Smokies (TN); Rocky Mountain (CO) and eight units in Utah (Arches, Bryce, Canyonlands, Capitol Reef, Cedar Breaks, Glen Canyon, Natural Bridges, and Zion).

Calvert Q22: Did the Park Service use all of the funds collected by the States to re-open these parks? What did the Service do with any unspent State funds?

Answer: Six states donated a total of \$3.6 million, and re-opened parks for a period of 1 to 6 days. After the government reopened on October 17, the NPS returned \$1.6 million in unspent funds.

Calvert Q23: What specifically was the agreement signed between the States and the Service? In your view, does the Park Service have an obligation to repay States for the cost of operating these park units during the shutdown? What would be the impact, if any, if the Service reimbursed the States for funds donated?

Answer: During the 2013 government shutdown, six states entered into a donation agreement with the NPS to reopen park units. Each agreement stipulated: "Unless the United States Congress appropriates funds and expressly authorizing the NPS to reimburse the State for State-donated funds previously obligated or expended by the NPS, the NPS will not reimburse the State for such previously obligated or expended funds." Legislation has been re-introduced in the 114th Congress directing the NPS to repay States for the donated funds. This bill includes a provision directing the NPS to repay States from future appropriations; if enacted, this would require cuts to future park operations to make the payment unless additional funding was provided specifically for this purpose. Impacts to park operations will be diminished if the NPS is authorized to use all available fund sources, including prior year appropriations.

Calvert Q24: Weren't Park Service employees paid whether these park units were open or not? Did the \$4 million from the States pay for these employees? If so, what did you do with the Federal funds appropriated for these same salaries and expenses?

Answer: The NPS expended approximately \$2 million of the donated funds to re-open parks, including the costs of salaries only for employees who worked at those parks when they were re-opened during the shutdown. The unused portion of donated funds - \$1.6 million - was returned to the States. Following the

16 day shutdown, furloughed employees were ultimately paid for the time they were prohibited from working; these payments were not made from State donations. When Congress appropriated FY 2014 funding, it decreased funding for the Park Management activity within the NPS Operating account relative to FY 2012 levels and additionally directed the NPS to fund priorities such as \$2 million for quagga mussels and \$3 million for white nose bat syndrome within these funds.

National Mall/Smithsonian Folklife Festival

Last year, we discussed at some length ongoing negotiations between the Park Service and the Smithsonian on the use of the turf panels on the National Mall for the Smithsonian's annual Folklife Festival. At that time, some disagreements existed over the location of the event based on ongoing turf repair on the Mall and concerns about potential damage to newly restored turf panels. I recall that the Smithsonian was particularly concerned that new Park Service policies would prevent them from holding their annual Folklife Festival in a manner consistent with previous years.

Calvert Q25: Have the Service and the Smithsonian now resolved these differences? What is the current state of play with regard to the Folklife Festival?

Answer: The National Park Service (NPS) and the Smithsonian Center for Folklife and Cultural Heritage (SCFCH) have agreed upon a strategy that will allow the Folklife Festival to continue on the National Mall while still protecting the investments made to rehabilitate the landscape. After several preliminary meetings and the subsequent signing of a Memorandum of Agreement between the SCFCH and the National Mall and Memorial Parks, planning has commenced for the 2015 Folklife Festival. On May 30, 2014, SCFCH submitted an application for a permit for the use of the Mall panels between 3rd and 4th Streets. The SCFCH then expanded their request to include the use of portions of Jefferson and Madison Drives, to which the NPS has provided a tentative approval. A permit will be issued to the SCFCH for this year's 2015 Folklife Festival, and there continue to be ongoing logistical planning meetings.

Calvert Q26: What is the Service doing to strike a reasonable balance between use and preservation on the National Mall?

Answer: During the ongoing rehabilitation of the National Mall, NPS took a number of steps to protect the Mall, including limiting the size and scope of certain events. Once the rehabilitation of the Mall and all turf panels is complete, there will be an increase in hardscapes, which will be available for events. The Mall rehabilitation included the construction of larger gravel walkways to allow for relocation of events off the turf, which will allow event use to grow without impacting the resource. The NPS has also developed best management practices which will allow for use of the grass panels while not incurring damage.

Everglades Restoration/Tamiami Trail Bridging Project

As you know, the Florida congressional delegation, along with many other House Members, remains very interested in the Everglades Restoration effort, including the bridging project along the Tamiami Trail. While there is funding for ongoing Everglades restoration work in your budget request, funding for this bridging project is not in the fiscal year 2016 budget request.

Calvert Q27: Can you provide the subcommittee with an update on Everglades restoration efforts, as well as the current status of the Tamiami Trail project?

Answer: The NPS has supported completion or advancement of several key projects, which will help to restore critical flows to Everglades National Park and coastal estuaries, restore habitat, and increase flood protection and water supplies for environmental and urban use. As part of the Modified Water Deliveries Project, construction was completed in January 2014 on the 1-mile bridging and road raising of Tamiami Trail. By the second quarter of 2016, the “8.5 Square Mile Area” component of the project, which provides flood protection to Miami-Dade county residents living on the outskirts of the park, will be completed. Furthermore, NPS is moving forward with acquiring the last real estate interests required to fully operate the Modified Water Deliveries Project consistent with the Corps of Engineers, timeline and real estate requirements for phasing up to full operation.

As part of the ‘Next Steps’ for the Tamiami Trail project, the NPS and FDOT will build a second bridge, nearly 2.5 miles long at Shark River Slough, which historically carried large volumes of water into the Park. The current cost estimate of the bridge project is \$144 million. The State of Florida has committed to match federal funds, up to \$90 million; the NPS commitment is \$72 million, or half the cost estimate.

Congress appropriated \$7.5 million to the NPS Construction account in FY 2014, and the NPS subsequently transferred that amount to the State in FY 2014. Working with the NPS, the State received a \$20 million Transportation Investment Generating Economic Recovery (TIGER) grant from the U.S. Department of Transportation in late 2014. This grant is included as part of the federal share. To complete its first \$30 million commitment, the NPS will also provide \$2.5 million from its 2015 Federal Lands Transportation Program (FLTP) allocation.

Calvert Q28: When will the next phase of construction begin? What is the proposed Federal government role in providing additional transportation funding in fiscal year 2016 and beyond for this bridging work?

Answer: A draft memorandum of agreement with the Florida Department of Transportation and Federal Highways Administration was submitted to NPS on April 1 for review. The current schedule is for the project to be advertised in late May 2015, awarded in March 2016, with ground breaking in April 2016.

The NPS is committed to funding half, or \$72 million, based on the current estimate of the project costs. The remaining Federal share, in FY 2016 and outyears, is \$42 million. In the Administration's transportation reauthorization proposal, the “GROW AMERICA Act”, the Administration is proposing a Nationally Significant Federal Lands and Tribal Projects Program, which will provide needed construction or reconstruction of large, nationally significant transportation infrastructure within or accessing federal or tribal lands. The Tamiami Trail project is an excellent candidate for this proposed program. If the transportation reauthorization is not accomplished by FY 2016 and current MAP-21 authority is extended, the NPS plans to defer other high priority projects in the Southeast Region to fund its remaining commitment out of its FLTP allocation over a period of several years, including an estimated \$8.0 million in FY 2016.

Questions from Mr. Cole

Chisholm and Great Western National Historic Trail Feasibility Study/Environmental Assessment

Director Jarvis, a number of my constituents have raised concern and objection to how the National Park Service went about its designation of the Chisholm and Great Western as National Historic Trails.

The Plan states, “Interested members of the public, government agencies, and American Indian tribes were all notified of the study and were invited to participate in the planning process by providing any input, information and/or comments that they had about the feasibility study”; however, none of the Farm Bureau organizations from any of the affected states were listed as organizations or associations receiving notification of the Plan.

In addition to the lack of notification, my constituents are also concerned about the costs they will be forced to bear for this trail. According to the Plan itself, the “inventory of the routes could cost upwards of \$4,000,000. The cost of these inventories are likely to be borne by the landowner/manager.”

Finally, many of my constituents question the need for this trail designation in the first place. There are already hundreds of markers, and many interpretive exhibits, marking the route or the vicinity of both the Chisholm and Western Trails.

Cole Q1: Can you explain why the Farm Bureau, which represents more ranchers than any other agricultural organization in Oklahoma, was not included in your notifications about the plan?

Answer: The National Park Service’s Chisholm and Great Western National Historic Trails feasibility study team developed a standard approach for reaching out to the public and others during the public scoping period and public comment period on the draft document and the associated environmental assessment. Based on the requirements of the National Environmental Policy Act when conducting an environmental assessment, as well as requirements of the National Historic Preservation Act, the National Park Service contacted agencies, tribal governments, and other entities that are typically consulted during scoping of an environmental assessment for a proposed National Historic Trail. When scoping for the study was initiated, and based on prior experience with study efforts of this type, the National Park Service also reached out to as many news outlets (newspapers, radio, and television) as it was able to identify. Local and state governments, historical societies, chambers of commerce, and other non-governmental entities were contacted to announce the beginning of the study. Public meetings were held in communities spread out along the two study routes. Meetings were well publicized and well attended. The study team also contacted organizations that had known associations with the study routes such as the International Chisholm Trail Association and the Great Western Trail Association. Members of these and other organizations include ranchers, business people, individual landowners, and other trail advocates.

The Farm Bureau provided comments during the public outreach process regarding the draft study. The National Park Service will evaluate and include these comments, and others regarding the national significance and eligibility of the trails for possible designation, in the final report to Congress.

Cole Q2: Given that the vast majority of land is owned by private individuals in Oklahoma, do you plan to work with these private landowners to ensure their costs are minimized?

Answer: If Congress decided to designate the trails as National Historic Trails (NHTs), private landowners are under no obligation to survey their land or identify trail resources. Survey costs reported in the study are

approximate and cumulative and based on similar trail survey processes. Based on landowner interest, surveys of comprehensive resource values could potentially take decades to complete.

Private landowners who do not wish to participate in the protection and development of the proposed NHTs are under no obligation to do so, and will incur no costs. Landowners who do wish to participate can do so at their own level of comfort and their costs are generally minimal and are usually met in some cost share fashion with the federal, state, and/or local government.

Cole Q3: Can you explain your rationale and need for this designation given that individuals and communities are already promoting these trails?

Answer: The National Park Service was tasked by Congress to study the Chisholm and Western Trails in the Omnibus Public Lands Management Act of 2009. The 1968 National Trails Study Act defines the criteria for which a trail qualifies to be designated as a National Historic Trail. The study found that the Chisholm and Western Trails qualify for this designation. Without National Historic Trail designation, there would not be a single, overarching federal agency directed to help coordinate, interpret and protect resources and segments of the trail. National recognition of the events associated with these cattle trails would continue to occur in a piecemeal fashion.

Designation would authorize the NPS to work with interested landowners, managers, communities, and organizations to provide continuity and consistency of recognition and promotion across the four states where trail resources occur. Many communities have identified the value of designation in potentially attracting heritage tourism dollars to their area and see economic value in designation. If the routes are designated, public land managers and interested private landowners along the routes would also be able to compete for federal funding and technical assistance to accomplish preservation, recreation, and interpretation projects along the route. The NPS would work with those interested landowners to mark the route so visitors could easily find the sites and follow the segments that are of historic interest and have the highest potential for public appreciation and recreation.

Chickasaw National Recreation Area

The Chickasaw Nation and the National Park Service have been working for a number of years to develop a good working relationship on project development and management at the Chickasaw National Recreation Area. I would be grateful for an update on:

Cole Q4: I would be grateful for an update on a proposal by the Chickasaw Nation to fully fund the construction of a pedestrian bridge from their Cultural Center to the park.

Answer: The park is currently involved in a final review for the construction of the Tribally-funded bridge to connect the Chickasaw Cultural Center to adjoining park property. The Tribe is also in the process of completing their 100% design for the bridge. Ground-breaking is tentatively planned for May 2015.

Cole Q5: I would be grateful for an update on an offer by the tribe to house the NPS staff at a brand new visitor center at a savings over current lease arrangements in town.

Answer: The park is waiting for the General Services Administration (GSA) and the Tribe to finalize the lease agreement for occupancy of NPS space in the Chickasaw Visitor Center. The park has already begun preparations for the move.

Cole Q6: I would be grateful for an update on a desire by the tribe to assist NPS in taking some of the management burden of a financially strapped local office—an example might include managing campgrounds.

Answer: In December 2014, the NPS Intermountain Regional Director and the Tribal Governor signed an agreement to formalize the working relationship between the park and the Tribe. The park is actively pursuing a partnership with the Tribe to provide for shared interpretive operations in the new visitor center. The Tribe also is going to assist the NPS by providing staff for the park nature center.

Cole Q7: What obstacles are standing in the way of getting some of these things done? We've been trying to move forward for over five years in some cases.

Answer: A number of things have taken time to resolve, such as getting the lease agreement in place for the visitor center and working through the construction approval process for the Tribally-funded bridge. The park has worked diligently with the Tribe to work through these issues and we are pleased that construction on the Tribally-funded bridge will begin in the coming months and look forward to having the final lease agreement in place for the visitor center.

Questions from Mr. Stewart

Glenn Canyon National Recreation Area

In a recent meeting one of my staff attended a meeting in Southern Utah regarding off highway vehicle (OHV) management for Glen Canyon National Recreation Area. It was brought to my attention that a vast majority of vehicles deemed 'legal' are very impractical. Large trucks, mini-vans, and other vehicles are acceptable while smaller OHVs are illegal. I understand that there is a concern for OHV to go off the road but there are rules for that inside the NRA that Park Service Rangers are there to patrol and enforce. The county sheriffs have also offered to patrol and enforce these rules and it is the counties not the Park Service that maintain the roads in the NRA except where the road accesses their developed facilities.

Stewart Q1: Isn't it true that without the roads that are identified the Off Road Vehicle plan there would be no access to lands adjacent to Lake Powell and administration of the recreation area would have a significant adverse effect?

Answer: No park roads that were identified in the 1979 Glen Canyon General Management Plan would be closed or altered as part of the planning process that is underway at Glen Canyon National Recreation Area (GCNRA), so access to areas within Glen Canyon is not affected. The planning process will produce an *Off-Road Vehicle (ORV) Management Plan / Environmental Impact Statement* (plan/EIS) to manage off-road use by any vehicle and on-road use by off-highway vehicles (OHVs) and street-legal all-terrain vehicles (ATVs). The preferred alternative identified by the NPS would expand recreational opportunities on lands adjacent to Lake Powell because of the additional vehicle use that would be allowed within GCNRA.

In Garfield County, conventional motor vehicle use would continue to be allowed on all fifteen park roads or road segments within the county, and street-legal ATV use would continue on ten of these roads. OHV use would be permitted on seven of these roads. One new ORV route and three ORV areas would be established. A notable revision to the preferred alternative, which was suggested by cooperating agencies and other stakeholders, would be to allow all three classes of vehicles on seven miles of park roads in the Orange Cliffs unit of GCNRA in order to complete the North Hatch Canyon/Poison Spring Loop that continues outside of the park. This road segment is currently only open to conventional motor vehicles. Similar expanded recreational opportunities would be provided in adjacent counties.

Stewart Q2: Many of the roads in the NRA predate the enabling legislation and inasmuch as those roads have continued to be used by the public and are identified as open public roads in the General Management Plan, do you know of any situations where roads in Garfield County Utah have had a significant adverse effect on the administration of the Recreation Area?

Answer: The park road network identified in the 1979 General Management Plan would not be altered as a result of this current planning process. The park roads that were designated in Garfield County would continue to provide access to GCNRA for public recreation and park administration.

Stewart Q3: It is one of my highest priorities to protect the natural beauty in the State of Utah but considering that this and other NRA's are established for the enjoyment of the public can we work together to come up with a reasonable set of rules that will accomplish that objective?

Note: The Counties maintain all of the roads in the NRA, National Park Service does not maintain any except in their developed facilities.

Answer: As described in the plan/EIS, the plan's purpose is to "develop management actions that preserve Glen Canyon's scientific, scenic, and historic features; provide for the recreational use and enjoyment of the area; and promote the resources and values for which the area was established as a unit of the national park system." With respect to vehicle use on park roads, the preferred alternative would expand the recreational opportunities on park roads without creating an unacceptable impact on park resources and values, which is consistent with your desire to balance resource protection with access for public recreation.

We have consulted extensively with the county cooperating agencies throughout the planning process. Based on consultation following publication of the draft plan/EIS, we revised the NPS preferred alternative to authorize the use of OHVs and street-legal ATVs on the park roads in the Orange Cliffs Unit that form part of the Poison Spring Loop.

We learned from the public involvement process that visitors are seeking a wide range of recreational experiences in GCNRA. Many public comments requested that OHVs not be allowed in Glen Canyon at all while others requested greater access. The NPS preferred alternative seeks to provide opportunities that reflect the range of recreation preferences expressed by visitors to GCNRA.

Mandated Minimum Wage

Beginning January 1, 2015, the National Park Service is requiring new permits and use authorizations for outfitters and guides to include increased minimum wage provisions pursuant to Executive Order 13658. These outfitters are generally not government contractors, but are rather small businesses that employ high school and college aged employees who enjoy the seasonal employment. This will have a devastating effect on these small businesses and many may not be able to stay in business.

Stewart Q4: When NPS decided to include these provisions in new permits did you give any consideration to the profoundly negative impact this would have on your permittees?

Answer: The Executive Order will benefit hundreds of thousands of people working under contracts and contract-like instruments with the Federal government who are making less than \$10.10 an hour. It will also improve the value that taxpayers are getting from the federal government's investment.

The NPS understands that the EO impacts our commercial services contracts and agreements. The Department of Labor, which was required to issue regulations to implement the EO, determined that it does apply to Commercial Use Authorizations as well as leases and concession contracts, and NPS and its contract holders must comply with this requirement.

Stewart Q5: Would NPS be supportive of relief for these small family, rural businesses?

Answer: The NPS strongly supports this Executive Order and believes that workers on Federal contracts deserve a fair wage. NPS will continue to evaluate the impact that it has on contracts and agreements with other organizations.

Questions from Mr. Amodei

Concessions – Water Bottles

In December 2011, the National Park Service (NPS) Director Jonathan Jarvis issued Policy Memorandum 11-03, which authorizes park superintendents to ban bottled water sales on a park-by-park basis, with approval from their regional director. The Memorandum requires that proposals for bans be based upon a “rigorous” written impact analysis, considering certain specified factors relating to health and safety, waste reduction, cost, and impacts on concessioners. Under the Memorandum, parks that ban bottled water must prepare an annual evaluation, “including public response, visitor satisfaction, buying behavior, public safety, and plastic collection rates.” The Memorandum further commits that the policy will be monitored, and revisited periodically to determine whether a change in the policy is desirable or necessary.

Very little public information exists as to the monitoring of the bans and their effectiveness in meeting the objectives set out in the Memorandum. More than three years after it was put in place, Congressional oversight is needed to review and ensure the efficacy of the policy and look at its impacts on health, safety, and the environment.

Amodei Q1: Is the National Park Service adhering to Policy Memorandum 11-03?

I understand there is a Freedom of Information Act appeal involving a request for documents relating to this issue that has been pending at the Department of the Interior for over a year, but that the Department and the National Park Service have yet to provide any substantive response to this appeal.

Answer: NPS Policy Memorandum 11-03 regarding Disposable Plastic Water Bottle Recycling and Reduction was published in December of 2011. The policy encourages recycling, reduction, and education regarding disposable waste bottles.

The elimination of plastic water bottles is not mandatory. Individual parks may request approval to discontinue the sale of disposable water bottles at in-park venues. Currently, 19 parks have elected to eliminate plastic bottle sales. Visitors to the parks continue to be free to purchase and bring with them any legal beverages in the packaging material of their choice. Initial feedback from parks suggests that this policy has resulted in less plastic and aluminum garbage and decreased litter in the parks.

Among the 19 parks that have eliminated disposable water bottles, many do not have a concessioner operation at the park. Of those that do, the NPS review of the data leads the NPS to conclude that the concessioners have not suffered a substantial loss in gross sales revenue.

Parks Participating in the Elimination Component of Policy Memorandum 11-03:

Arches National Park

Biscayne National Park

Bryce Canyon National Park

Canyonlands National Park

Cape Hatteras National Seashore

Colorado National Monument

Fort Raleigh National Historic Site

Grand Canyon National Park

Lake Mead National Recreation Area

Mount Rushmore National Monument

Pecos National Historical Park
Petrified Forest National Park
Saguaro National Park
Salinas Pueblo Missions National Monument
San Antonio Missions National Historical Park
Timpanogos Cave National Monument
Wind Cave National Park
Wright Brothers National Memorial
Zion National Park

Amodei Q2: What are the reasons for this delay and why are these documents not publicly available?

Answer: In November 2013, the National Park Service responded to a FOIA request for records related to implementing a ban or limitations on plastic water bottles. These documents were made publicly available on the NPS FOIA Reading Room Website. On December 12, 2013, an appeal was filed requesting more information regarding post-ban analyses and on March 16, 2015 the Department of the Interior's Solicitor's Office granted the appeal. The Solicitor's office remanded the search back to the National Park Service's FOIA officer.

Previously, a similar search conducted for Public Employees for Environmental Responsibility (PEER) found that parks do not separately report their solid waste based on type (plastic, bottles, paper, etc.) and as such do not have data available to conduct a post-ban analysis. The previous search found that no parks have completed a post-ban analysis. The new search, currently underway, is not generating additional information.

Amodei Q3: Are there any additional proposals pending within the Department to ban bottled water sales in the national park system?

Answer: There are not additional proposals pending with the Department. The National Park Service's Disposable Plastic Water Bottle Recycling and Reduction Initiative is designed to reduce the environmental impacts of plastic bottle use in our parks; the initiative does not ban bottled water in national parks but rather allows some parks the option to eliminate the sale of disposable plastic water bottles in their retail facilities on a park-by-park basis. Parks wishing to participate in the program must receive approval from their regional director in writing after analyzing and addressing a number of factors including, but not limited to, installing adequate water filling stations, providing or selling reusable water bottles, consulting with the Public Health Office and other requirements as applicable.

Questions from Mr. Kilmer

Lower Elwha Dam Removal

Thank you for your work in regards to addressing some issues associated with Lower Elwha Dam removal. I understand that the Lower Elwha Tribe has an interest in working with the Park Service to remove some rocky debris below the Elwha Dam site and potential removal of boulders at the Glines Dam site.

Kilmer Q1: How is the Park Service responding to this request?

Answer: The National Park Service is currently developing options and possible costs for remediation of the potential rock blockages to salmon migration at both the Elwha Dam and the Glines Dam sites. Park staff are coordinating with tribal staff on this issue and have completed site visits. Independent government cost estimates for possible options are expected to be available by mid-April 2015; next steps can be determined at that time. Any substantial work would likely need to wait until the summer low flow season of 2016, dependent upon the availability of project funds. In the meantime, park staff will continue to monitor fish passage at both sites to document the extent of the problem. Some salmon have been observed to pass the sites, and park staff are radio-tagging fish to track movements upstream.

Tribal Historic Preservation Offices

In recent years, the number of Tribal Historic Preservation Offices has grown from 100 to 151, while the average grant has dropped to \$60,000. The President's Budget proposes a \$1 million increase in funding for Tribal Historic Preservation Offices. Given the great risk of vanishing tribal cultural resources and heritage, I am concerned that this funding increase is not sufficient to keep up with the need to survey historic properties, complete oral history projects, or provide assistance to tribal governments looking to carry out historic preservation responsibilities.

Kilmer Q2: As funding levels have failed to keep track with the increased number of Tribal Historic Preservation Offices, how has the capacity of individual tribal offices to meet preservation needs been affected?

Answer: As the number of Tribal Historic Preservation Offices (THPOs) has grown, the average grant award per THPO has fallen. THPOs now use the majority of their funding to administer their offices and pay the salaries of staff conducting review and compliance activities, with little left to implement any broad tribal preservation initiatives, initiate tribal-funded surveys of historic properties, produce nominations to the National Register of Historic Places, or undertake cultural preservation projects. Additionally, the lack of funding impacts the ability of individual tribes to provide comprehensive consultative services to Federal agencies; in 2013, less than 1/3 of all THPOs were able to conduct surveys and add properties to Tribal Historic Property Inventories.

On average, 10-17 new THPOs come into existence each year. The FY 2016 President's Budget Request includes an increase of \$1.0 million for THPO grants to ensure that as these new THPOs are included, the average grant award does not fall below \$50,000 by FY 2016. This request would provide support to tribes in the preservation of vanishing tribal cultural resources and heritage and allow tribes to participate in national preservation programs, develop capacity to conduct sustainable preservation programs, and engage tribal youth.

Questions for the Record (QFR)
Hearing on the FY2016 Budget Request for the Department of the Interior

Murkowski to Jewell #1

I have some concerns over the process associated with access to public lands for purposes of filming and have heard numerous complaints about people having access to our public lands in this regard. Most of the criticism is associated with issues on forest lands; however, it is an issue in National Parks and on BLM lands as well.

I am concerned that the law on commercial filming that Congress passed back in 2000 is being misconstrued and applied in a way to potentially restrict or outright deny access— certainly that is the case on Forest Service lands. It is my understanding these are not large movie scale kinds of operations but 1, 2, or maybe 3 people with cameras or hand held video camera equipment who do not disturb the landscape. In some places people are being allowed access and in some areas they are not leaving folks quite frustrated.

1. What activities do the Park Service and BLM consider “commercial” for purposes of issuing permits under the law?

Answer: The Department of the Interior issued regulations on August 22, 2013, (43 CFR PART 5) to implement the commercial film rule in Public Law 106-206. While the Department of Interior’s regulations adopt a broad definition of commercial filming, there are exceptions which ensure the permitting and fee requirements do not impose an unreasonable burden.

Under the regulations, commercial filming includes the “film, electronic, magnetic, digital, or other recording, of a moving image by a person, business, or other entity for a market audience with the intent of generating income. Examples include, but are not limited to, feature film, videography, television broadcast, or documentary, or other similar projects. Commercial filming activities may include the advertisement of a product or service, or the use of actors, models, sets, or props” (43 CFR §5.12). While commercial filming activities are generally required to obtain a permit, most still photography is exempt from this requirement unless: (i) it uses a model, set, or prop; or, (ii) the agency determines a permit is necessary because a proposed location is in a closed area or the agency would incur costs for providing oversight. Practically, this means, for example, that a photographer shooting an engagement photo in an area otherwise open to the public without any props would not need a permit even though he or she was presumably getting paid. The other important exception relates to news gathering activities. They do not require a permit unless: (a) one is necessary to protect natural and cultural resources, avoid use conflicts, ensure public safety, or authorize entrance to closed areas; and, (b) getting one does not interfere with news gathering (43 CFR 5.4(a)).

The requirement that other commercial activities outside of these exceptions obtain a permit is consistent with Public Law 106-206, which directs Federal land management agencies in DOI and USDA to collect a “fair return” for the use of the lands they manage. With respect to smaller groups that are required to get a permit, the recently issued fee schedule establishes a sliding scale linked to a group’s size.

2. What are the fees for individuals to get a permit for filming on Park or BLM lands? How long does it take? What sort of paperwork is involved?

Answer: Only individuals or groups required to obtain a BLM permit are subject to a fee requirement, which includes two pieces. The first is cost recovery to reimburse the government for the cost of processing their application. This is determined by the number of hours it takes to process the application. Cost recovery for a typical permit taking 1 to 8 hours to process would be \$121. Cost recovery fees are updated each fiscal year using the GDP/IDP index for inflation (43 CFR §5.8, 43 CFR 2920.8(a) and (b)). In addition to cost recovery, individuals must also pay a location fee based on the type of filming (still or motion), the number of people involved, and the number of days. Location fees vary by State and group size and were established using statewide appraisals. Fees range from \$100 to \$250 per day for commercial still photography and \$250 to \$600 per day for commercial filming of live action depending on the number of people.

Processing times vary from a day or two to several weeks depending on the complexity of the production operation, whether the location is a popular area, and whether NEPA has to be completed before filming can begin. The processing time also depends on the potential for impacts to other resources or activities, and the availability of BLM personnel to process the permit. On public lands, the BLM works with applicants to find alternate locations for filming activities if the location selected initially presents unique management challenges.

The permitting process and items needed vary depending on the location chosen and the type of filming proposed. The BLM works with film crews to ensure they are aware of the requirements specific to their request. To apply for a permit on public lands, film crews must complete Land Use Application Form 2920. They must also prepare a Detailed Description of Filming Activity form and provide a map showing the specific location(s) requested. Depending on the location, time of production, and type of production, additional items may be required, such as a bond or reimbursement for overtime costs. Bonds may be required to assure reclamation of sets or sensitive locations as appropriate.

The NPS uses two applications for commercial filming and still photography - a short form for small crews with minimal equipment, and a long form for more complex proposals. Contingent on the complexity of the request, a short form may take as little as two days to be processed, while a request involving large crews, more equipment, and unique activities such as pyrotechnics, may take several weeks. Permits are subject to cost recovery charges and location fees. Cost recovery charges are based on the actual costs incurred in accepting the application, processing the request, and facilitating the permitted activity once approved. Location fees are based on a schedule developed by the NPS, Bureau of Land Management, Fish and Wildlife Service, and Forest Service. The schedule ensures consistent location fees between the agencies for similar activities. Fees are determined by the number of people involved with the permit and the number of days the activity is on Federal lands.

3. How do the requirements for individuals or small groups (less than five compare) with the large Hollywood style operations?

Answer: On BLM public lands, smaller operations typically pay reduced application processing and location fees. Their applications are also likely to be simpler to prepare and process because less information would be necessary for activities that are smaller in scope. Larger operations (e.g., a major motion picture shoot) routinely require a bond, an onsite filming monitor, and additional permit stipulations that would not typically be required for smaller film crews. Large productions and requests to film outside popular locations will also usually require an onsite pre-application conference with the relevant BLM personnel.

The NPS uses two applications for commercial filming and still photography – a short form for small crews with minimal equipment, and a long form for more complex proposals. Commercial video crews of three people or less can be issued a permit for an extended period of time, usually up to one year, with authorization for unlimited access to areas of the park open to the general public. Fees are determined by the number of people involved with the permit and the number of days the activity is on Federal lands. Small groups do not necessarily require on-site monitoring. Proof of insurance would be required of all commercial filming, though larger operations and operations with certain special effects would be required to carry higher amounts.

4. How do the agencies ensure fair and consistent application of the law?

Answer: In order to ensure consistency among Bureaus, the Department of the Interior issued regulations on August 22, 2013, (43 CFR PART 5) to implement the commercial film rule in Public Law 106-206. Taking into consideration comments received from the public and industry and trade groups during the rulemaking process, the agencies developed a location fee schedule for use by all agencies to ensure consistency and that regulations were well-defined.

5. Would the Department consider exempting from permitting a de minimis number of people who might engage in filming on Forest Service and other public lands?

Answer: With respect to activities on public lands, the Department's regulations contain a number of exemptions from the permitting requirement that capture a number of de minimis activities. As explained above, still photography and news gathering activities generally do not require a permit except under the specific circumstances identified in the regulations (43 CFR 5.2(b)). The Department would defer to the Department of Agriculture regarding management actions on Forest Service lands.

Murkowski to Jewell #2

Shell is forced to use BSEE's existing Suspension of Operations regulations which were developed to address circumstances in the Gulf; however, Alaska is not the Gulf. Because of the unique and complex operations and the short time frame for actually being able to operate in the Arctic compared to the Gulf, it is appropriate for BSEE to have Arctic-specific suspension regulations that reflect those differences. Do you agree? Why or why not? Additionally, BSEE has the authority to draft such regulations, but apparently has declined to do so. Why?

Answer: BSEE's regulations governing offshore oil and gas operations conducted on the Outer Continental Shelf (OCS) apply to all activities on the OCS regardless of location. BSEE does have the ability to issue additional regulations to address unique operating conditions and constraints. For example, BSEE is currently taking public comment on an Arctic exploratory drilling proposal. BSEE has not declined to draft Arctic specific suspension regulations and continues to explore these issues. BSEE is evaluating whether it can use its existing regulatory authority to address any unique and complex challenges associated with Arctic operations (ice coverage for the majority of the year). BSEE's analysis of this issue is ongoing with the goal of continuing to ensure the safe and environmentally responsible exploration and development of the Arctic OCS in accordance with the Outer Continental Shelf Lands Act and the ability to address suspension concerns in a timely manner.

Murkowski to Jewell #3

I have mentioned on many occasions that I am concerned about the pace of development on public lands—particularly in Alaska where lack of production threatens the sustainability of the Trans-Alaska Pipeline. The Department had a goal of permitting 10,000 megawatts of renewable energy production on federal lands that was met in 2012. And currently, the Administration has a goal for a “new renewable energy economy.”

1. Does the Department have a similar goal for conventional production?

Answer: The BLM provides for oil and gas development under the Mineral Leasing Act. Industry currently holds valid leases to 34 million acres of public lands but is only actively developing one in three of those acres. Last year, the BLM approved 50% more drilling permits than industry drilled that year, and oil and gas companies currently hold approximately 6,000 permits ready for drilling with no further action from the BLM -- a two-year supply under current drilling rates.

2. If not, why? And, to what extent has the lack of any goals played a role in the downward trend of leasing on federal lands?

Answer: BLM is responsible for making oil and gas resources available to industry where appropriate through its land use and leasing processes; however, actual production that takes place is generally up to industry. Oil and gas production is largely driven by economic and geologic considerations of the companies developing those resources. As a result, market conditions and technology advances cause shifts in areas where that development is focused. Oil and gas production trends from public and Indian lands have closely tracked that of comparable State and private lands. In fact, from 2008 to last year, oil production from lands requiring a BLM permit has increased 81% -- from 113 million barrels to 205 million barrels. That is 92 million more barrels in 2014 than in 2008. Even where industry has seen declines, like natural gas, those numbers often track Statewide trends in the Western States where BLM predominantly works (e.g., New Mexico and Wyoming).

According to the leasing statistics on DOI's own website for BLM lands over the past two decades, there is a downward trend. Over the course of the Clinton Administration, the average acres leased per year was 3.3 million. Throughout the George W. Bush Administration, the average acres leased was 3.6 million per year. During the first 6 years of the Obama Administration, that number drops to an average of 1.6 million acres per year. If, like me, you view this information as negative, DOI's proposed rules relating to hydraulic fracturing, methane, and potential royalty rate increases certainly won't help reverse this trend.

3. Is this a trend the Department is aware of and happy with?

Answer: The BLM continues to provide significant opportunity for industry through leasing on public lands and permitting on public and tribal lands. However, industry has chosen to lease fewer acres in recent years, likely due in significant part to a large inventory of existing leases companies acquired in prior years. During the last fiscal year, the BLM offered over 5,500,000 acres for leasing, yet industry only bid on roughly 900,000 acres or 16%. Excluding Alaska, the BLM offered roughly 1.22 million acres in FY 2014, yet industry only bid on 674,084 of those acres (55%), even though nearly all of the parcels offered for lease in the lower 48 were based on industry expressions of interest. These parcels are offered on top of the 34 million acres that industry already holds under lease, only one-third of which are actively producing oil and gas.

The recently published final rule on hydraulic fracturing is estimated by the BLM to cost industry on average less than one-quarter of one percent of the total cost of drilling a well. The BLM does not anticipate this rule to appreciably impact oil and gas production from public and Indian lands. The BLM has not yet published its proposed rule on venting and flaring or made specific decisions with respect to royalty rates, but will take into account the full range of information regarding anticipated impacts to both industry and Federal revenues as specific proposals are developed or considered.

4. Is there anything the Department is proposing that you would argue is going to result in a reversal of that trend?

Answer: Most parcels with high development potential and low resource conflict are part of the 34 million acres already under lease to the oil and gas industry. For parcels with more potential for conflict, the BLM is working hard to resolve conflicts where they arise. For example, BLM reduced the number of successful protests because of improvements in its process. In calendar year 2014, while 690,958 acres within 484 parcels were protested, 478 of those parcels or 98% were eventually offered for leasing, reflecting the strong upfront analysis for the parcel posting.

Similarly, the BLM continues to work closely with the U.S. Fish and Wildlife Service and Western States on a West-wide planning effort to put in place meaningful conservation measures for the Greater sage grouse along with innovative mitigation programs that together will increase certainty for industry while providing for the long-term protection of the species. The BLM is also working to finalize Master Leasing Plans in sensitive areas across the West. Together these plans, once finalized, will allow for responsible oil and gas development while also protecting other resources that are important to local economies.

5. If the Department is unhappy with this trend, what are you doing to see that leasing on our public lands occurs at a rate similar to previous Republican and Democratic Administrations?

Answer: Most parcels with high development potential and low resource conflict are part of the 34 million acres already under lease to the oil and gas industry. For parcels with more potential for conflict, the BLM is working hard to resolve conflicts where they arise. For example, BLM reduced the number of successful protests because of improvements in its process. In calendar year 2014, while 690,958 acres within 484 parcels were protested, 478 of those parcels or 98% were eventually offered for leasing, reflecting the strong upfront analysis for the parcel posting.

Similarly, the BLM continues to work closely with the U.S. Fish and Wildlife Service and Western States on a West-wide planning effort to put in place meaningful conservation measures for the Greater sage grouse along with innovative mitigation programs that together will increase certainty for industry while providing for the long-term protection of the species. The BLM is also working to finalize Master Leasing Plans in sensitive areas across the West. Together these plans, once finalized, will allow for responsible oil and gas development while also protecting other resources that are important to local economies.

In 2013, a report commissioned by the Department concluded that raising royalty rates on onshore oil and gas production on public lands would discourage investment and bring less money to the treasury, and consequently was not warranted.

6. What has changed since then to convince the Department that a royalty increase is warranted?

Answer: One of the Department's primary responsibilities with respect to oil and gas development from public lands and waters is ensuring that the American public receives a fair return from the production of those resources. The Mineral Leasing Act of 1920 (MLA) requires the BLM to impose a royalty rate "at a rate of not less than 12.5 percent in amount or value of the production removed or sold from the lease" for new competitively issued leases. (30 U.S.C. 226(b)(1)(A)). The BLM currently fixes the rate for such leases at 12.5 percent. (43 CFR 3103.3-1(a)(1)). For non-competitively issued leases, the royalty rate is fixed by the MLA at a flat 12.5 percent (30 U.S.C. 226(c)).

The conclusions of the report referenced ("Comparative Assessment of the Federal Oil and Gas Fiscal System") were nuanced. In addition, a range of other reports and information suggest that taxpayers could be getting a better return from increasing the onshore royalty rate. The adequacy of the Department's oil and gas fiscal system has been the subject of many studies by the Government Accountability Office (GAO) and the Department's Office of the Inspector General (OIG) and others. The most recent one was completed by GAO in 2013 ("Oil and Gas Resources: Actions Needed for Interior to Better Ensure a Fair Return"). Both the GAO and the OIG have expressed concerns about the adequacy of the existing BLM regulations. Based on comparison of Federal government oil and gas revenues with revenues received by foreign governments, both have concluded that the Federal government receives one of the lowest

“government takes” in the world. Rates charged by many State and private resource owners in the U.S. suggest similar a similar discrepancy for the Federal onshore rate. As result, the United States could be foregoing significant revenue from the production of Federal oil and gas resources. Most recently, in 2013 the GAO expressed concerns about the BLM’s “lack of price flexibility in royalty rates” to respond to market conditions and “the inability [of the BLM] to change fiscal terms on existing leases.”

The GAO also faulted the Department for not having procedures in place to routinely evaluate the ranking of the Federal oil and gas fiscal system, or the industry rates of return on Federal leases versus other resource owners. In response to these findings, the BLM, in coordination with the Bureau of Ocean Energy Management (BOEM), contracted for a comparative assessment of oil and gas fiscal systems (IHS CERA Study 2011). While that study concluded that the Federal Government’s fiscal system and overall government take were generally in the mainstream nationally and internationally, it pointed out the benefits of a sliding scale royalty system instead of the current fixed rate established by existing regulations. The purpose of the sliding scale system would be to allow the Department to better respond to changes in market conditions and other factors. In addition to the IHS CERA Study, the BLM also reviewed a separate study that was conducted by industry, independent of the BLM (Van Meurs Study (2011)). The Van Meurs Study looked at a wide range of jurisdictions and regions across North America and provided a comparison of the oil and gas fiscal systems on Federal, State, and private lands throughout the United States and the provinces in Canada. At the time it was published, the Van Meurs Study suggested that in the United States: (1) Government take was generally lower on Federal lands than the lessor’s “take” on State lands or private lands; (2) Government take was higher for gas than for oil; and (3) The internal rate of return on leases was lower for gas than for oil.

To date there is no decision to change the royalty rate. However, based on the foregoing, the BLM published an Advance Notice of Proposed Rulemaking (ANPR) to solicit comments on potential changes to its royalty rate regulations, among other things, with the intent of ensuring that BLM is providing the American people a fair return on the oil and gas resources extracted from BLM-managed lands.

7. Does the Department believe raising royalty rates would discourage investment and bring less money to the federal treasury?

Answer: No, the Department anticipates that any decision to adjust the onshore oil and gas royalty rate would be made with the expectation that there would be a positive effect on net royalty revenues to the Treasury (with any Federal revenue gains shared with the States in which the production takes place). The Department has not made any decision yet regarding specific changes to the regulations governing the royalty rate charged for competitively issued oil and gas leases.

8. Does the Department worry that increasing the royalty rate and driving away investment on public lands will make it even more difficult to provide funds for the land and water conservation fund?

Answer: No. Any increase in the royalty rate would be designed to ensure that taxpayers are receiving a fair return from oil and gas development, not to discourage that development.

Murkowski to Jewell #4

In the budget request for the Bureau of Ocean Energy Management 2.5 million was requested to address aging infrastructure and the future needs to decommission and plug aging offshore wells. While I can understand that the Department is seeking to protect federal waters offshore by ensuring that the responsible party pays for such costs, it is bewildering that people are still waiting in Alaska for the necessary remediation of legacy wells drilled by the federal government.

Please provide an update on the requirement from the current spending bill on the ANCSA contaminated sites, as well as the most current information as it relates to expenditure of funds provided through the Helium bill for cleanup.

Answer: The BLM is in the process of developing a database of potential contaminated sites conveyed to ANCSA corporations based on inventories compiled by State and Federal partners in Alaska. A preliminary review of inventoried sites in the database has found that a majority of sites are not on land conveyed to an ANCSA entity, and those sites that were conveyed are on parcels that were not managed by the BLM prior to conveyance. The BLM expects to make the database available to the public after verification of its contents. The BLM is on schedule to submit a report to Congress during the summer of this year. Additionally, BLM Director Neil Kornze hosted a stakeholder roundtable discussion on contaminated lands with Federal partners and Congressional staff in Anchorage on March 10, 2015, to discuss the proposed interagency database verification process and establish a path forward, including outreach to ANCSA corporations.

With respect to the use of funds from the 2013 Helium Stewardship Act, BLM-Alaska is currently using approximately \$7 million to plug Umiat Wells 1, 3 and 11 and remove wellheads at Umiat 4, 8, and 10 in the National Petroleum Reserve in Alaska (NPR-A). This work is being performed by Marsh Creek, LLC, under an interagency agreement with the U.S. Army Corps of Engineers. This work is scheduled to be completed by mid-to late April 2015. In addition, the BLM National Operations Center will soon announce a solicitation for remediation services of additional NPR-A Legacy Wells based upon priorities established in BLM-Alaska's 2013 Legacy Wells Strategic Plan.

Murkowski to Jewell #5

In May 2014, the Fish and Wildlife Service issued two draft rules and one draft policy related to critical habitat designations under the Endangered Species Act. The Service suggests that these proposals are simply an update that makes the regulations regarding critical habitat designations consistent with current policy and current practices. I am concerned that this is not the case and that the proposals greatly expand areas the Service may designate as critical habitat for two reasons.

First, the proposals give the Service the authority to designate unoccupied areas as critical habitat even if occupied areas are sufficient to provide for the conservation of the species. Second, the proposals give the Service the authority to designate unoccupied areas as critical habitat if the habitat is not currently suitable – and may not ever be suitable – to be habitat essential to the conservation of the species. Under these proposals, the Services could designate large swaths of land without a species as critical habitat if they believe one day it might be suitable habitat using climate change models that may or may not be accurate.

1. Will the Department commit to ensuring that the final rules and draft policy do not expand the Service’s ability to designate critical habitat in areas that are not currently suitable for a listed species?
2. What is the timeframe for releasing a final rule?

Answer: The proposed rule you are referring to is the May 12, 2014, proposed rule by the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service implementing changes to the regulations for designating critical habitat (79 FR 27066-27078). That proposed rule serves to revise regulations at 50 CFR 424 which, in part, interpret and implement the statutory definition of “critical habitat”, which includes “(ii) specific areas outside the geographical area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species.” The FWS’s authority and ability to designate critical habitat in areas that were not occupied at the time of listing and are not currently suitable for a listed species flows from the statutory definition, but is limited to circumstances in which there is a specific determination that such areas are essential for the conservation of the species.

The FWS has learned through years of experience that the step-wise approach provided by the existing regulation can result in a larger designation that is less effective for species conservation. The proposed rule change would subsume and supersede language in the existing regulations that provides that areas outside the “geographical area presently occupied by the species” shall be designated only when “a designation limited to its present range would be inadequate to ensure the conservation of the species.” While the Department cannot commit to the outcome of the final rulemaking, be assured the FWS’s objective in proposing this revision is not to expand authority to designate critical habitat, but rather to remove an unnecessary limitation to achieve targeted designation of areas essential for the conservation of the species. The FWS focuses on areas where designation can make a difference for conservation of the species and avoiding areas where designation may provide a disincentive for voluntary conservation efforts.

To that end, the Service’s proposed policy with regard to the discretion to exclude specific areas from designation under authority of section 4(b)(2) reflects the intention, based on years of experience in designating critical habitat and defending those designations, to focus the designation on those areas where an added consideration to any section 7 consultation may benefit conservation of the species, but to generally exercise discretion to exclude from a designation areas where such benefits are unlikely or small and where designation may be a disincentive to voluntary conservation actions.

FWS anticipates finalizing the revised regulations and policy for critical habitat in early summer 2015.

Murkowski to Jewell #6

The sage grouse rider that was included on the FY 2015 Interior appropriations bill prohibits the Department from writing or issuing a proposed rule pursuant to the greater sage grouse as is required when listing a species under Section 4 of the Endangered Species Act. The Department made the determination that the language of the bill allows you to continue working on a listing determination and only prohibits writing and publication of a rule.

Many question that interpretation and would argue that, regardless of whether you can technically take such actions, doing so is outside of the spirit of the appropriations language and is one more example of the Department using a questionable technical interpretation to circumvent the actual intent of Congress.

1. Regardless of whether the Department believes that you are legally entitled to do everything other than write or publish a rule on the greater sage-grouse, do you think moving forward full steam a-head squares with the intent of the provision?

Answer: The Department and the FWS are not ignoring the General Provision relating to sage grouse included in the fiscal year 2015 appropriation. At the same time, the Department is trying to comply with its obligation to the Court to make a determination by the end of fiscal year 2015 as to whether a listing proposal is warranted or not warranted, as established in the 2010 settlement agreement. If FWS determines that a listing is not warranted, FWS will be in compliance with the settlement agreement and require no extension or relief. If the FWS determines that listing is warranted, the FWS will not write or publish a proposed rule listing the species until such time as Congress restores the authority to do so.

2. The Department is prohibited from writing or issuing a proposed rule related to the greater sage-grouse. Is it in your legal authority to use the work product the Department gathers over the remainder of this fiscal year, when the rider is in effect, to write and publish a rule should the rider go away?

Answer: Yes. We believe doing so would be consistent with our Solicitor's opinion that we can gather information for the listing determination and be in compliance with the appropriations language.

This is a slightly more complicated issue, but I am interested in the Department's interpretation of how the settlement agreement interacts with the appropriations bill, which is the law. Paragraph 2 of the settlement agreement expressly states "[t]he [Department] shall *submit a Proposed Rule or a not-warranted finding to the Federal Register* for the...greater sage-grouse, including any Distinct Population Segments, by FY 2015." Paragraph 21 of the settlement agreement then states, "*No provision in this Agreement shall be interpreted as, or constitute, a*

requirement that the [Department is] obligated to expend or pay any funds exceeding those available, or take any action in contravention of...any other appropriations law.”

Paragraph 2 requires the Department to submit a proposed rule in the Federal Register. The FY 2015 prohibits the Department from writing or issuing a rule that would be published in the Federal Register. Paragraph 21 makes clear that the settlement agreement does not supersede federal law.

3. If the settlement agreement requires the Department to submit a proposed rule to the federal register and you're prohibited from doing so by federal law, doesn't the appropriations bill, by its very language, prohibit the Department from acting in the manner that the settlement agreement requires you to act? And, if so, how can the Department justify the course of action in moving forward with a listing determination?

Answer: The FWS will comply with the Court-ordered settlement to make a determination by the end of fiscal year 2015 as to whether a listing proposal is still warranted or not warranted. Reaching a determination does not involve writing or issuing a proposed rule. If FWS finds that listing is still warranted, the General Provision in the FY 2015 appropriation and the Anti-Deficiency Act will prevent the FWS from writing or issuing a proposed rule.

Murkowski to Jewell #7

I was pleased to see that the Department included \$22 million towards completion of Alaska land conveyances. This is the first time in many years that the Department hasn't slashed the program funding from the previous year. Last year, there were about 7 million acres pending approval of interim conveyances and about 56 million acres lacking surveys.

What will the Department be able to accomplish with the funds requested in the Budget?

Answer: The BLM estimates that survey and patent work is needed on 40.8 million acres of land in order to complete the United States' obligation to the State of Alaska under the Alaska Statehood Act. This field season BLM plans to survey approximately five million acres of the remaining State survey obligation. The BLM is also working with the State of Alaska to implement a new survey method using modern technology that could reduce the timeline for surveys by 60-75 percent and reduce the cost to the American taxpayer by 50 percent or more.

For lands covered by the Alaska Native Claims Settlement Act, the BLM estimates 11.9 million acres are left to survey and patent in order to complete the United States' obligation to the ANCSA corporations. In 2015, the BLM received \$22 million in conveyance funding which allows the BLM to conduct surveys for two of the 18 tracts conveyed to Sealaska on March 6, 2015, pursuant to the 2015 National Defense Authorization Act. Additionally, final surveys will be completed for up to six village corporations, allowing their entitlement to be finalized by patent in approximately three years. BLM will complete "14(c)" surveys for three village corporations and ten Native Allotment parcels. Focus will shift from fulfilling entitlement by interim conveyance to finalizing entitlement by patent. This year BLM already fulfilled entitlement, by patent, to seven ANCSA village Corporations with another seven village

entitlements in the adjudication process. Additionally, the BLM anticipates reducing the 9.5 million acres in the interim conveyance status by nearly 500,000 acres by the end of the fiscal year.

As noted, the Department's FY 2016 budget requests \$22 million to continue Alaska land conveyances. With this funding, the BLM plans to approve 1,000 miles of prior cadastral field surveys, complete 700 miles of new field surveys, and process 20 Native allotment claim applications. In addition, approximately 600,000 acres of Native corporation entitlements and 800,000 acres of the State of Alaska entitlement will be patented. Transfer of title through 'Interim Conveyance' or 'Tentative Approval' will continue to be completed, as necessary, for Native corporations and the State of Alaska.

Murkowski to Jewell #8

The federal government and the state are joint partners in the Alaska Mapping Initiative, with the goal of improving the topographic maps for the state. Some of the current topographic maps are over 50 years old and vital to aviation safety, land use planning, and research. The President's FY2016 budget proposes to increase funding for this program by \$1.3M.

Would the Department please provide an update on where we are with the Mapping Initiative, how much of the state now has updated maps, and how long will it take to complete?

Answer: The Alaska Mapping Initiative is an interagency effort to update base geospatial information in Alaska. The Alaska Mapping Executive Committee (AMEC) coordinates Federal agency activities and works in partnership with the Alaska State government. This effort will result in State-wide high-resolution geospatial coverage for elevation, hydrography, topographic mapping, and other thematic datasets.

The Department appreciates the support of the Alaska delegation in this effort. Chaired by the Department of the Interior Assistant Secretary for Water and Science, the AMEC has led the Alaska Mapping Initiative since 2012, with an initial focus on acquiring State-wide high-resolution elevation data derived from interferometric synthetic aperture radar (ifsar). To date, ifsar elevation data collection has been completed for approximately 53% of the State. In July 2014, the AMEC endorsed a three-year strategy (2015-2017) to complete the remaining ifsar elevation data acquisition for Alaska, contingent on funding. Progress to date is the result of very effective coordination and cooperation among the partners and funding contributions from participating Federal agencies and the State of Alaska.

The State of Alaska is acquiring SPOT satellite imagery and will have complete State coverage by 2016. The U.S. Geological Survey will use the topographic contours derived from the ifsar elevation data in conjunction with the SPOT satellite imagery, high-resolution National Hydrography Dataset information, and other base geospatial information to create updated 1:25,000-scale topographic maps. These maps will replace the outdated and less accurate topographic maps which currently exist for Alaska.

To date, approximately 1,100 new maps have been completed, for which new ifsar elevation data and imagery have been acquired, representing 10% of the State, with another 600 maps scheduled for production in 2015. The current goal is to complete the coverage of Alaska with new maps over the next 6-8 years.

Murkowski to Jewell #9

I have expressed my frustration with the mitigation requirements associated with the Greater Moose's Tooth (GMT) permitting process. Getting through the permitting process on public lands is not easy by design. There are strict environmental laws that industry must comply with. This is reasonable. However, I am concerned that the uncertainties the Greater Moose's Tooth faced in the process are going to be formalized and exported to the lower 48 via Secretarial Order 3330 on mitigation, which was signed on October 31, 2013.

1. As we saw with Greater Moose's Tooth, the Department is free to accept voluntary mitigation efforts as part of the permitting process. Please describe to me the legal justification for the idea that the Department has the authority to require them to make a payment into a mitigation fund in order to authorize an otherwise permissible activity under the Federal Land Policy Management Act (FLPMA).

Answer: As discussed in the GMT1 Record of Decision (ROD), BLM's authority for management of NPR-A and to issue land use authorizations for the GMT1 project comes from several statutes, including the Federal Land Policy and Management Act (FLPMA), the Naval Petroleum Reserves Production Act (NPRPA), Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA), and section 28 of the Mineral Leasing Act. Each of these statutes and their implementing regulations require BLM to consider impacts to the environment and other resources and uses during processing of applications for land use authorizations. Additionally, each of these authorities provide broad authority for BLM to impose measures requiring applicants to mitigate adverse impacts to resources and uses, including measures that avoid or reduce impacts and measures that will compensate for unavoidable impacts.

The congressional declaration of policy for FLPMA requires that, "the public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archeological values...." (43 USC § 1701(a)(8)). The FLPMA directs that "[i]n managing the public lands the Secretary shall, by regulation or otherwise, take any action necessary to prevent unnecessary or undue degradation of the lands" (43 USC § 1732(b)).

The NPRPA provides BLM with additional mitigation authority specific to oil and gas operations in the NPR-A, directing the Secretary to "include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska" (42 USC § 6506a(b)).

Title VIII of ANILCA further requires Federal land managing agencies to evaluate impacts of proposed actions on subsistence uses, and provides that any action which would significantly

restrict subsistence uses cannot be approved unless the agency takes reasonable steps to minimize impacts to subsistence uses and resources resulting from such actions (16 USC § 3120).

Additionally, Section 28 of the Mineral Leasing Act provides BLM with authority to issue rights-of-way across Federal lands for oil and natural gas pipelines and related facilities, and provides that such rights-of-way “shall be subject to such terms and conditions as the Secretary or agency head may prescribe regarding extent, duration, survey, location, construction, operation, maintenance, use, and termination” (30 USC § 185). Specific to environmental protection, subsection 28(h) of the Act requires BLM to impose stipulations which are “designed to control or prevent damage to the environment (including damage to fish and wildlife habitat)” and that “protect the interests of individuals living in the general area of the right-of-way or permit who rely on the fish, wildlife, and biotic resources of the area for subsistence purposes” (30 USC § 185(h)).

According to BLM interim draft mitigation policy (IM 2013-142),¹ offsite compensatory mitigation is generally appropriate when the agency determines that impacts cannot be mitigated to an acceptable level onsite, and it is expected that the land use authorization as proposed would not be in compliance with law or regulations, or consistent with land use plan decisions or other important resource objectives.

In the case of the GMT1 development project, the BLM conducted a public review process under the National Environmental Policy Act (NEPA) and determined the preferred alternative for the project would result in major impacts to subsistence hunting and fishing activities that were not able to be mitigated through changes to siting or project design. In order to address these unavoidable impacts and allow development to proceed, the BLM worked with the project applicant to identify compensatory mitigation measures to offset those impacts consistent with these authorities. These funds will be directed, as part of a broader regional mitigation strategy process, to projects that will compensate for impacts to subsistence hunting and fishing opportunities caused by the project.

2. The Secretarial Order describes new policies, handbooks, and manual updates that will result from the Order. What information is the Department using to formulate these changes and when can we expect to see them?

Answer: The Department is in the process of updating policies, handbooks, and manuals to provide greater consistency in how mitigation is planned for and considered in the process of permitting projects. The Department and its bureaus are taking as inclusive an approach as possible for this effort. We rely on the insight and knowledge of our managers, specialists, and biologists on the ground that have a long history of permitting projects and collaborating with project proponents, states, communities, and other stakeholders. Such input is based on best-practices examples that have worked on the ground. Where appropriate, we have also sought public input. For example, BLM took the unusual step of publishing its interim draft mitigation

¹ Interim Policy, Draft - Regional Mitigation Manual Section - 1794, June 13, 2013.

http://www.blm.gov/wo/st/en/info/regulations/Instruction_Memos_and_Bulletins/national_instruction/2013/IM_2013-142.html

guidance in 2013, to allow for public input and coordination with stakeholders and partners. The BLM's final mitigation guidance, due out this summer, has improved as a result of this engagement. Likewise, FWS plans to propose their mitigation policy revision in the Federal Register for public comment and review. Other policies, such as a new Departmental Manual codifying Secretarial Order 3330, have also been informed by discussions with bureaus receiving public comment and from direct discussion with stakeholders and project proponents.

3. Projects across the Department's holdings have different mitigation ratios. What is the mechanism that will determine what the mitigation ratios are for a specific project?

Answer: Compensatory mitigation measures are analyzed as part of a project's public review under NEPA and are based on the impacts the project would have on important resources as defined by FLPMA, the Endangered Species Act (ESA), and other statutes. As mentioned above, the BLM and FWS are currently updating guidance that will bring greater consistency to the assessment of mitigation measures, though local conditions and public input will remain important considerations, and project decisions will continue to be made with the relevant line officer. In order to bring further predictability to mitigation and permitting decisions, the Department implements landscape strategies for areas of intensive development or special resource concern. For example, FWS routinely works with partners and stakeholders to implement Habitat Conservation Plans and Candidate Conservation Agreements that provide for conservation of species while providing assurance to developers and landowners. Similarly, BLM is working to develop regional mitigation strategies for Solar Energy Zones under the Western Solar Plan and routinely works with oil and gas companies to define mitigation measures for field-wide development plans. With these strategies, BLM is able to provide prospective developers with knowledge of where best to site projects as well as the certainty of foreseeable compensatory mitigation requirements, e.g. ratios, etc., if projects produce residual impacts. A similar regional mitigation strategy has been undertaken pursuant to the ROD for the GMT1 project, which will provide greater predictability for subsequent development projects in the northeastern portion of the NPR-A.

4. There seems like potential for a tremendous amount of subjectivity. Given the idea that the Department thinks there is the authority to require this, how would you determine a mitigation ratio, particularly in the context of a project proponent who is not volunteering this?

Answer: For decades, the Department has determined mitigation measures for a range of resources and project types. When determining appropriate mitigation for a proposed project on federal land, the BLM bases the need for compensatory mitigation on what is necessary and effective to offset residual impacts to resources considered important, scarce, or fragile as typically identified by applicable statute, regulation, or land use plan. In identifying appropriate mitigation measures, the BLM ensures there is an appropriate connection between the reasonably foreseeable impacts of a land use activity and the benefits of the compensatory mitigation. In some cases, the rough proportionality of mitigation requirements may be expressed in terms of ratios to reflect: 1) the fact that mitigation is not always successful (e.g., if on average restoration succeeds only half the time, then a 2:1 ratio is needed to offset expected losses of habitat), and 2)

differences in conservation value (e.g., 2 acres of low value habitat must be enhanced for each acre of high value habitat lost).

The updated policies referenced above will provide greater consistency to how project managers consider these impacts and account for them in project reviews under NEPA. The Department is also improving how it plans for mitigation in advance of individual project reviews, including through the use of landscape strategies. Where these strategies exist, they provide project developers with an upfront and predictable framework for how the Department seeks to manage a particular set of resources or type of impact. For example, in the case of the Dry Lake Solar Energy Zone (SEZ) Regional Mitigation Strategy, a ratio of less than 1:1 was recommended to account for the solar development impacts to a landscape in a previously disturbed state. Generally, these strategies can provide increased certainty for developers in advance of project reviews.

5. And, in the context of the Order, what qualifies as a “large development” project that requires the Order to “effectively offset impacts?” Will projects not classified as “large” be exempt from the mitigation order?

Answer: The development and consideration of landscape-scale strategies and plans will help to inform planning and permitting decisions relating to infrastructure projects of all types and sizes. Because large infrastructure projects often result in large-scale and complex impacts to the land and water resources, landscape-scale strategies and plans are particularly useful for these projects. Such strategies and plans can also be valuable when working to mitigate the impacts of a smaller project, such as a mine expansion or the siting of an oil and gas well. Opportunities identified by landscape-scale mitigation strategies and plans should be available to all appropriate development projects, regardless of size or type.

6. I am concerned that, rather than creating efficiencies, the actions the Department is planning to take related to the Order will add duplicative requirements, give too much flexibility to agency personnel and create situations where “surprising” requirements at points in the process create an atmosphere of undue leverage. This will make responsible development on public lands even more difficult than it already is. What steps is the Department taking to promote clarity and predictability for both investors and agency personnel so that plans can proceed with less uncertainty and potential for conflict?

Answer: Improving consistency, predictability, and timeliness of permit decisions is a primary goal of this effort. Advancing development of landscape strategies department-wide and ensuring consideration of the mitigation hierarchy up-front in the project planning process can dramatically increase operational certainty. As noted in a report to the Secretary, "identifying mitigation needs early in the project development process can provide greater predictability and certainty in the design, development and implementation of projects by avoiding the need for late project revisions and analyses, and by providing for coordination and consistency among

agencies. This can serve to reduce project costs and increase the confidence of investors, purchasers, and other project beneficiaries in the ultimate success of the project.”²

With established landscape strategies, project developers are better armed with a comprehensive description of management objectives for resources that may be impacted by their project. As a result, project proponents can better design and develop projects that avoid and minimize risk, and then compensate for unavoidable impacts when they do occur. More transparency and coordination will save time and money for developers and agencies alike.

In the case of the GMT1 project, the proposal represented the first oil and gas production from federal lands in the National Petroleum Reserve-Alaska. As noted above, the ROD for that project provides for the development of a regional mitigation strategy that will allow the public to weigh in on how to direct the existing compensatory mitigation efforts for the GMT1 project and will provide greater predictability and efficiency for subsequent projects located in the northeastern portion of the NPR-A.

Murkowski to Jewell #10

On February 23, eleven state regulators sent a letter to Office of Surface Mining Director Joseph Pizarchik. The letter expressed concern from the state regulators that the Office of Surface Mining had not “provided for meaningful participation by the cooperating agency states in preparation of the [Environmental Impact Statement] and it seems unlikely the agency will do so prior to release of the Draft EIS and proposed rule this spring.”

1. Does the Department disagree with their assertion that there has not been “meaningful participation by cooperating agency state?” If not, how has “meaningful participation” been achieved?

Answer: When Office of Surface Mining Reclamation and Enforcement (OSMRE) prepared the 2008 stream buffer zone rule, it did not include State coal mine regulators as cooperating agencies. However, when OSMRE began the development of the stream protection rulemaking to replace the now vacated 2008 rule, OSMRE, for what is believed to be the first time in its history, invited State regulators to be cooperating agencies. The cooperating State agencies provided meaningful input and comments. Their help is appreciated and has been used by OSMRE. OSMRE provided a report to the States on the status of the rulemaking in October 2014. The OSMRE also recently invited the cooperating State agencies to meet in late April regarding the analysis in the current draft EIS, specifically with regard to the issues they raised previously.

2. What is the schedule for release of the Draft EIS and proposed rule?

Answer: Dependent on the timing of that review, the OSMRE hopes to release the Draft EIS in fiscal year 2015. The draft EIS is with the Office of Information and Regulatory Affairs at OMB.

² *A Strategy for Improving the Mitigation Policies and Practices of the Department of the Interior*, April, 2014.
http://www.doi.gov/news/upload/Mitigation-Report-to-the-Secretary_FINAL_04_08_14.pdf

3. What is the total amount of funding spent by the OSM in development of the Draft EIS and proposed rule?

Answer: OSMRE has spent approximately \$9.5 million to develop the rule, including the evaluation of multiple options, review of current science and technology, and consultation with stakeholders.

There have been significant advances in science and technology since the promulgation of the 1983 rule that were not addressed in the 2008 Stream Buffer Zone Rule. Incorporating the most up-to-date science, technology, and knowledge concerning the effects of surface coal mining is essential to developing maximally beneficial modern regulations. In addition, the 2008 Stream Buffer Zone Rule did not provide objective standards for certain important regulatory decisions, such as a requirement to collect baseline information about pre-mining conditions so the regulatory authority can accurately assess the impacts of mining and assure proper reclamation. Therefore, OSMRE began work to modernize its regulations, incorporating new science, technology, and knowledge in areas that can improve, update, and more completely implement SMCRA.

Many scientific advances have occurred in the past 30 years. Under SMCRA, OSMRE can and should consider those advances when modernizing its rules. That is one reason why, combining OSMRE's on-the-ground experience with peer-reviewed academic study, they are modernizing rules and using the best available technology and science to improve mining practices to minimize and mitigate environmental damage from surface coal mining. A revised rule that incorporates modern science, technology, and knowledge will enable the coal industry to do a better job of reclaiming land and restoring natural resources, and in many cases, will lead to that work being done in a more economical and efficient manner.

Murkowski to Jewell #11

I appreciate the Secretary's pledge to cooperate in providing answers to my further questions regarding the Revised Comprehensive Conservation Plan and Final Environmental Impact Statement for the Arctic National Wildlife Refuge ("CCP" and "FEIS" respectively). Will the Secretary appoint a senior Departmental official (e.g. your Chief of Staff, Mr. Tommy Beaudreau) to discuss the most productive means to provide my questions to the Department such that you may provide thorough and complete answers promptly?

Answer: Tommy Beaudreau, the Chief of Staff, will be the point person.

Cochran to Jewell #1

It is my understanding that the North American Wetlands Conservation Fund received \$100 million as part of the BP settlement following the Deepwater Horizon oil spill. Is it true that these funds are intended to be used for the purposes of wetlands restoration and conservation located in states bordering the Gulf of Mexico to benefit migratory species and other wildlife affected by the oil spill? Is it true that of the total \$100 million in funding received, approximately \$30 million has been spent, and only 25 percent of it has been spent in the Gulf States? Is it true that these funds are supposed to help the areas most affected by the oil spill, and there is no shortage of public and private entities in Mississippi ready to help leverage these funds? If so, do you expect this trend to continue with the remaining expenditure of the funds?

Answer: Through the Deepwater Horizon oil spill settlement with BP, the North American Wetlands Conservation Fund (Fund) will receive \$100 million over a 6-year period, made in annual payments that started in 2013, and were available to spend in 2014. As of March 1, 2015, \$40,041,992 has been deposited into the Fund under the court-approved payment schedule. Of this amount, and consistent with 16 U.S.C 4407 (a) (1), \$1.4 million (4% of the total deposited to date) has been used for administrative costs consistent with the authorizing statute, and nearly \$3 million has been withheld due to sequestration. Settlement funds will continue to be withheld due to sequestration through fiscal year 2023, unless subsequent legislation is enacted eliminating sequestration.

After considering sequestration and administrative costs, the settlement has provided \$35.6 million to NAWCA. The settlement requires these funds be used “for the purpose of wetlands restoration and conservation projects located in Gulf Coast States or otherwise designed to benefit migratory bird species and other wildlife and habitat affected by the Macondo oil spill.” To date, the North American Wetlands Conservation Council (Council), which oversees the Fund, has followed this direction carefully, funding projects with the greatest potential benefit to migratory bird species affected by the oil spill and where habitats supporting those species are facing urgent and widely acknowledged threats in Gulf States as well as others. For example, the Prairie Pothole Region of the Upper Midwest is undergoing a land conversion crisis and migratory birds affected by the spill are highly vulnerable to further losses of vital breeding habitat. Furthermore, the settlement funding is subject to the North American Wetlands Conservation Act (Act), which requires no less than 30% and no greater than 60% of available funds must be spent in Canada and Mexico. The Council decided to allocate the minimum (30%) to Canada and Mexico and is directing these funds to benefit species affected by the spill.

Based on that guidance, approximately \$18 million (50%) has been awarded to projects in the United States and \$5.2 million (15.5%) to projects in Canada and Mexico. During its April 29, 2015 meeting, the Migratory Bird Conservation Commission will consider awarding \$3.8 million for eligible domestic projects and \$8.6 million will remain in the Fund to support future projects.

The total funding available from the settlement for domestic projects is \$70 million, less the costs of administration and sequestration. Of this amount, \$22 million has been identified for projects in the five Gulf States, including two projects in Mississippi. The Council will continue to prioritize and fund high quality projects in Gulf States, in addition to those high quality projects that will provide the greatest benefit to affected migratory bird species, such as those within the prairie potholes.

Cochran to Jewell #2

Residents and private landowners in South Mississippi are very concerned about the proposed rule published by the U.S. Fish and Wildlife Service designating the Black Pinesnake as “threatened” under the Endangered Species Act. The prohibitions and conservation actions that could be required as a result of this designation, should the rule become final, could have a negative impact on one of the main economic drivers in the area – timber and forestry production. I certainly hope the U.S. Fish and Wildlife Service will take this into consideration moving forward. Should the Service issue a final rule on this determination, what type of restrictions would be placed on timber harvesting activities? If forestry management activities are drastically reduced on the DeSoto National Forest, how will the counties containing large tracts of federal land be compensated for the lack of revenue from timber production?

Answer: The U.S. Fish and Wildlife Service (FWS) proposed listing the black pinesnake as threatened under the Endangered Species Act (ESA), with a special rule under authority of section 4(d) of the Act that would tailor regulatory prohibitions to only those necessary for conservation of the species. The proposed special rule reduces the regulatory burden on landowners, while promoting forestry activities that provide an overall conservation value to the snake. Activities such as riparian and longleaf pine restoration, herbicide treatment, burning, and thinning are covered under the special rule, meaning those activities could continue to take place if the conservation measures in the rule are followed.

The black pinesnake depends on open longleaf pine habitats. As a result, much of the forested land in southern Mississippi is not considered black pinesnake habitat. Forest management activities in areas not occupied by the snake would be unaffected by the proposed listing. In areas where the black pinesnake is known to occur, the FWS is working with the forest industry and landowners to minimize and avoid potential impacts to the snake from activities such as clearcutting and stump removal.

The FWS worked closely with the U. S. Forest Service as they prepared the proposed listing of the black pinesnake to find conservation measures that will protect the snake while allowing for timber harvest and other forest management activities. If the proposed listing is made final, FWS does not expect forest management activities to be reduced on the DeSoto National Forest. Under the Forest Plan, activities in the DeSoto National Forest would accelerate timber management treatments, such as thinning, to restore the longleaf pine ecosystem. These efforts will have a number of benefits, including restoring habitats for the black pinesnake and other threatened and endangered species also present in the DeSoto National Forest, such as the red-cockaded woodpecker, gopher tortoise, and dusky gopher frog.

Cochran to Jewell #3

Pearl River Elementary School on the Mississippi Choctaw Reservation was originally built to serve approximately 300 students, is now serving more than 700. On February 27th, the Government Accountability Office released a document stating that “information on the physical condition of Bureau of Education schools is not complete or accurate as a result of longstanding issues with the quality of data collected by the Department”. Does the Administration’s FY2016

budget proposal provide adequate funding to improve data collection and address the construction needs at Bureau of Indian Education schools? What steps is the Department taking to help tribes recruit quality teachers, particularly in states where funding available to pay teachers at tribal schools is significantly lower than public school teacher salaries?

Answer: Indian Affairs is in the process of finalizing the verification of an up-to-date, accurate database of deferred maintenance needs for each school. The data update and verification process is important at all times, but especially critical at this point in time when Indian Affairs is developing a list of schools eligible for the next list of BIE-funded schools slated for replacement and renovation. In FY 2014 and FY 2015 to date, BIA has actively conducted outreach to notify schools to update information in the deferred maintenance database. BIA has also provided technical assistance where necessary. The FY2016 education construction budget request includes \$1.3 million to continue triennial facilities condition assessments at BIE schools. Going forward, the scope of the condition assessments will expand to provide a more in-depth assessment to assure data accuracy, deferred maintenance, and programmatic needs for BIE schools.

To address the education construction needs, the FY 2016 budget includes \$45.5 million for replacement of the last two schools on the 2004 Replacement School Priority List and to begin planning and design of the schools on the next replacement and renovation priority list, currently under development. In addition, the FY 2016 education construction request revitalizes the Facilities Component Replacement Program (FCRP) and funds it at \$11.9 million. This program is an important part of the Indian Affairs' plan to bring all BIE schools into good condition. The FCRP identifies individual buildings on a school campus where it is more cost effective to replace the building than repair it but where the whole campus does not need replacement. Indian Affairs is currently re-establishing criteria for buildings to be prioritized for FCRP. The FY2016 budget request also includes significant increases for education facilities improvement and repair projects and for education employee housing repair.

BIE-funded schools are operated by the BIE or under grant by a tribe or tribal organization. BIE is only able to report on strategies at BIE-operated schools. Tribally controlled schools are not required to report to BIE regarding any aspects of tribal operation of a BIE-funded school. With respect to strategies to recruit quality teachers, BIE is partnering with Tribal Colleges and Universities to create programs to align aspiring teachers with BIE-funded schools. BIE is also working with the National Board for Professional Teaching Standards to provide teachers an opportunity to work on a multi-year program to yield an advanced teaching credential to exceed State requirements. Tribally-controlled BIE-funded schools may work with the BIE to participate in either of these strategies.

Hoeven to Jewel #1

Due to the growth in western North Dakota, this part of our state has experienced a dramatic cost of living increase while federal wages in these areas have remained the same. I have urged OPM to address these salary issues for federal employees in western North Dakota, and I understand that OPM is waiting until it can review a special rate request for North Dakota from the Department of the Interior before taking any action. When will your department complete its special rate request?

Answer: The Department of the Interior submitted a special pay rate request for mission critical energy occupations, including positions in the Bakken region, to OPM in November 2014. The Department has been working together with OPM and other Federal employers in the Bakken region to collectively address recruitment and retention issues there through the use of available pay flexibilities. These flexibilities include recruitment, retention, and relocation incentives as well as special rates of pay. Federal agencies have been using recruitment and retention incentives in the short term. OPM recently approved agency requests to establish special wage rates for around 160 skilled trades positions in the region, including certain Department of the Interior positions, and is engaged in an interagency coordination of agency special rate requests for certain General Schedule positions. OPM informs us that it expects to complete its interagency coordination and respond to agencies with a decision on the special rate requests in the near future.

Cassidy to Jewell #1

Recently you stated that states on the Atlantic will have a chance to pull themselves out of the running for possible federal approval of offshore drilling.

What are your thoughts here? Your quote suggests that states along the coast have a role?

Based on the logic you just gave, how can you then claim that revenue shouldn't have been shared with states since they do have a role and an impact in hosting energy production offshore?

Answer: States clearly have a role in decisions about whether and/or how to develop Federal energy resources off their shores, both as a statutory matter and as a general principle. In fact, Section 18 of the Outer Continental Shelf Lands Act (OCS Lands Act) requires the Secretary to consider eight factors in determining the timing and location of Outer Continental Shelf (OCS) oil and gas activities. One of those factors is “(a)(2)(F) laws, goals, and policies of affected States which have been specifically identified by the Governors of such States as relevant matters for the Secretary’s consideration;” For the Secretary to consider such information, comments from affected States are solicited and considered by BOEM during the Program development process. Per Section 18 (c)(1) of the OCS Lands Act, the Secretary of the Interior shall invite and consider suggestions for the leasing program “...from the Governor of any State which may become an affected State under such proposed program...”.

How the Federal revenues generated from those Federal leasing and development decisions are spent is a different matter, and the Administration stresses its commitment to ensuring American taxpayers receive a fair return from the sale of public resources and that taxpayers throughout the country benefit from the development of offshore energy resources owned by all Americans. Any revenue sharing of OCS revenues must be provided for by statute. The Secretary of the Interior does not have the authority to expand, extend, or otherwise revise revenue-sharing provisions. Congress would have to implement legislation to authorize any new revenue sharing arrangements. The Administration proposes to work with the Congress on legislation to redirect funds currently allocated for GOMESA revenue-sharing payments to select States from Gulf of Mexico oil and gas leases. The Administration proposes to redirect these payments, which are set to expand substantially starting in 2018, to programs that provide broad natural resource, watershed and conservation benefits to the Nation, help the Federal government fulfill its role of being a good neighbor to local communities, and support other national priorities. Such programs could include the Land and Water Conservation Fund, Payments in Lieu of Taxes, State and Tribal Wildlife Grants, Federal coastal restoration and resilience programs, and other national priorities.

Cassidy to Jewell #2

The Department recently proposed the Draft Proposed Program for the 2017-2022 OCS Five Year Leasing Program. Given that the 5-year OCS Leasing Program development process involves multiple iterations and is designed to whittle down the areas under consideration for leasing at each stage of the process, can you explain the decision to remove areas from

consideration in certain planning areas without having the benefit of a full environmental analysis or compatibility study?

Answer: The Draft Proposed Program (DPP) analyzed all 26 planning areas and reflects a balanced proposal that would make nearly 80 percent of the undiscovered technically recoverable resources available while protecting special areas and reducing potential multiple-use conflicts. The options in the DPP include sales in the offshore areas that have the highest oil and gas resource potential, highest industry interest, and are off the coasts of States that expressed a strong interest in potential OCS energy exploration. The selection of these areas also considered potential environmental impacts, stakeholder concerns, and competing uses of ocean and coastal areas. Public involvement is an important step in the development of the Program and will help the Department determine whether and how it should be further refined in the next stages of Five Year Program development.

Using authority granted in section 12(a) of the OCS Lands Act, 43 U.S.C 1341(a), the President withdrew certain areas within the Beaufort and Chukchi Seas to protect areas of critical importance to subsistence use by Alaska Natives, as well as for their unique and sensitive environmental resources. The majority of the withdrawn areas have a long history of being deferred in Five Year Programs and lease sales. Even with these withdrawals, the DPP contains 90 percent of the undiscovered technically recoverable resources in the Beaufort and Chukchi Seas.

The DPP proposes a sale in the Program at least 50 miles offshore the coasts of Virginia, North Carolina, South Carolina, and Georgia in a portion of the Mid-Atlantic and South Atlantic Planning Areas. This option allows for consideration of a targeted area with resource potential, while limiting potential impacts to the environment and other ocean uses. The 50-mile coastal buffer was included for the Atlantic sale to minimize many multiple use conflicts, such as those from Department of Defense activities, renewable energy activities, and commercial and recreational fishing, while making available the vast majority of potential resources in this area. Further environmental analysis regarding minimizing potential impacts will be performed as part of the five-year Programmatic Environmental Impact Statement.

Cassidy to Jewell #3

In 2010, the Atlantic was not open for leasing and Congress had a moratorium for the Eastern Gulf of Mexico. BOEM announced in March 2010 that the 2010-2017 5-year Program would include lease sales in the Atlantic and some additional portions of the Eastern Gulf of Mexico contingent on Congress lifting the EGOM moratorium. After the Macondo incident, those plans were scrapped. You have now proposed opening the Atlantic, but refuse to consider the EGOM. More is understood about the EGOM's potential resources and because of the proximity to the Central Gulf of Mexico the infrastructure is also there. Why did you not include the EGOM in the draft plan using the same contingency that was proposed in 2010?

Answer: The vast majority of the Eastern Gulf of Mexico (EGOM) is under Congressional moratorium and is unavailable for leasing consideration through June 30, 2022, pursuant to the Gulf of Mexico Energy Security Act of 2006.

With regard to the Atlantic OCS, this area has not been under Presidential withdrawal since July 14, 2008, and has not been subject to Congressional moratoria since October 1, 2008.

Cassidy to Jewell #4

The Department included one sale for the Atlantic in the draft proposed program. Unfortunately, the sale has been put at the end of the planning period, 2021. Given the frontier nature of the Atlantic, it would be useful to have the sale earlier in the plan to give time for companies to analyze data and use the information from that sale to inform the Department for the 2022-2027 program. Why did you push the sale so late into the program?

Answer: Current geological and geophysical (G&G) information regarding the oil and gas resources potentially available in the Mid- and South Atlantic Planning Areas is based on older data collected in the 1970s and 1980s. Significant advances in instrumentation and technology for the acquisition and analysis of G&G data have been made in the intervening decades. The proposed sale is late in the Program to afford companies more time to collect and analyze data on the location of potential hydrocarbon resources. It also allows the government more time to consider this data, as well as gather new information on the environment and multiple use conflicts. As part of the lease sale process, the Department must also prepare an Environmental Impact Statement of the sale area, which will require additional time in an area not recently analyzed.

Cassidy to Jewell #5

In your announcement for the DPP you were quick to point out that you can narrow or take away areas altogether away. With such a limited proposal to begin with it's hard to understand how or why you would limit it any further especially given all of the support for offshore drilling in the regions you've proposed? Are you, through your current authority able to expand the DPP or are you only able to subtract leasing acreage?

Answer: The DPP analyses examined and compared all 26 of the planning areas. As required under Section 18 of the OCS Lands Act, the Secretary must consider and balance critical needs, and this resulted in the decision to include a schedule of 14 potential lease sales in 8 planning areas in the Draft Proposed Program, which would make nearly 80 percent of the undiscovered technically recoverable resources available.

If an area or sale is not included at the DPP stage, it cannot be added back into the DPP without analyzing the option and rebalancing the entire DPP decision. Therefore, the DPP decision is the broadest Program decision available for further consideration, per the OCS Lands Act. As additional comments are received, an Environmental Impact Statement is prepared, and Section 18 criteria are further analyzed and balanced, the Department will refine the DPP analysis and develop a Proposed Program.

Cassidy to Jewell #6

Why are you allowing environmental groups to dictate the five year leasing program? I ask because last year the Request for Information had a 45-day comment deadline as dictated by the planning process but yet, the Department extended the deadline an additional 15 days and I must assume it was because there weren't enough comments submitted from anti-drillers.

Answer: BOEM granted the extension of the comment period in response to requests from several State governments along the Atlantic coast. BOEM recognizes the importance of input from stakeholders and the public and wanted to be responsive to requests to provide additional time for those States in particular that had not had OCS activity in many years to understand the process in order to provide critical information, recommendations, and concerns to help apprise the Department on preparation of the DPP.

Blunt to Jewell #1

The report language in the FY 2014 and FY 2015 Omnibus included the Committees' continuing support for park partnerships and urged the Department of the Interior "to continue reassessing recent policy interpretations and review procedures to promote the greater use of partnerships" . . . that have historically proven beneficial to national parks and partners.

What further steps have you taken to adopt policies and an internal organization addressing management of truly collaborative operating and conservancy relationships in order to encourage the shared stewardship and funding so essential for the National Park Service to fulfill its mission?

Answer: The National Park Service encourages shared stewardship and funding through its partnership authorities and policies. In June 2014, the NPS issued a policy memorandum to help the NPS connect with broader philanthropic communities, offer updated tools to help current partners engage new and more diversified philanthropic partners, support more robust engagement of partners for the upcoming Centennial in 2016, and provide the framework and standards for testing philanthropic practices that could be implemented more broadly. The National Defense Authorization Act of 2015 also set guidelines for the NPS to accept and acknowledge donations to parks and programs; which is intended to help generate private donations in advance of the Centennial. Additionally, NPS Director's Order 21 – Partnerships and Philanthropic Stewardship – is currently being revised and will be released in the coming months. The NPS is also working with the National Park Foundation to support its multi-million dollar capital campaign in support of the 2016 Centennial of the NPS.

The FY 2015 Appropriations Act included \$10.0 million for the NPS Centennial Challenge program, an innovative public-private partnership program that requires a 1:1 non-federal match to accomplish high priority projects in national parks. The NPS received over 200 project submissions, with many projects leveraging more than 50 percent in donations. The FY 2016 NPS budget proposal seeks to build upon FY 2015 enacted by requesting an additional \$40.0 million in discretionary funding, as well as a mandatory proposal for \$100.0 million annually over three years, to provide additional resources for this cost share program for these signature projects.

Udall to Jewell #1
National Park Service Budget

I was pleased that Congress authorized the Manhattan Project National Historical Park to honor important American scientific and military achievements. I understand that the Department's FY 2016 budget request includes \$180,000 in start-up funding for this new park, and that you are now working with the Department of Energy to determine future management needs. Can you explain how the planning process with DOE will work and what you expect the outcome to be? How will you ensure that this new park has the resources it needs to operate?

Answer: The NPS and the Department of Energy (DOE) are working on a memorandum of agreement on the roles of the two agencies in administering the facilities proposed to be included as part of the Manhattan Project National Historical Park. The purpose of the park is "to improve the understanding of the Manhattan Project and its legacy through interpretation of the historic resources". The park offers an excellent opportunity for people from around the world to visit these historic sites and gain a deeper understanding of the history and world-changing events that happened as part of the Manhattan Project as well as engage in learning about innovations in science, engineering, and technology.

The new park will preserve and interpret the historic properties at three major sites associated with the Manhattan Project: Los Alamos, New Mexico, where the scientific laboratory that designed and tested the bomb was located; Oak Ridge, Tennessee, where facilities were built to produce enriched uranium; and Hanford, Washington, dedicated to the production of plutonium. To help identify future management needs, an interagency team conducted site visits and public meetings at Oak Ridge, TN March 25-26, 2015. Site visits and public meetings will take place in Hanford, WA April 14-16, 2015, and Los Alamos, NM June 3-5, 2015.

The Department of the Interior is committed to working with DOE, as well as engaging with State, county, local and other stakeholders during the planning process. As the planning and discussions on the memorandum of agreement proceed, NPS, in concert with DOE, will continue to evaluate operating priorities for the park.

What is the Park Service's long-term strategy to address your maintenance backlog? With respect to the Centennial Challenge, how does the Park Service plan leverage its Federal funds with partner contributions to specifically address capital needs?

Answer: The NPS strategy to address deferred maintenance needs provides for the long-term sustainability of essential NPS assets by prioritizing capital investment funding for the most important assets, such as historic buildings and mission critical infrastructure. The FY 2016 President's Budget Request includes an increase of \$242.8 million in discretionary funding and a proposal to create a mandatory appropriation funded at \$300.0 million annually for three years to address the deferred maintenance backlog on the NPS' highest priority non-transportation assets. Overall, the Centennial Initiative, including discretionary and mandatory proposals, will allow the NPS to ensure all of its highest priority non-transportation park assets are restored and maintained in good condition over ten years.

The FY 2015 appropriation provided \$10.0 million for the Centennial Challenge program. The evaluation criteria for Centennial Challenge project proposals prioritizes projects that leverage higher rates of partner contributions and address critical high priority deferred maintenance needs. The NPS is nearing final selection of the FY 2015 Centennial Challenge projects, many of which support deferred maintenance or related needs, such as accessibility of facilities for visitors with disabilities. While the NPS can and will demonstrate success with many of the deferred maintenance and capital improvement projects to be accomplished with partner support, donors and partners ultimately determine the projects they wish to support. It is unlikely that a match can be found for many of the lower-profile, but no less critical, projects that keep the parks open for visitors, such as repaving parking lots or fixing wastewater treatment systems.

Can you please provide additional detail about the investments you are proposing in your budget to put “Every Kid in a Park”? How will the dollars be allocated, and how will you measure success for this initiative? In particular, how are you going to reach out to urban and underserved communities to get those children and their parents connected with national parks?

Answer: As part of President Obama’s commitment to protect our Nation’s unique outdoor spaces and ensure that every American has the opportunity to visit and enjoy them, he launched the “Every Kid in a Park” initiative to provide all fourth grade students and their families with free admission to national parks and other federal lands and waters during the 2015-2016 school year. This initiative will help us build lasting partnerships with kids, parents, and educators far beyond that timeframe, cultivating a better understanding and appreciation of the spectacular natural and cultural resources and recreational experiences offered in the national park system. Some of these students will come as part of organized field trips, and others will come with their families and friends.

The FY 2016 President’s Budget Request prioritizes engaging youth and expanding programs and services to help support this initiative, including a request for \$20 million to support transportation and visitor services for Every Kid in a Park outings. This request, combined with the public-private partnerships being grown and strengthened across the federal family, will allow this initiative to build off successful models already in existence for connecting young people to the outdoors. The request includes \$11.5 million to transport more than one million students from Title I elementary schools in urban areas to nearby national parks and \$8.5 million to support park-level youth engagement coordinators.

To track usage and measure success, NPS will work with schools and partner organizations that run youth outings to report their visits. Over time, this initiative can help develop better baseline data for youth visitation to national parks and other public lands and waters.

While the U.S. Department of Education does not have outdoor education statutory authorities, it has offered to help NPS connect with education partners and will be working in a communications capacity to get the word out about this opportunity to state, local, and school officials; teachers; key non-profit groups; and education-related associations.

Udall to Jewell #2

Energy Development on Public Lands

I understand that the Department is close to completing work to revise and implement a new rule increasing disclosure and strengthening operating requirements where hydraulic fracturing is being used on public lands. Can you update us on the current timeline for the rule?

Are there aspects of the inspection program in your budget request that will specifically help to ensure that hydraulic fracturing on Federal lands is properly regulated?

Answer: On March 20, 2015, the Department of the Interior (DOI) finalized its hydraulic fracturing (HF) regulations. The rule provides a strong framework for the environmentally safe and economically viable development of onshore oil and gas resources. It addresses key issues such as the protection of water resources, well-bore integrity, and the public disclosure of materials used in the process, among other things. Until now there have been no Federal rules in place that specifically address the increasingly complex nature of hydraulic fracturing processes taking place on public and Tribal lands. The new rule updates regulations that are more than three decades old. It will be effective 90 days after the date of Federal Register publication, which was March 26, 2015.

The 2016 budget request for the BLM inspection program does not contain a specific component related to hydraulic fracturing, as the implementation of the rule will be part of the oil and gas program's overall oversight responsibilities. However, the budget request would provide the resources to enable the BLM to fulfill all of its annual inspection responsibilities, which include better oversight of hydraulic fracturing operations on Federal and Tribal lands, along with other deficiencies identified by the February, 2011, GAO report on the Federal management of oil and gas resources. Instituting the Administration's proposed new inspection fees, which are analogous to fees already charged for offshore operations, is a key component of this effort.

Udall to Jewell #3

Bureau of Indian Education

Question: I appreciate the large increases in your budget request for tribal education programs, and I want to commend you for making Indian education programs such a high priority for the Department. In particular, I'm glad to see that your budget includes a \$59 million increase for school construction and renovation programs in Indian Country. Can you talk more about how these funds will be used, and how you will allocate them to ensure that the highest priority infrastructure needs get met?

Answer: The Indian Affairs FY 2016 Budget proposal includes a total of \$133.2 million for BIE Education Construction, an increase of \$58.7 million over the FY2015 budget. Within this request is \$45.5 million, an increase of \$25.3 million, for replacement of the last two schools on the 2004 Replacement School Priority List and to begin planning and design of schools on the next school replacement and renovation priority list currently under development. In addition, the FY 2016 education construction request revitalizes the Facilities Component Replacement Program (FCRP) with a request of \$11.9 million. This program is an important part of the Indian

Affair's plan to bring all BIE schools into good condition. The FCRP identifies individual buildings on a school campus where it is more cost effective to replace the building than repair it but where the whole campus does not need replacement. Indian Affairs is currently re-establishing criteria for buildings to be prioritized for FCRP. The FY2016 budget request also includes \$68.2 million for education facilities improvement and repair projects, an increase of \$17.7 million, and \$7.5 million for education employee housing repair, an increase of \$3.7 million.

Question: What is the Administration's plan to update a new school construction priority list to address the needs of other schools?

Answer: In FY 2014 and FY 2015 to date, BIA has been actively conducting outreach to notify schools to bring their database of deferred maintenance needs up to date, providing technical assistance where necessary. Indian Affairs is in the process of verifying the updated database to ensure accurate data is used to determine initial eligibility for a new school replacement and renovation priority list. After verification of the data, Indian Affairs will calculate each school's Facility Condition Index to determine schools in "poor" condition, one of the requisites for eligibility for replacement or major renovation. Another way to be eligible is for a school to be both 50 years or older and educating 75 percent or more of students in portables, regardless of its FCI.

Schools eligible to apply for the School Replacement and Renovation Program will be invited to complete applications for consideration. Applications received from these schools will be evaluated by using the method determined by a Negotiated Rule Making Committee. After a review and scoring of the applications by the Review Committee, the top 10 schools will be invited to present to the Review Committee in a Public Meeting. After the presentations, the Review Committee will identify five projects and forward their recommendations to the Assistant Secretary – Indian Affairs for acceptance. Indian Affairs anticipates the new School Replacement and Renovation priority list identifying five schools will be completed by the end of July 2015. After the list is finalized, DOI will present the list to Congress.

Question: Ensuring access to technology is a critical way to make sure American Indian and Alaskan Native students receive the world-class education that they deserve, no matter where they live. I was pleased to see that your budget includes \$34 million in new funding to connect tribal schools to broadband.

How many schools do you expect to reach with these funds? Do you expect this to be a multi-year investment? What is your ultimate goal for this funding?

Answer: The budget proposal requests a \$34.2 million increase as part of a three year plan for all schools and dormitories in the BIE-funded school system to achieve the ConnectED standard for bandwidth and have access to prevailing technology for internet connectivity. Most of the request will fund non-recurring charges for bandwidth upgrades over three years. After the upgrades are accomplished, some funding will be needed for increased operations costs due to higher monthly broadband costs and to upgrade information technology as it becomes outdated.

The overarching goal of the plan to provide BIE-funded schools with bandwidth and information technology, including computers and other mobile devices, is to enrich the education experience for Native American students and to provide a means for students and teachers to have access to online testing, distance learning, and multimedia resources.

Question: Infrastructure programs are important—but to be effective they must be accompanied by efforts to recruit and retain good teachers and improve curriculum. Can you tell us more about the \$10 million in your request to fund school reform efforts? How do these funds fit into the Administration’s larger vision for reforming the Bureau of Indian Education? What metrics will you use to define success?

Answer: The \$10.0 million increase requested for Education Program Enhancement will be used for multiple purposes. The additional funding will allow BIE to provide targeted support and interventions focused on school improvement efforts and other activities that promote student achievement. School improvement efforts include establishing a tribally managed school reform plan and expansion of curriculum areas like Native language immersion. Other activities include the consolidation of professional development delivery to multiple schools, content specialists providing technical assistance to schools and tribes, and programs to improve the quality of instruction and leadership across the school systems.

We agree that efforts to recruit and retain good teachers are fundamental to BIE reform efforts. BIE is partnering with Tribal Colleges and Universities to create teacher pipelines to BIE-funded schools. BIE is also working with the National Board for Professional Teaching Standards to provide teachers an opportunity to work on a multi-year program that yields an advanced teaching credential that goes above and beyond the State requirements.

These efforts with the tribes, teachers, and partners fit into the Administration’s larger vision to transform the Bureau of Indian Education into a 21st century education system grounded in both high academic standards and tribal values. The reform focuses on five areas which include 1) having highly effective teachers and principals in the schools, 2) building a responsive organizational environment, 3) promoting educational self-determination for Tribal Nations, 4) fostering partnerships, and 5) developing a budget that is aligned with and supports BIE’s mission of tribal capacity-building.

We are working now to establish a strong set of indicators and an evaluation strategy to assess and refine all of the components of the transformation effort. We will conduct ongoing evaluation of school administration, best practices, graduation rates, and school facility condition, however, the real measure of success will be in the achievement of the students themselves.

Question: Secretary Jewell, the last official Johnson O’Malley student count was taken in 1995. Relying on 20-year old data is no way to run a program, which is why the Appropriations Committee has been asking the Bureau of Indian Education to release a new student count for the Johnson O’Malley program for several years. Yet we have had little success. Where are you in the process of developing the new Johnson O’Malley student count? When can we expect the

Department to release those figures to the public, and what is your plan to engage tribes once they are released?

Answer: The updated Johnson-O'Malley (JOM) count was electronically delivered to Congress on March 30, 2015. The total 2014 JOM student count is 341,126. The BIE announced four tribal consultation sessions on the JOM count in the March 4, 2015 Federal Register. There will be two on-site consultations and two webinar-teleconference consultations. These consultations are scheduled between March 31 and April 10. During these consultations, the BIE will ask for tribal input on how to ensure the count data is accurate and to discuss funding distributions under the new count.

Question: While I appreciate the emphasis on K-12 education in this request, I am concerned that tribal colleges haven't received the attention that they deserve. Overall, your budget includes flat funding for tribal colleges—and it does nothing to provide forward funding for the remaining tribal colleges that do not receive it. These schools have struggled to operate without funding certainty under continuing resolutions, and I am told that it was particularly hard for them to keep their doors open during the 2013 shutdown. The Administration has supported forward funding for other tribal colleges in the past. Will you work with me to find a solution to provide forward funding for these remaining schools?

Answer: BIE understands how difficult multiple CRs and uncertainty at the start of the fiscal year can be in operating an educational institution. We would like to work with you to address this problem. The 28 tribally controlled colleges and universities that receive funding through BIE under authority of Pub. L. 95-471, the Tribally Controlled Community Colleges and Universities Act of 1978, as amended, have been forward funded since 2010. The other four colleges funded in the BIE budget, two BIE owned and operated colleges (Haskell Indian Nations University and Southwestern Indian Polytechnic Institute) and two tribal technical colleges (United Tribes Technical College and Navajo Technical College) are not forward funded.

Udall to Jewell #4

Land and Water Conservation Fund (LWCF)

Can you talk about your experience using the LWCF program as a conservation tool for the Department? As you seek to address the many pressing needs of the Department of the Interior, how do you see the role of LWCF funds in supporting local economic needs and addressing agency management challenges?

Answer: The Land and Water Conservation Fund – established with overwhelming and bipartisan support by Congress 50 years ago – is one of the most important conservation tools we have to safeguard the nation's natural areas, water resources and cultural heritage, and to provide recreation opportunities to all Americans. Americans care deeply about our outdoor heritage, want to enjoy and protect it, and are willing to take collective responsibility to protect it for their children and grandchildren. Over its 50 year history, the Fund has protected conservation and recreation land in every State and supported tens of thousands of State and locally-driven projects through grants to states.

Dollar for dollar, the Land and Water Conservation Fund is one of the most effective conservation programs we have. For every \$1.00 invested in Federal land acquisition through LWCF, there is a return of \$4.00 in economic value from natural resource goods and services, as published in *Return on the Investment from the Land and Water Conservation Fund*, 2010, a study conducted by the Trust for Public Land. LWCF frequently leverages significant funding match from States, cities and other partners. The Land and Water Conservation Fund also plays an important economic role for local communities. Recreation activities in national parks, wildlife refuges, forests, marine sanctuaries, and other federally managed lands and waters contributed approximately \$51 billion and 880,000 jobs to the U.S. economy in 2012, as published in the Federal Interagency Council on Recreation, *Fact Sheet on Outdoor Recreation: Jobs and Income*, 2014. Nationally, outdoor recreation activities contribute \$646 billion to the economy annually and support 6.1 million jobs, as published in *The Outdoor Recreation Economy*, 2012, by the Outdoor Industry Association.

The Department of the Interior LWCF programs work in cooperation with local communities, rely on willing sellers, and maximize opportunities to partner with private landowners on conservation easements where conservation and management objectives can be achieved without fee-simple acquisition. Proposed Federal land acquisition projects are developed with the support of local landowners, elected officials, and community groups.

Acquisition of inholdings does not generally require additional operating costs as no new staff or equipment are required to manage new lands within existing boundaries. Occasionally, agencies may incur up-front costs to remove existing improvements (fences, buildings, etc.) from an acquired property. By removing unwanted structures on newly acquired land, agencies avoid adding to ongoing operation and maintenance requirements.

In fact, acquisition of inholdings can greatly simplify land management for Federal managers and neighboring landowners. Eliminating checkerboard ownership within Federal units simplifies nearly every aspect of land management:

- Wildland fire managers can apply appropriate fuels reduction, planned burns, and fire suppression treatments more easily across an unfragmented landscape; fire management is more challenging and costly when private inholdings and developed properties are intermixed with federally-managed forests and public lands.
- Law enforcement and public safety personnel can more easily patrol and respond to emergencies when public ownership is consolidated. An unfragmented unit allows unified signage, road networks, and other infrastructure that will best enable safe public access and allow for the efficient movement of emergency personnel and vehicles to locations frequented by visitors.
- Recreation managers can more easily provide access for the public to enjoy their public lands. In some cases checkerboard ownership can cause confusion among the public about acceptable land uses, and can restrict the public's ability to access some areas of public land.

- Natural resource management is simplified in an unfragmented landscape. When checkerboard ownership is eliminated, biologists, geologists and other natural resource professionals can move freely across the land that they are responsible for surveying, and natural resource management actions can be applied more efficiently across a landscape in single ownership.

An example of management efficiency gained through LWCF acquisition is the: St. Vincent National Wildlife Refuge (NWR). St. Vincent NWR is an island off the panhandle coast of Florida in Apalachicola Bay, off the Gulf of Mexico. Acquisition of a 5-acre tract on the mainland of Apalachicola Bay provides permanent deep water mooring with a launch site, secure parking and equipment storage. An important point is that dredging and channel maintenance are allowed in Apalachicola Bay, activities that are prohibited in other nearby areas. The lease at Indian Pass, the current deep water mooring and launch site, was ending and would not be renewed as the owners were looking to develop the mainland at the launch site. In addition, the upland portion of the leased Indian Pass site had been significantly reduced due to severe, continuing, and progressive erosion that the landowner failed to address.

As the refuge is only accessible by water, the new deep water mooring and launch site enables site management and reduces staff travel time from the refuge office to transfer supplies and heavy equipment. Daily boat access for St. Vincent NWR staff is required 24/7 for all island management activities, such as sea turtle nest monitoring and protection, habitat management, prescribed burning, hunting and fishing management and protection, and response to visitor emergencies.

Udall to Jewell #5

Wildland Fire Budget Reforms

I am very pleased to see that your budget request again proposes to pay for a portion of fire suppression funding with a new disaster cap adjustment. The disaster cap adjustment is the key to breaking the cycle of fire borrowing and putting an end once and for all to the need to steal funds from land management programs to pay for emergency firefighting needs. Many of the programs that we borrow funding from to fight fires are the same programs that create a more resilient landscape to resist wildfire. Can you talk about how important this proposal is to the Administration's overall vision for reducing the threat of wildfires?

Answer: Fire is a normal occurrence that is beneficial to landscapes when managed properly, however, population growth near forests and rangelands, past management practices, and changing climate have dramatically increased fire risk and fire costs. For the past couple of decades we have budgeted for fire suppression using the rolling average of suppression costs of the prior ten years. When those funds are insufficient, as is often the case, funding for real-time firefighting costs is provided by transfers and borrowing of funds from other fire management activities (e.g. fuels management) and other Forest Service and Department of the Interior programs and activities. This practice of transferring and borrowing funds has undermined Department of the Interior and Forest Service programs, including critically important forest and rangeland management and fire risk reduction activities. The cap adjustment proposal provides a

mechanism to fund the extraordinary costs of approximately 1% of our wildland fires by providing an alternative to transferring and borrowing funds from other programs, including programs important to reducing future fire risk. This proposal treats extraordinary fires in the same way the Nation treats other natural, unpredictable disasters. The President's budget includes a wildfire suppression cap adjustment of \$200.0 million for the Department of the Interior for this purpose. These funds would only be available under those extraordinary instances.

The budget cap adjustment proposal is designed to improve the wildland fire management program's ability to adequately invest in preparedness, forest and rangeland health, and other fire risk-reduction work. The new funding approach would stabilize the fuels and prevention programs' ability to plan and execute treatments mitigating the costs of future wildfires. Under this approach diverting funds from these important programs to pay for wildfire costs would be eliminated.

Udall to Jewell #6 Wildlife Trafficking

Secretary Jewell, the demand for ivory and rhino horns has skyrocketed. CRS reports that a rhino horn is worth more than \$50,000 per kilogram – more than even gold and platinum. The profit incentive is just staggering – so it's no surprise that terrorist networks such as al-Shabab and the Lord's Resistance Army are turning to poaching to support their operations. Can you tell us what the Department is doing to address the market demand that is fueling wildlife destruction AND financing terrorist organizations?

Answer: The Department, particularly through the Fish and Wildlife Service (FWS), is actively engaged in addressing poaching and wildlife trafficking throughout the entire trade chain. As identified in the recently released implementation plan for the National Strategy on Combating Wildlife Trafficking, we are undertaking activities supporting all three strategic priorities for the U.S. government: strengthening enforcement, reducing demand for illegally traded wildlife, and expanding international cooperation and commitment. We are supporting on-the-ground protection of wild populations of elephants, rhinos and other species targeted by wildlife traffickers through grant programs that provide training and material support to rangers and other foreign enforcement officials. We are stationing special agents overseas, engaging in bilateral and multilateral wildlife trafficking investigations, supporting demand reduction efforts overseas, and working through the Convention on International Trade in Endangered Species (CITES) and other international agreements to build capacity to combat wildlife trafficking and hold countries accountable when they fail to live up to their commitments. Domestically, we are strengthening our ability to effectively regulate illegal trade in elephant ivory while also implementing a partnership-driven demand reduction campaign.

The Fish and Wildlife Services has so far placed one special agent in Bangkok to help combat wildlife trafficking, and plans to place four more this year in Tanzania, Botswana, Peru, and Asia. The FY 2016 request would place 5 more agents overseas. How will these agents help

combat wildlife trafficking? What has been the experience in Bangkok? What is being done at embassies without special Fish and Wildlife staff?

Answer: The FWS agents are training African and Asian wildlife officers at the International Law Enforcement Academies in Botswana and Thailand, increasing the intelligence shared among law enforcement agencies with common missions, enhancing the targeting of illegal wildlife shipments, and utilizing wildlife detector dogs to support frontline wildlife inspectors and special agents.

The special agent stationed at the U.S. Embassy in Bangkok, Thailand, has been addressing wildlife trafficking issues throughout Southeast Asia. He has supported not only U.S. based investigations, but also provided expertise to other U.S. law enforcement agencies, a variety of foreign law enforcement agencies, and supported training efforts. Working closely with the Department of State, Bureau of International Narcotics and Law Enforcement Affairs, Bangkok, the special agent has briefed several other regional embassies on wildlife trafficking issues and is supporting local efforts.

The FWS anticipates that the deployment of additional special agents will expand enforcement capabilities to other regions by working with other embassies to combat illegal wildlife trafficking.

The Administration's National Strategy for Combating Wildlife Trafficking included nearly 200 specific tasks for the Fish and Wildlife Service and partners at the Departments of Justice, Commerce, Homeland Security, Agriculture, Treasury, and State. How will the Administration track progress on this massive plan so that in the future, we can target resources to what has worked best?

Answer: As indicated in the recently released implementation plan, we will continually evaluate our progress, both by assessing the extent to which we are able to achieve the specific objectives identified in the National Strategy and by looking more broadly at the effectiveness of these objectives to advance our strategic priorities and the ultimate goal of ending wildlife trafficking. Robust and effective enforcement of wildlife trafficking laws at home and abroad, measurably reduced poaching and other trafficking in wildlife, and increases in wildlife populations will provide overarching measures of our efforts to combat wildlife trafficking. The Task Force agencies will meet regularly to assess progress toward these objectives, with the lead agencies responsible for ensuring that progress remains on track for each objective. The Task Force will prepare and make public progress assessments on an annual basis. These annual assessments should guide the allocation of resources to areas where we have made substantial progress and where resources can have the greatest impact.

Leahy to Jewell #1

As I mentioned at the hearing I am concerned about maintaining economic incentives for private landowners to own and maintain forest habitat, which is essential to the northern long-eared bat, while we address the real cause of the problem, which is white-nose syndrome. I would like to know what support, financially or through technical assistance, your Department can provide at the federal and state level for the inventory and monitoring of maternity colonies and hibernation sites, and to study the status and trends of these populations that we still know so little about?

Answer: Prior to the advent of white-nose syndrome (WNS), population information for bat species not federally listed under the Endangered Species Act (ESA) was generally only collected, if collected at all, as part of monitoring efforts for listed species. At this time, no standardized, rangewide monitoring program exists for North American bat species not federally listed, including the northern long-eared bat. The FWS, U.S. Geological Survey, National Park Service, U.S. Forest Service, and other partners, have been working to develop the North American Bat Monitoring Program, or NABat, which is an international interagency program designed to monitor bat distributions and abundances on public and private lands, and provide trend data at State, provincial, tribal, regional, and rangewide scales. The FWS has contributed over \$1.2 million to develop and implement this program, with additional contributions from other Federal and private partners.

Since WNS began afflicting bat populations but prior to the establishment of NABat, the Department has used several funding sources to provide financial and technical assistance for bat inventories, monitoring, and status assessments. These sources include agency base funds for species conservation and inventory and monitoring programs. The FWS also provides grants from programs, such as the State and Tribal Wildlife Grants, which can be used to support bat conservation. In addition, FWS has provided over \$4 million since 2011 in grants to State wildlife agencies for the WNS National Response, which includes inventory, monitoring, and technical assistance efforts to determine the population status and trends of bat species. For example, in 2014 the FWS WNS program funded and provided technical assistance for a population monitoring project of an important bat hibernaculum near Dorset, Vermont.

Leahy to Jewell #2

Does the Department have any resources available to support conservation measures on private or public lands that would reduce non-white nose syndrome threats to surviving and still- unaffected populations to aid in the recovery of the species?

Answer: Federal agencies receive funds for species and habitat conservation, some of which have been directed to address non-WNS threats to the species. The FWS funding sources to support conservation measures on private and non-Federal lands include species conservation funding within the Resource Management account, Partners for Fish and Wildlife and Coastal program funding, Cooperative Endangered Species Conservation grants to States, and State and Tribal Wildlife Grants. Also, the FWS provides technical assistance to private landowners for planning and implementing conservation measures.

Leahy to Jewell #3

I am pleased to see your budget requests to address wildlife trafficking, particularly the increase for law enforcement support for efforts on the ground in Africa and here in the U.S. to combat the growing threat from poaching. I hope this leads to better prosecution of the perpetrators of these horrendous crimes. Last February, the Fish & Wildlife Service released new prohibitions on the import, export, and sale of products containing ivory. While I am very supportive of the administration's work to combat illegal wildlife trafficking, I would not want to see the initial criticism of the prohibition threaten its viability in the long run and hamper your work to fight wildlife trafficking.

I would like to know if and when the Department expects to update the ivory import/export restrictions to address the concerns that have been raised about *de minimis* amounts of ivory and also concerns from those who might not be able to provide some of the documentation that the Department has required for family heirlooms and antiques?

Answer: We have made great strides to significantly restrict commercial trade in elephant ivory within the U.S. and across our borders—including a ban on all commercial ivory imports—making it harder for criminals to disguise the source of poached and trafficked ivory.

The FWS issued Director's Order 210 on February 25, 2014, which re-affirmed enforcement of the African Elephant Conservation Act moratorium and addressed how the FWS would enforce the Endangered Species Act (ESA) antiques provision. Following issuance of the Director's Order, the FWS met with a wide array of stakeholders, including individuals and groups representing antiques dealers, auction houses, musical instrument makers, museums, and orchestras. As a result of these constructive meetings, we revised the Director's Order to address several of their concerns, allowing a broader class of noncommercial items to be imported into the United States and clarifying how we intend to enforce the ESA antiques provision, while still maintaining our goal of ensuring the United States is not contributing to poaching of elephants and illegal trade in ivory.

We also improved our ability to protect elephants, rhinos, and other CITES-listed wildlife by publishing a final rule in June 2014, revising our CITES regulations, including "use after import" provisions that limit sale of CITES-listed wildlife within the United States. The result of this rule is that items, such as elephant ivory, imported for noncommercial purposes may not subsequently be sold within the United States.

We are currently working on a proposed rule, which will be made available for public comment, to revise the ESA special rule for the African elephant. This proposed rule will include proposed limitations on the interstate sale of African elephant ivory. As part of this rulemaking effort, we also intend to propose common-sense exceptions for activities and items that we do not believe are contributing to the ongoing poaching crisis.

Leahy to Jewell #4

I was encouraged to see the news in late February that China is taking some steps to reign in its exploding ivory trade by placing a one-year ban on carved ivory imports. However, I remain concerned that the Chinese are not doing nearly enough to address the high stockpile of ivory already in their country.

How are you encouraging other countries to reduce demand for ivory that is the driver of the skyrocketing poaching levels we are seeing in Africa?

Answer: We are working on several fronts to address the demand for ivory in other countries, including supporting non-governmental organizations who are working on demand reduction campaigns in China, Vietnam, and other key consumer countries through our species and regional grants programs, engaging in bilateral discussions with China and other countries about how we can work cooperatively to address wildlife trafficking, and ensuring that these countries are following through on their CITES commitments.

For example, CITES requires several key consumer countries of particular concern with regard to illegal ivory trade, including China, Malaysia, the Philippines, Thailand, and Vietnam, to develop and implement National Ivory Action Plans (NIAPs). The United States played a key role in negotiating these mandates and serves, as the North American regional representative and as the Vice Chair, on the CITES Standing Committee, the body responsible for evaluating these NIAPs and their implementation. On March 19, the CITES Standing Committee recommended a suspension of trade with Lao People's Democratic Republic, Nigeria, and the Democratic Republic of Congo for failure to develop adequate NIAPs.

By lending support and ensuring that commitments are met, we believe that we are making substantial progress in several key consumer countries.

Leahy to Jewell #5

What more do we need to do to increase/support prosecution of these wildlife trafficking cases in this country?

Answer: The 2016 President's budget sufficiently supports FWS efforts to prosecute wildlife trafficking, including a \$4 million increase for Law Enforcement (OLE) to combat wildlife trafficking. With this funding, the FWS will hire 25 new personnel to focus on daily detection, interdiction, and investigation, both domestically and abroad, of illegal commercial exploitation. The 2016 budget also requests another \$4 million increase to hire a class of 20 new special agents. Additional special agents are needed to address officer safety, efficiency of cases, and staffing shortfalls that affect OLE's ability to perform ongoing investigations. After training, the new agents will be deployed to the field for direct interdiction of illegal commercial exploitation by organized criminal elements.

Current violations for most wildlife trafficking laws carry only a maximum one-year sentence and minimum fines. Additional tools are needed as a means of deterrence to combat global

wildlife trafficking, including increasing the penalties for conducting illegal trade. Granting the Federal government the authority to prosecute a criminal violation of the Endangered Species Act, the African Elephant Conservation Act, or the Rhinoceros and Tiger Conservation Act with more stringent fines and sentencing would further deter would-be poachers.

Leahy to Jewell #6

The White River National Fish Hatchery (WRNFH) in Bethel, Vermont, is a fine federal facility in very good physical and operational condition. The main mission of the WRNFH has sunset, however, with discontinuation of the Connecticut River Atlantic Salmon Restoration Program. I am aware that the Fish and Wildlife Service is exploring a repurposing of this facility, possibly to serve as a regional watershed conservation center for the upper Connecticut River and Long Island Sound. This makes great sense to me, as I am well aware of how well the Fish and Wildlife service does on partnership projects and of the significant conservation needs in the Connecticut basin. It would be a nationally unique and innovative project.

Will you support the Northeast Region of the Fish and Wildlife Service as they transition the White River National Fish Hatchery to an innovative valuable new federal asset for the region?

Answer: Thank you for your interest in White River National Fish Hatchery (NFH). We sincerely appreciate your support during the years we worked to restore the facility after the damage from Hurricane Irene in 2011. As you recognize, the current state of the facility and infrastructure at White River NFH is excellent. The completed renovation has fully restored large-scale fish production capabilities.

As your inquiry points out, the facility's primary operational activity - restoration of Atlantic salmon in the Connecticut River – was discontinued several years ago.

The U.S. Fish and Wildlife Service staff in Vermont is exploring opportunities to ensure optimum public benefits accrue from this public investment. The FWS is looking forward to determining how to best use the White River NFH for hatchery production to support species recovery, restoration, and fisheries in New England, and is exploring areas where we share a common mission for activities in the Connecticut River watershed. We have initiated discussions with others whose facilities serve as potential models for addressing dynamic aquatic conservation needs and are investigating prospective partnerships where benefits can be derived from collaborative or co-located use of the assets and infrastructure at White River NFH.

Evolving conservation challenges require us to be adaptable and we support innovative solutions to meet our mission and address aquatic conservation goals. Our State, Federal, and other partners are vital to developing cohesive and complementary purposes for the National Fish Hatchery System and we value their input. Naturally, working with our partners is our top priority as we move forward. We will be talking more with you and other partners as we continue to explore opportunities at White River NFH. Thank you for your support and encouragement.