

**U.S. Senate Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Department of Interior
July 13, 2022**

**Questions for the Record Submitted to Secretary Deb Haaland
from Senator Dianne Feinstein**

Question 1: The global helium supply has been dramatically impacted by leaks and disasters at several helium production facilities around the world as well as Russia's invasion of Ukraine. Several scientific and medical facilities throughout California are now facing critical shortages of this important resource, and those that can get it are seeing price increases of more than 1,400%.

- A. Secretary Haaland, what steps is your Department taking to ensure that a stable supply of helium, which is critical for science, medicine, and national security, is restored?

RESPONSE: According to the United States Geological Survey (USGS), the Federal Helium System (FHS) produced approximately 7.8 percent of the total helium produced in the United States in 2021.¹ In addition, the USGS report shows that the U.S. is a net exporter of helium, exporting five times as much helium in 2021 as it imported. While foreign supply disruptions impact the global price of helium, these disruptions do not pose an immediate threat to U.S. national security or economic interests given the current U.S. status as a net exporter of helium. Further, the Federal helium supply from the FHS accounts for a small percentage of total helium produced in the U.S. As a result, the Department does not anticipate a significant fluctuation in the supply of helium.

Additionally, the Department has implemented Section 1109 of Public Law No: 116-9, also known as the "Dingell Act," which amended the Mineral Leasing Act to allow the extraction of helium from gas produced from Federal oil and gas wells to maintain the lease as if the extracted helium were oil and gas. This serves to incentivize companies to produce helium from Federal wells where natural gas production may no longer be sufficient by itself to maintain the lease.

Finally, the Department remains committed to meeting the requirements of the Helium Stewardship Act of 2013 (50 U.S.C. 167a-q; HSA) to dispose of the FHS. The act is intended to complete the privatization of the Federal helium reserve in a competitive market fashion that ensures stability in the helium markets. In preparation for the sale and conveyance of the FHS and continued delivery of helium, the Bureau of Land Management (BLM) has required the purchaser of the FHS to assume the delivery requirements of the current FY22-27 Helium Storage Contracts.

Question 2: The past several fiscal years have seen significant increases to the Department's budget for the management of wild horses and burros, including an 18 percent increase in Fiscal Year 2022 and a request for another 12 percent increase this year.

I understand that the humane management of these wild horse herds nevertheless remains a problem, with the size of these herds impacting the native landscape and the health of the horses themselves.

Last year, this Committee provided the Department with the direction and authority to use up to \$11 million for fertility control measures needed to keep these herds at a manageable level.

- A. Secretary Haaland, can you tell me what steps you are taking to keep these herds of wild horses at a sustainable level? What progress have you made in implementing more fertility control treatments?

RESPONSE: In response to chronic overpopulation and severe drought conditions impacting western public lands, the BLM continues to increase its efforts to reduce overpopulation in wild horse and burro herds and achieve sustainable population levels. In FY22 the BLM removed 19,011 animals from the range and treated 1,558 animals with fertility control, which is the highest level that has been achieved. This follows several years of increased removals and treatments; removals over the past 5 years (FY18-22) totaled approximately 43,941 animals, and the BLM and its partners completed 4,815 fertility control treatments in that time period. Thanks in part to these efforts, the total population has declined for the second year in a row to an estimated current on-range population of 82,284 as of March 2022.

Fertility control works best when herds are close to target population sizes. Moreover, fertility control can help slow population growth, but it does not immediately address overpopulation. Removing animals is the only effective way to humanely reduce on-range populations. As populations reach sustainable levels, the BLM plans to implement increased fertility control to stabilize herd sizes.

The BLM continues to invest in the research and development of better, longer-lasting fertility control vaccines for wild horses and burros. The Bureau published a Wild Horse and Burro Strategic Research Plan in 2021 that identifies the development of safe, long-lasting fertility control methods as the top research priority. The BLM plans to award contracts for three new research projects in the coming months, pending NEPA analysis

Question 3: Secretary Haaland, scientists project that with climate change, the Colorado River will lose a third of its flow on average within a generation. That is more than 5 million acre feet, or enough water for 30 million people.

I have two bills that will help with this problem. The first, the STREAM Act, would provide more than 1 million additional acre-feet of water per year on average, in combination with the bipartisan infrastructure law. That's enough water for more than 6 million people.

The second bill, the Canal Conveyance Capacity Restoration Act, would allow California to capture water and recharge aquifers during the few big storms we get.

- A. Secretary Haaland, my staff has worked with your Department while drafting these bills. Will you commit to reviewing them? I hope we can count on your support.

RESPONSE: The Department is committed to use every resource available to ensure that irrigators, Tribes, and adjoining communities in California and across the West receive adequate support to build resilient communities and protect our water supplies for people and the natural

environment. Regarding the legislation that you reference, the Department testified on both of these bills at a hearing before the Senate Energy and Natural Resources Committee last spring.

The Department supports the goal of S. 1179, to repair storage and conveyance capacity to critically important components of the Central Valley Project (CVP), as well as the goal of restoring salmon populations in the San Joaquin River. We have been working to address reductions in conveyance capacity due to subsidence and other factors which have impacted facilities of the CVP in California, including through funding under the Water Infrastructure Improvements for the Nation Act. The Bureau of Reclamation is working with the California Department of Water Resources to develop planning documents and engineering studies to determine the work required to correct the subsidence related to the San Luis Joint Use facility.

Regarding S. 4231, we appreciate the bill's ambitious goal of expanding our Nation's capacity to address the drought crisis through small-scale storage, water recycling, desalination, and aging infrastructure investments, as well as to address the critically important issue of ecosystem health. We would like to continue working with your office to ensure the authorities within this bill are implementable, effective, and can be integrated with existing laws recently passed, including the Bipartisan Infrastructure Law.

Question 4: Secretary Haaland, as you know, the Wildlife Refuge System is the only system of Federal lands dedicated to the conservation of wildlife and habitat.

California has 44 wildlife refuges, and many species depend on these lands for their survival, including sea otters and Californian condors.

Additionally, millions of Americans visit these lands every year and have the opportunity to learn about our state's incredible biodiversity.

I am now working to establish a new wildlife refuge in Riverside County that will support local wildlife and provide equitable access to nature for all Californians.

- A. Secretary Haaland, despite having these irreplaceable resources, California's wildlife refuges are chronically underfunded and understaffed—and sometimes not staffed at all.

RESPONSE: The FY 2023 President's budget requested an increase of \$82 million over the FY 2022 enacted budget to address capacity issues on the National Wildlife Refuge System (NWRS). This increase will restore needed capacity for the Refuge System's basic needs.

- B. How would increases in funding to the National Wildlife Refuge System improve California's public lands?

RESPONSE: With an increase in appropriated funding, the NWRS will be able to strategically add capacity by hiring full-time, skilled professional and seasonal staff as well as field technicians; enhance Tribal relationships; increase community outreach; increase student

recruitment through the Pathways program; fully implement Civilian Climate Corps hires; and provide additional financial assistance to public and private partners.

Increased funding will further enable the NWRS to deliver programmatic goals including adaptively managing lands, combatting the spread of invasive species, and providing adequate water management programs on national wildlife refuges. Due to persistent and long-term drought in much of the West, it is important for the NWRS to assess landscape conditions and prioritize areas for conservation and restoration interventions. The NWRS will be able to utilize increased funding to build ecological resilience to climate change and enable landscapes to be more resistant to drought and the effects of fire.

In a typical year, more than 700,000 teachers and students use the Refuge System as their outdoor classroom. Increased funding will further enable the Urban Wildlife Conservation Program (UWCP), which includes urban national wildlife refuges such as San Diego National Wildlife Refuge, to expand opportunities to bring more youth and education programs to refuges. This program will help develop the next generation of environmental stewards. Increased NWRS funding will also enable the UWCP to expand infrastructure opportunities for urban populations to better access local national wildlife refuges through connected trails, bus routes, and roadways.

Lastly, the Refuge System maintains a \$40 billion infrastructure portfolio. The FWS estimates a fully implemented life-cycle management approach to maintain its portfolio would require about 1.3% of the infrastructure portfolio value annually. The 2022 enacted level for FWS NWRS programs focused on asset management was \$147 million, which includes \$47 million focused on addressing deferred maintenance backlog that is created when resources are not available to address life cycle asset management needs at the most appropriate and cost-advantageous time.

**Questions for the Record Submitted to Secretary Deb Haaland
from Senator Jon Tester**

Question 1: Prior to Fiscal Year 1997, the amount of “New Tribes” funding received by newly recognized tribes varied greatly. New tribes would assess their needs, design or propose operational programs to meet their needs, and submit proposed budgets to implement the proposed programs. In Fiscal Year 1996 alone, this led to newly recognized tribes receiving a low of \$127,000 and a high of \$1.492 million in “New Tribes” funding. In FY 1997, the “New Tribes” funding methodology was simplified by providing \$160,000 in base funding for new tribes with less than 1,500 members and \$320,000 to tribes with a population of 1,501 to 3,000 members. The funding level for new tribes with more than 3,000 members was to be determined on a case-by-case basis.

In FY 2011, the population component of the methodology was slightly changed moving from 1,500 to 1,700 members for the \$160,000 base level funding and 1,701 to 3,000 for the \$320,000 funding level.

The Little Shell Tribe of Chippewa Indians, with a Tribal membership of approximately 6,100 members, qualifies for the “case-by-case” determination under the BIA’s longstanding policy. If the funding level for Tribes with 1,701 to 3,000 members is \$320,000, that equals to a range of \$106.66 to \$188.12 per Tribal member. According to this methodology, the Little Shell Tribe’s “New Tribes” allocation should be in the range of \$650,000 to \$1.14 million annually. It is critically important to provide the Little Shell Tribe with adequate “New Tribes” funding as it is the Tribe’s third and final year in the program. The Bureau of Indian Affairs Budget Justifications and Performance Information for Fiscal Year 2023 notes that “Once a Tribe has been acknowledged as a Federally recognized Tribe, its designated funding remains in the New Tribes line item for three fiscal years at which time the funding is then base transferred for the Tribe to the Aid to Tribal Government line item.”

Failing to right-size “New Tribes” funding in FY 2023 to meet the Little Shell Tribe’s population needs creates inequity and establishes precedent for future funding allocations.

Would you support a higher New Tribes allocation for the Little Shell Tribe in FY23 in line with Department of the Interior’s past precedent?

RESPONSE: The New Tribes enrollment criteria was modified in FY 2011 to align with the enrollment criterion used for Small Tribes Supplement funding. BIA does not calculate funding at the level of the individual members served in determining distributions and instead uses a banded approach that provides a flat amount for Tribes with enrollment up to 1,700 and double that funding for Tribes with enrollment from 1,701 up to 3,000. At the time the Little Shell Tribe received recognition, their estimated enrollment number of 5,300 members was provided to Indian Affairs. BIA determined their enrollment number was roughly 3 times the amount of 1,700, so Little Shell was provided \$480,000 annually as their New Tribe base, which is 3 times the level of funding provided to a Tribe with enrollment up to 1,700.

**Questions for the Record Submitted to Secretary Deb Haaland
from Senator Chris Van Hollen**

Question 1: C&O Canal

I appreciate that the National Park Service worked with us in Maryland to move the C&O Canal National Historic Park Headquarters in Williamsport last year. This site serves as the administrative hub for all 184.5 miles of the park. Can you provide an update on the move and the impact that this new headquarters will have on the region?

RESPONSE: After 20 years in downtown Hagerstown, approximately 10 miles from the park, the park headquarters officially moved in March 2021, to its new location adjacent to the park in Williamsport, MD. The relocation to Williamsport brought park management back to the park grounds. Operationally, the move has led to several efficiencies including greater integration of operational and administrative staff, improved communication with the field, and improved resource/knowledge sharing with local stakeholders and partners. The headquarters move has become a catalyst for economic development. Visitation to the area has increased and many new small businesses have opened. In addition, the park headquarters site includes two historic buildings that will be rehabilitated and leased to commercial businesses that will provide much needed amenities to park visitors and create 10-15 jobs.

Due to the pandemic, the official ribbon cutting was delayed until September 21, 2022. Over 100 attendees from Federal, state, county and local government who collaborated and supported the project were in attendance.

Question 2: Glen Echo

The National Park Service has owned and operated Glen Echo Park since 1971, and has entered into multiple cooperative management agreements with Montgomery County, which partners with the Glen Echo Park Partnership for Arts and Culture to offer year-round cultural and recreational activities. This cooperative partnership allow Marylanders and all park visitors to enjoy all the park has to offer. However, as Montgomery County works with NPS to pursue vital upgrades needed for the park grounds, it is critical that the management plan is updated to support the continued partnership between the County and NPS. I have heard repeated concerns from constituents about delays in simple repairs as well as the long-term plans for maintenance of historic properties.

Will you commit to working with my office and Montgomery County to improve the turnaround time on maintenance and repairs? What steps will you take to ensure the management plan is updated to support recreational access to Glen Echo Park?

RESPONSE: The NPS remains committed to working with your office and park partners to support recreational access to Glen Echo Park. For instance, the NPS has moved some park staff to free up space for in-person partner programming which has returned post-pandemic. More generally, the NPS continues to work with Montgomery County and is committed to the top priorities agreed to in July 2021. The NPS and the County regularly engage in strategic planning related to deferred maintenance and capital improvements as well as routine planning to ensure operations are in keeping with environmental and historic requirements for Federal property.

The park has undertaken several planning efforts in collaboration with the County and Glen Echo Park Partnership for Arts and Culture (GEPPAC). In the past year, the park team participated in the GEPPAC sponsored Urban Landscape Institute effort to inform future master planning of the site. This three-month effort will aid in amending and updating the NPS Developmental Concept Plan, implementation of which is subject to future funding. Additionally, the NPS has awarded a contract to complete a historic structures report for the Spanish Ballroom; the park and partner collaborated to create a scope of work for this contract that considers both deferred maintenance and capital improvements for the ballroom. Finally, the NPS has engaged throughout the year in significant and substantive ways to expand the existing agreement to include the Clara Barton National Historical Site. Montgomery County has written a letter of interest supporting the expansion, and the NPS has included County and partner staff in the design team and as consulting parties.

The County is working to fulfill their obligations to complete routine and life-cycle maintenance and repair of all facilities used in the operations of the park at its sole expense. To that end, the NPS is currently working to provide a permit to the County for repaving the upper parking lot.

Question 3: Landsat

Last year, I had the opportunity to visit NASA Goddard Space Flight Center in Greenbelt, Maryland with Vice President Harris to see first-light images from Landsat 9, a partnership between NASA and the U.S. Geological Survey (USGS). We know that users around the county rely on the ongoing measurements taken by Landsat satellites to monitor and measure the changes in our land, and more locally, its data has been used to monitor changes in the Chesapeake Bay.

Given how the Landsat program is constantly evolving to continue its mission of providing remote sensing data for the Earth, what can we expect to happen with Landsat Next? What is the Department's plan for this new Landsat mission?

RESPONSE: The Department of the Interior (Interior) is working closely with the National Aeronautics and Space Administration (NASA) under a Sustainable Land Imaging (SLI) Interagency Agreement to develop the next Landsat mission called Landsat Next. The SLI Joint Steering Group met in February 2022 and agreed to pursue a multi-element SLI architecture, including a new government-managed Landsat Next mission and partnerships with the international and commercial remote sensing sectors.

The Landsat Next mission concept will take advantage of new technologies like smaller satellites and improved sensors to sustain the 50-year Landsat data record while delivering greater capability to meet the ever-increasing demands of the user community. This would include more frequent, better resolution, and high-quality land imaging data. The Landsat Next mission concept leverages commercial sector capabilities under government oversight to build and launch the satellites; develop the ground segment; operate the on-orbit satellites; and disseminate the data via the commercial cloud.

Landsat data are used for a wide range of regional and global applications, including monitoring agriculture crop health and production; assessing consumptive water use; tracking urban heat islands; conducting wildfire science; disaster response and remediation; detecting harmful algal blooms; and documenting forest extent and health.

Question 4: Land and Water Conservation Fund

Secretary Haaland, thank you for the efforts that the Department of Interior (DOI) has made on strong implementation of the Great American Outdoors Act (GAOA), specifically the dedicated funding provided for the Land and Water Conservation Fund (LWCF). Conservation is a key priority of mine, and environmental protection is critical in the Chesapeake Bay watershed, where land protection and water quality are inextricably linked and where the health of the Bay directly impacts our economy and our entire way of life. The need for LWCF in communities and public land areas all across America has outstripped the annual LWCF funding available. GAOA was an important step in the right direction to try to meet the country's needs, but the \$900 million provided annually under that legislation reflects a figure set more than 40 years ago, which cannot keep up with current prices, especially in our rapidly growing area of the country.

How can we best support the diverse and urgent conservation needs that are funded through the LWCF, particularly in areas such as the Chesapeake that are interconnected and interdependent on the health of the watershed?

RESPONSE: Thank you for your support of the Land and Water Conservation Fund (LWCF). The Great American Outdoors Act (GAOA) authorized full and permanent funding of \$900 million annually from the LWCF, ensuring the Nation's commitment to conservation and recreation endures for future generations. The FY 2023 President's proposal for the Land and Water Conservation Fund would allocate \$807.034 million to the Department of the Interior for LWCF programs, including \$125.175 million from the Gulf of Mexico Energy Security Act (GOMESA). Timely enactment of final annual appropriations enables the Department to allocate this funding earlier in the fiscal year and do more work to address these diverse and urgent conservation needs.

The U.S. Fish and Wildlife Service (FWS) has several active land acquisitions at National Wildlife Refuges within the Chesapeake Bay watershed. In FY 2021, FWS acquired 88 acres at Blackwater National Wildlife Refuge and 264 acres at Great Dismal Swamp National Wildlife Refuge. In FY 2022, FWS received a donation of a conservation easement on 465 acres at Rappahannock River Valley National Wildlife Refuge. FWS continues to advance its conservation mission within the watershed and is working with willing sellers on potential future acquisitions.

The LWCF also authorizes funding for land acquisition under the Cooperative Endangered Species Conservation Fund, specifically for land acquisition related to the recovery of species listed under the Endangered Species Act and to complement Habitat Conservation Plans. States within the Chesapeake Bay watershed are encouraged to apply for these grants as a means of protecting habitat for listed species and restoring the watershed.

Question 5: Monarch butterflies

First, I was heartened to hear that there was real progress at the recent monarch butterfly summit this summer involving federal agencies, research scientists, habitat managers, and volunteer groups. Recognizing the vital pollinator role of native bees, and the emerging science and diversity of partnerships developing at the USGS Eastern Ecological Science Center Native Bee Inventory and Monitoring Lab in Maryland, how will the DOI and USGS leverage this opportunity to also advance native bee science and conservation?

RESPONSE: The USGS is pleased to report that the USGS Bee Lab, part of the USGS Eastern Ecological Science Center (EESC), continues to grow and provide critically important services to pollinator conservation efforts led by local, State, and Federal government agencies and non-profit organizations. The lab is currently the only facility within Interior whose staff are capable of identifying the 4,000+ native bee species in the United States. In response to increased partner demands, in 2023, the USGS will double the size of the lab space, with the opening of the newly remodeled Annex facility that will provide research and office space for additional collaborating partners, support education and training efforts, and house entomological collections. This year, the Bee Lab will host co-located staff positions sponsored by the U.S. Fish and Wildlife Service, USDA Office of the Secretary, Northeast Association of Fish and Wildlife Agencies, and the USGS Cooperative Fish and Wildlife Research Unit Program, as well as over 150 volunteers and interns from local colleges, universities, and high schools. The USGS also recently signed a Memorandum of Understanding with the Smithsonian Institution that will increase opportunities for research and education between the USGS and Smithsonian's museums and research centers.

The USGS Bee Lab is currently engaged in a broad range of research, training, and technical assistance activities to help meet increased demand from partners at local, state, and Federal government agencies, as well as non-profit organizations and citizens groups. Current areas of investigation include: the development of planting strategies for monarch butterflies and native bees; the identification of plant species that benefit both monarch butterflies and native bees; surveys of public and private lands for native bees; status assessments for individual native bee species; documentation of insect pollinators for native plant species; and the development of broader planting strategies at larger geographic scales. In addition, lab staff teach a weekly online course in bee identification that has over 200 participants, and also offer bee identification courses through Interior's National Conservation Training Center in Shepherdstown, West Virginia.

Moving forward, the USGS is working to expand the expertise available at the EESC. This would include a Quantitative Methods and Decision Science Team to assess population trends and habitat use and restoration strategies, as well as decision science to inform pollinator conservation decisions. Another area of relevant expertise to pollinator health is within the Ecological Patterns and Processes and Animal Health Diagnostics and Surveillance Team. This team could expand its research capacity to better understand drivers and stressors influencing trends in pollinator species and associated ecological and socio-economic impacts.

The USGS welcomes further inquiries regarding its native bee research and conservation efforts and invites the Senator and his staff to visit the USGS Bee Lab facility in Laurel, Maryland.

Question 6: Migratory Bird Treaty Act

There has been a documented loss of nearly 3 billion birds across North America in recent years. This staggering loss of biodiversity and the impacts of social and economic consequences are of deep concern. How will the DOI support migratory bird science programs at USGS such as the North American Bird Banding Laboratory and Breeding Bird Survey and migratory bird conservation and management programs at the U.S. Fish and Wildlife Service (FWS)? How will the DOI leverage these efforts with other Federal, state, Tribal, non-governmental organizations, and the public to reverse these concerning declines?

RESPONSE: The severe decline in migratory bird populations is a deep concern of the Department of the Interior. The data are alarming, as they reveal that the losses are widespread among many species of grassland birds, seabirds, forest birds, shorebirds, and aerial insectivores. Time is of the essence to act now due to myriad threats to birds from habitat loss and degradation, human caused mortality, and ecosystem impacts due to the changing climate. The Migratory Birds program leads the FWS response to this crisis, and it has established and begun implementing a visionary approach to tackle this complex conservation issue. Working across regional boundaries and programmatic areas, FWS has established a core team and a national coordinator to focus on the problem. Together, FWS is implementing a “5-and-1” strategy—named for its focus on five priority bird groups (grassland birds, forest birds, shorebirds, marine birds, and aerial insectivores) and one major source of bird mortality (collisions with manmade structures). Six sub-teams have been established focused on each of the five priority bird groups and the mortality source. This represents a holistic path forward for focused conservation.

Currently, the 5-and-1 teams are having varying degrees of success. The collisions team created a buildings initiative to address light and glass collisions at FWS facilities and developed a tool to assess collision risk with buildings. To date, more than 40 percent of FWS buildings have been surveyed and those identified as a high collision risk are being modified. FWS now requires all new buildings and major renovations to include bird-friendly designs, which both protects wildlife and improves energy efficiency. Additionally, FWS, in its capacity of serving as Chair of the Council for the Conservation of Migratory Birds, has shared their success stories on light and glass collisions with other Federal agencies and is encouraging them to take similar actions.

Other teams, like the marine bird team, have identified high priority areas and partnerships where resources should be directed to slow population declines. Seabirds face many challenges: declining and shifting prey distributions; warming and rapidly changing ocean conditions; loss of nesting and roosting habitats due to human development, disturbance, and sea level rise; bycatch mortality; plastic ingestion and debris entanglement; offshore energy development; and pollution. Because of their mostly pelagic existence and wide-ranging movements, there are many gaps in the knowledge about seabirds and how to best address the challenges they face.

The FY 2023 President’s budget includes nearly \$5 million for the Migratory Birds program that would provide the conservation capacity needed to allow FWS’ 5-and-1 teams to scale up activities and engage with partners. This investment could be transformational, permitting targeted investments in partner engagement, monitoring, technical assistance, conservation planning, and promoting bird-friendly practices that would greatly leverage the resources of

other FWS programs and other Federal, state, Tribal, and private conservation partners to dramatically increase the pace and scale bird conservation.

**Questions for the Record Submitted to Secretary Deb Haaland
from Senator Bill Hagerty**

Question 1: Tennessee is home to the Great Smoky Mountains National Park, the most visited national park in the country. In 2021 alone, over 14 million people visited the Smokies. The Park serves as an important economic driver for Tennessee and the surrounding region, the impact was even further felt during the COVID pandemic when many small businesses in the area were forced to stay closed.

- A. Secretary Haaland, how will you prioritize our national parks operations budget and the park's access to resources now that more Americans are going outdoors and the number of visitors to our national parks this summer is expected to continue to increase. Is there a contingency plan for this expected increase?

RESPONSE: The FY 2023 President's Budget Request makes bold investments essential for the NPS' continued mission success while remaining committed to the daily mission of ensuring that the American public continues to have an enriching experience at every NPS site. In particular, the budget funds fixed costs to support baseline operating levels and provides funding to build park capacity throughout the National Park System in visitor services, park protection, facility operations and maintenance, and park support.

- B. Secretary Haaland, can you detail the formula the National Park Service utilizes to determine how much funding each National Park receives? Additionally, are the numbers of visitors and utilization of the park services considered as part of this formula?

RESPONSE: The NPS is responsible for safeguarding irreplaceable magnificent natural wonders and significant historical and cultural resources. Each unit of the NPS is unique. There are parkways with hundreds of miles of road; canyons that are miles deep; battlefields, caves, lakes, and rivers. Due in part to these differences, each park has its own set of priorities and manages its park operational budget according to the unique needs of the park, its visitors, partners, community, and resources. While visitation is often a key driver of need for additional operating capacity, it must be considered alongside many other factors during the budget formulation process.

**Questions for the Record Submitted to
Secretary Deb Haaland from Sen. Lisa Murkowski**

Question 1: I appreciate the efforts of the Department and Bureau of Land Management so far in implementing the Alaska Native Vietnam Veterans Allotment program as I authorized in the Dingell Act. We have an obligation to these Alaska Native Veterans to ensure their allotment applications are completed in a timely and efficient manner. I am concerned though that the Bureau of Land Management (BLM) does not have the current capacity to meet this task before the program expires in December 29, 2025. I want to make sure BLM has the resources needed to contact all eligible veterans and be able to process the 2,900 plus applications it may potentially receive.

1. What is BLM's plan to ensure that all applicants will have their applications processed within the deadline established in the Dingell Act?

RESPONSE: The BLM developed a streamlined process to review incoming applications, complete the associated cadastral surveys, and issue the Allotment Certificates. If complete applications are received without conflicts, the BLM's streamlined process will support issuing the Certificate of Allotment within one year after receipt of the application. The last day a veteran or heir of a veteran can file an application is December 29, 2025. All complete applications should therefore be processed by December 2026 if the corresponding budgetary resources are available.

2. Can you please provide this committee, either now or after this hearing, an estimate on the total costs required to complete all potential veteran applications by the deadline established in the Dingell Act?

RESPONSE: The largest cost associated with completing the application process is a cadastral survey. Due to the remoteness of selected allotment locations, helicopter support is typically needed to access the allotment. The cost for surveying one allotment can range between \$25,000 to \$35,000. In FY23, approximately 65 surveys will be completed for a total estimated cost of \$2.2 million. It is estimated that up to 2,000 eligible individuals or their heirs may apply during the open selection period. The BLM estimates it will cost approximately \$50 million to \$70 million to complete all 2,000 potential surveys, however this estimate will fluctuate based on the actual number of applications received.

You recently had the opportunity to visit Alaska and hear directly from Alaska Native Vietnam veterans how important it is to them for their allotments to be near where they live have ties to, as well as to be accessible. The BLM lands that have thus far been offered up do not meet that criteria.

3. Do you support making additional lands available for selection, including opening up Fish and Wildlife Service lands?

RESPONSE: Current law (the Dingell Act) provides that the BLM can provide eligible individuals the opportunity to select an allotment of up to 160 acres from vacant, unappropriated,

and unreserved Federal lands in Alaska. The BLM has made more than 28 million acres of lands available for selection.

In November 2020, the FWS delivered a report to Congress titled, *Report to Congress: Identification of National Wildlife Refuge System Lands in Alaska That Should Be Made Available for Allotment Selection by Eligible Alaska Native Vietnam Era Veterans* ([Report to Congress](#) (fws.gov)). FWS developed this report with input from over 160 Alaska Native Tribes and 100 Alaska Native Claims Settlement Act (ANCSA) Corporations. In the report, FWS identified 3.6 million acres of refuge lands that could be made available for selection by eligible veterans with Congressional authorization if the BLM eligible lands are not adequate.

Question 2: What is the FY2023 proposed funding level for the P.L. 280 states in the President’s Budget Request?

RESPONSE: The President’s Budget proposes \$15.0 million for Tribal Justice Support funding directed to P.L. 280 Tribes in FY 2023.

Question 3: To help address the crisis of Missing and Murdered Indigenous Persons across the United States, the Secretary announced the formation of a new Missing & Murdered Unit (MMU) within the BIA in 2021 to better coordinate law enforcement resources and seeks an additional \$5 million for this effort for investigative personnel. It’s my understanding previous funding has been to open new offices so can you tell us here today what is the base amount of funding being used for this new law enforcement unit and exactly where are these units located?

RESPONSE: The additional \$5.0 million provided in the FY 2022 appropriation brought total funding for the Missing and Murdered Indigenous People (MMIP) initiative up to \$16.5 million to support the BIA Missing and Murdered Unit. Of this funding, \$2.5 million is used for advanced training on forensics and other specialized training for the MMU investigators. The table below identifies existing MMU agent locations as well as new locations planned for additional agents.

Current Agent Locations	Additional Agent Locations
Albuquerque, NM	Bemidji, MN
Anchorage, AK	Farmington, NM
Billings, MT	Gallup, NM
Bismarck, ND	Muskogee, OK
Bloomington, MN	Riverton, WY
Carson City, NV	Sacramento, CA
Fort Apache, AZ	Salt Lake City, UT
Nashville, TN	Seattle, WA
Oklahoma City, OK	Sioux Falls, SD
Phoenix, AZ	

Rapid City, SD Shelby, MT Vancouver, WA	
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Question 4: An issue that I have worked on for several years now is the Small and Needy Tribe program. This program is vitally important to the many small tribes in Alaska and for the last several years we have tried to work with Administration officials to determine the proper funding levels so that all eligible tribes receive the maximum amount allowed. Over the years we have struggled to get good information about what the program level should be in order to fund all currently eligible tribes at the maximum level, and, not only has the program level consistently changed there have been challenges in tracking and obligating funds. As result, the annual appropriations bills has been carrying report language for the last few years that continues to go unanswered. Given the historical challenges in determining eligibility, funding levels, and meeting Committee directives, it's a bit surprising to see such a dramatic increase of \$18 million being proposed in the FY2023 budget.

1. In FY2018, the Committee was informed that \$5 million was the amount of funding necessary to fund all known, eligible small tribes up to the established maximum funding level. Yet, the FY2023 budget proposal is asking for an additional \$18 million. Can you explain what has changed in the last 3 fiscal years regarding this program to warrant the increase?

RESPONSE: In FY 2019, Indian Affairs (IA) began to improve the allocation process for the Small and Needy Tribe programs focusing on the means by which the tribal base information (location and base TPA funding) and enrollment tracking were managed and reported. This improved process allowed IA to automate a base funding report from the Primary Tribal Priority Allocation (TPA) Base tables used for the Small and Needy Tribe funding distributions and to integrate the new enrollment data collected in FY 2021, which has continued to improve our efforts to ensure we are including all eligible Tribes. This has resulted in a larger count of eligible Tribes for the funding under this program. Additionally, at the request of Tribes and the Tribal/Interior Budget Council (TIBC) our request for additional funding in FY 2023 includes raising the minimum level of funding for all Tribes to \$300,000.

2. What tribes are currently eligible to receive this funding and what is the methodology and data the DOI uses to determine eligibility?

RESPONSE: Currently, IA determines Tribes to be eligible for the Small Tribes Supplement program based on location and base TPA funding. Alaska Tribes are eligible if they receive \$200,000 or less in TPA base funding and Tribes in the lower 48 States are eligible if they receive \$160,000 or less in base TPA funding. In FY 2021, under the existing criteria, 87 Tribes were deemed eligible and received funding.

IA conducted consultation with Tribes concerning the methodology and criteria for issuing Small Tribes funding as instructed in the 2022 appropriations report language. The program is undergoing a review of all feedback from that consultation and based on that, is developing

revised criteria that will enable us to bring all known, eligible small Tribes up to a newly established, increased minimum base funding level which may differ from the \$300,000 minimum proposed in the FY 2023 Budget. The increase is in line with inflation to ensure a reasonable level of funding for a Tribal government to operate. The current base levels were established in 1994 and are no longer sufficient for small Tribes to run viable Tribal governmental operations. Raising the threshold for minimum base will result in additional Tribes qualifying.

Once BIA fully works through the Tribal consultation comments and updates the parameters of the program, we will be able to determine a final count on the number of eligible Tribes and what level of funding would be needed to bring all eligible Tribes up to the minimum threshold. The amount requested in 2023 was based on an estimate using the original criteria.

3. What is the status of the congressional directives contained in recent appropriations bills?

RESPONSE: The congressional directives are currently being addressed and will include the results of the above-mentioned Tribal consultation.

Question 5: Resource management planning is an expensive and time consuming exercise. In calendar year 2021, the BLM finalized updates of the Bering Sea Western Interior and Central Yukon Resource Management Plans. This was a culmination of effort that began in 2013 and spanned multiple administrations. In addition to the incredible time invested, these efforts were expensive and my understanding is that the cost to finalize these two plans exceeded \$20 million.

Unfortunately, the BLM has undertaken a rewrite of these RMPS, which will result in Alaska's lands being kept in a further state of limbo and will prevent the State and Alaska Natives from gaining title to lands that were promised to them over 50 years ago.

1. Why is the Department rewriting these RMPs that were developed by career staff across multiple administrations?

RESPONSE: The Central Yukon Resource Management Plan (CYRMP) was released as draft for public comment in December 2020. The BLM is focused on identifying the next steps in the ongoing planning process and will soon be announcing the path forward.

The Bering Sea Western Interior (BSWI) RMP has been finalized, and the Record of Decision was published in January 2021. That plan remains fully in effect and is being implemented by the BLM.

2. How long will the rewrites take and how much do you anticipate it will cost?

RESPONSE: The BSWI RMP remains in effect and is being implemented, and the CYRMP is in the planning process between the draft and final stages. Additional costs are not anticipated.

Question 6: How much funding is included in the President’s Budget Request for fiscal year 2023 for proposals and related planning efforts for the lease sale required in the 1002 area by the Tax Cuts and Jobs Act?

RESPONSE: The President’s Budget Request for FY 2023 did not request any additional funding for the lease sale required in the 1002 area by the Tax Cuts and Jobs Act. The BLM estimates the FY 2023 lease sale preparation costs to be approximately \$300,000, which would be executed with appropriated base funding.

Question 7: The Center for Biological Diversity (CBD) filed a in early June that coincided with the U.S. Fish and Wildlife Service’s publication of its Proposed “Hunt-Fish” Rule which would preclude the use of traditional ammunition and tackle going forward on several National Wildlife Refuges. The Department entered into closed door settlement negotiations with CBD even before a court could provide any merit to their claims. I’m concerned that rather than going through the land management planning process, the Department is entering into closed-door settlement negotiations with an advocacy organization where Tribal consultation and input from the public will be absent.

1. Has a settlement been reached with the Centers for Biological Diversity in their lawsuit against the Fish and Wildlife Service?

RESPONSE: FWS develops the annual Hunt-Fish Rule over a 14-month cycle. This process begins each June and concludes in August of the following year, with the goal of publishing the final rule in time for the fall hunting seasons. FWS began developing the packages for the 2022-2023 Hunt-Fish Rule, which included proposals at several refuges to require non-lead ammunition or tackle, in June 2021. The final rule was published in September 2022. This process began prior to receiving the Center for Biological Diversity’s (CBD) lawsuit in December 2021 and their June 2022 petition, and therefore is unrelated to their actions. The Department of Justice (DOJ) was authorized by FWS to draft a tentative settlement agreement with CBD that will be approved by FWS prior to finalization. The current stay from the Court ends on November 2, 2022. FWS and the Department of the Interior’s Office of the Solicitor expect settlement to be reached in this case.

2. If so, please provide a copy of the settlement to the subcommittee. If not, will you commit to providing a copy of the settlement to the subcommittee within 10 days of the settlement being reached? If you will not commit to providing the subcommittee with a copy of the settlement, please explain why.

RESPONSE: As the litigation is ongoing, FWS is not able to share the draft settlement agreement at this time. FWS commits to sharing a copy of the settlement agreement within 10 business days after the conclusion of the case.

3. Is the Department negotiating with CBD on banning lead ammunition and tackle as part of the settlement of the CBD petition?

RESPONSE: FWS cannot commit to reaching a particular result in any future notice-and-comment rulemaking process, which would be considered pre-decisional. As such, FWS cannot commit to requiring non-lead ammunition or tackle on the National Wildlife Refuge System as part of any settlement agreement with CBD or rulemaking petition submitted by CBD. It is not uncommon for FWS to require non-lead ammunition or tackle on FWS lands and waters when it determines through scientific analyses, as part of National Environmental Policy Act (NEPA) analyses, refuge plans, and compatibility determinations, that lead ammunition and tackle have negative impacts on species. FWS will respond to CBD's petition for rulemaking as required by the Administrative Procedure Act. FWS considers all petitions from the public, non-governmental organizations, States, and other partners, in order to best serve the American public.

Question 8: The aforementioned "Hunt-Fish" Rule proposes to ban lead ammunition and tackle on certain public lands by 2026 and I am concerned that this is a precursor to further regulatory actions. Given that approximately 95% of all ammunition contains lead components, banning traditional ammunition is certain to price a significant number of hunters and target shooters who hunt and shoot on public land out of the market. It would also have a significant impact on conservation. In my home State of Alaska alone, we would stand to lose over \$12 million in Pittman Robertson funding in the event of a traditional ammunition ban.

1. Please share what science was discovered since you became Secretary that supports the ban that you propose. Is the science sound enough to warrant decreasing access and opportunity for millions of taxpayers as well as hurting wildlife conservation efforts?

RESPONSE: The best available science demonstrates that lead ammunition and tackle have negative impacts on both wildlife and human health. FWS included many of these studies in National Environmental Policy Act (NEPA) documents and Cumulative Impacts Report, and incorporated these sources in the 2022-2023 Hunt-Fish Rule. In total, there are over 90 scientific sources cited, which are available through the final Cumulative Impacts Report available at the following site: <https://www.regulations.gov/document/FWS-HQ-NWRS-2022-0055-16123>. A key example of the available scientific evidence is the recent study by the U.S. Geological Survey (USGS) which found significant population-level impacts on eagles nationwide from the use of lead ammunition for hunting. The study, published in the journal *Science* (Volume 375, Issue 6582, February 18, 2022), is available at the following site: <https://www.science.org/doi/10.1126/science.abj3068>.

FWS has received an increasing number of comments from the public, including a significant number of hunters and anglers themselves, over the past few years on the annual Hunt-Fish Rules, asking FWS to further consider requiring non-lead ammunition and tackle on national wildlife refuges based on the increasing body of scientific literature illustrating the negative impacts of lead on wildlife.

Some public comments FWS received from those who would prefer it not regulate lead ammunition and tackle alleged that the scientific analysis lacked evidence of "population-level" impacts to species. However, from studies like the USGS eagle study, there is significant evidence of population-level impacts for some species. For other species that are not impacted at the population-level, the science illustrates that many individuals are at risk of death or lead

poisoning from ingestion of lead through gut piles, picking up spent pellets on the ground or lake bottoms, or even in bodies of water depending on the acidity of the water.

FWS is required by statute to make decisions that support its conservation mission and to find uses on national wildlife refuges compatible with the mission and refuge purposes before allowing them. FWS will regulate when the science illustrates that the use of lead ammunition and lead tackle presents a risk for any species that are especially susceptible to lead. FWS prioritizes access for hunters and anglers when compatible and only pursues restrictions on how the use is allowed when necessary to support its mission.

2. Will the Department consider the impact of potential lost conservation funding when making decisions about whether to finalize a ban on traditional ammunition?

RESPONSE: FWS considers the socioeconomic impacts of how it manages hunting and fishing programs before making changes. This includes considering the impacts of any requirements to use non-lead ammunition or tackle on hunters and anglers. The viability of alternatives to lead ammunition and tackle have increased over time, both in terms of price and availability. In light of recent ammunition shortages and increases in price of all ammunition, the gap has been closed even further. As noted in the 2022-2023 Final Hunt-Fish Rule, FWS does not anticipate significant decreases in hunter participation caused by regulation of lead use on refuges, and it has not seen significant hunter decreases at refuges where non-lead requirements have been implemented in past rules.

FWS also does not anticipate an impact to Pittman-Robertson (PR) excise tax funds used for conservation funding from any action on FWS lands and waters. Hunting and fishing on FWS lands and waters is a small fraction of the overall hunting and fishing that occur in the United States. FWS' experience is that non-lead requirements have not resulted in a decrease in hunting on national wildlife refuges. Therefore, FWS anticipates the impact to conservation funding from non-lead requirements on national wildlife refuges to be very small.

Question 9: I was disappointed in your June 17th Secretarial Order 3408 which revoked the previous Secretarial Order 3368 that created a publicly available repository on the Solicitor's website where everyone, members of congress and the general public can see settlement negotiations that the Department has entered into. This is in addition to the Equal Access to Justice information that is provided in the annual budget request. Your press release indicated that the Secretarial Order you rescinded was a waste of taxpayer funds.

1. Can you elaborate on how much the department spent on the implementation of SO 3368 and what portions of the disclosures on the Department's website were responsible for the supposed waste? How did you determine whether the previous transparency order provided a "tangible benefit" to the public?

RESPONSE: The Department's additional expenses included annual developer costs to create and maintain the website; costs for employee time in compiling and uploading information; and costs for preparation of and fees for Federal register notices. The total cost of compliance with SO 3368 during its effective period is estimated at \$94,582. After review of the limited benefits

achieved from these additional expenses, the Department found that SO 3368's requirements either duplicated existing rules or policies governing settlements or added requirements that are not found in law or policy and raised concerns about consistency with court orders and/or the confidentiality expectations of parties in litigation. The Department concluded that spending Departmental resources in this way did not advance the Department's goals of enhancing transparency or safeguarding the public interest. Further, information about settlements and attorneys' fees is publicly available in alternate sources, including the annual reports to Congress and a Department of Treasury on-line database.

2. Can you please provide an example of how the previous order prevented the Department from entering into "rational and fair" settlement agreements?

RESPONSE: The Department's approach to settlements is governed by our internal policies and those of the Department of Justice, which prevent the Department from entering into settlements that make excessive commitments of time or resources or compromise the Department's legal authority. After review of SO 3368, we determined that it reiterated those substantive constraints but added new and vague procedural requirements that did not support the substantive criteria. For example, SO 3368 included a requirement to provide notice to non-party States or Tribes with "substantial direct" interest in all complaints or petitions filed against the Department, its bureaus or officers. The Order also established a new notice-and-comment process for certain settlements. These new bureaucratic requirements are not found in laws, regulations, or court rules and therefore interfered with the normal litigation and settlement process. The Department cannot share specific examples without violating promises of confidentiality regarding settlement negotiations, which are governed by Federal Rule of Evidence 408 and ensure frank and open discussions to reach agreements.

Question 10: On the same day that President Biden called for a reliable supply chain of critical minerals during his Securing Critical Minerals virtual event, the Department of the Interior announced creation of the Interagency Working Group on Mining Regulations, Laws and Permitting. The specter of major changes to the regulatory framework for mining projects is certain to cause investors to rethink the U.S. a prime jurisdiction for mining investment at a time when the U.S. is exceedingly over reliant for mineral imports from geopolitical adversaries. Why would the department seek to initiate these actions, potentially freeze investor confidence, at a time when mineral demand is expected to skyrocket?

1. What are the next steps for the Interagency Working Group?
2. What opportunities will there be for continued engagement with stakeholders moving forward?
3. What engagement has occurred with States?
4. When does the Interagency Working Group expect to complete its work and provide recommendations?
5. I understand there are roundtable discussions planned with various stakeholders. Please provide the dates and locations for any proposed roundtables.

RESPONSE: The Interagency Working Group on Mining Regulations, Laws, and Permitting (IWG) has conducted extensive outreach throughout the year and is reviewing tens of thousands of comments received in response to a Request for Information published in March 2022,

including hundreds of letters with specific recommendations from Tribal Nations, State governments, the mining industry, environmental and conservation organizations, academics, and others. The IWG held meetings with the leadership and members of the Interstate Mining Compact Commission, Environmental Council of the States, Association of American State Geologists, and National Association of State Trust Lands, in addition to discussions with individual state officials upon request.

The IWG is currently working to complete a report to Congress of its findings. The report will provide recommendations about any substantive changes needed to meet the Country's need for mineral resources, including critical minerals, while respecting our obligations to Tribal Nations, protecting the environment, supporting communities, and addressing legacy mining issues.

Question 11: The Department recently touted its efforts to reinvigorate renewable energy projects on Federal lands. To accomplish this, the Department developed organizational enhancements and improved process efficiencies for optimizing Federal permit coordination for renewable energy projects.

1. Why are the same type of efficiencies used to permit renewable energy projects not used to permit domestic energy and mineral projects, particularly those that are the front end of the supply chain for renewable energy technologies?

RESPONSE: Critical minerals are key inputs to manufacturing advanced technologies including renewable energy generation and storage. In response to recommendations from the 100-Day reviews directed by E.O. 14017, America's Supply Chains, and Section 40206 of the Bipartisan Infrastructure Law (BIL), the Department has established an Interagency Working Group to comprehensively review hardrock mineral laws, regulations, and permitting requirements. As part of this whole-of-government effort, the Department has hosted extensive public input and comment sessions on potential hardrock mining reforms and intends to publish a report with legislative, regulatory, and policy recommendations in FY 2023. Regarding domestic energy, the BLM continues to approve oil and gas applications for permits to drill (APD) and industry currently has in excess of 8,000 approved APDs available to them for domestic production.

Question 12: Have there been any new coal leases or lease modifications approved, either for thermal or met coal, under your leadership at the Department of the Interior?

RESPONSE: Since 2021, the Department has approved one 630-acre Emergency Bypass lease issued in North Dakota for lignite thermal coal.

Question 13: Are there any outstanding coal lease or lease modification applications currently pending before the Department of the Interior? If so, how long have those applications been pending?

RESPONSE: Currently there are 16 Lease By Applications (LBAs) and 3 Lease Modification Applications (LMAs) before the BLM. However, eight of the LBAs are on hold by the applicant's request or the Federal acreage is part of the land exchange in Section 1255 of the Dingell Act and will be turned over to the State. In the case of lease applications for Federal minerals that are part of the Dingell Act, the LBAs are put on hold until the surface and mineral

estate are transferred to the State (see John D. Dingell, Jr. Conservation, Management and Recreation Act, Public Law 116-9, Section 1255, Exchange of BLM and School Institutional Trust Lands Administration land), at which time the State assumes all responsibility for the leasing decision and associated environmental analysis. The others are in various stages of NEPA evaluation, cost recovery MOUs, in bankruptcy court, part of legal action, or the BLM has requested more information from the applicant and is waiting for a response. BLM is evaluating the impact of the recent court order reinstating Secretary Jewell's coal leasing moratorium on the pending applications. All these factors make the timeline for LBAs and LMAs highly variable and in many cases outside the control of the Department of the Interior. The table below summarizes pending coal actions and provides the case number for ease of reference

Pending Coal Lease and Lease Modification Applications			
LBA	LMA	Status	Application Received
COC-71978		Hold-Applicant Request	10/12/2007
COC-78449		Hold-Applicant Request	4/6/2017
KYES-55296		On Hold-Mine is on standby	7/3/2007
ALES-55797		Met Coal-HQ BLM NEPA Review	8/13/2009
ALES-56519		Hold-Applicant Request	9/22/2010
ARES-57757		NEPA Ongoing	12/21/2012
WVES-59357		Consent-USACE Surface Management	7/30/2018
MTM 105485		Cost Recovery	2/13/2013
NDM 111186		NEPA Ongoing	5/17/2019
NDM 111489		HQ BLM NEPA Review	10/30/2019
	MTM 110693	Cost Recovery-RMP Litigation	6/17/2021
OKNM-127509		Hold-Applicant Request	10/27/2011
	OKNM-91569	Cost Recovery	12/3/2012
UTU-080043		Hold-Dingell Act	3/1/2002
UTU-093214		Hold-Dingell Act	3/28/2018
UTU-092226		NEPA-Part of Settlement Agreement	7/10/2019
	UTU-077114	NEPA-Part of Settlement Agreement	6/7/2019
WYW164812		Request Status Update from Applicant	10/7/2005
WYW184599		Hold-Applicant Request	8/24/2015

Question 14: What the current status is of the ongoing Federal coal review and what are the anticipated next steps in the review, including timing of those steps? How is the Department taking into account the comments and economic needs of Federal coal states and tribes who would like to develop their natural resources?

RESPONSE: On August 12, 2022, the District Court for the District of Montana Great Falls Division (Case 4:17-cv-00030-BMM Document 23) ruled the NEPA analysis used for lifting the coal leasing moratorium enacted by Secretary Jewell (Secretary Order 3338) was insufficient and the Court reinstated the coal leasing moratorium until the NEPA deficiencies are addressed. The BLM is currently working to develop a path forward for the Federal coal program.

Question 15: It has been over a year since Executive Order 14008 launched an effort to conserve at least 30 percent of our lands and waters by 2030. Unfortunately, there is widespread confusion regarding what Federal agencies will actually count as conservation, what will account for local and state conservation programs, and how land use designations that overlap with management plans for various activities will be factored. Compounding these uncertainties is the issue of multiple use and how industries that rely upon Federal lands will be treated, many of which have been fully engaged in conservation partnerships and effective voluntary conservation activities for decades, demonstrating that development and conservation are not mutually exclusive.

1. When will the Department of the Interior be able to provide the Committee with a definition for what is considered “conservation” under the initiative?

RESPONSE: The principles of the initiative and initial general steps, including development of the American Conservation and Stewardship Atlas, were outlined in our report, issued last May, titled *Conserving and Restoring America the Beautiful*. That report also outlined our recommendations for early focus of the initiative. We are coordinating with the Departments of Agriculture and Commerce, and the Council on Environmental Quality, on development of the Atlas. We have undertaken broad public engagement as we move through the process, including a public comment period that closed in early March. We expect to be able to release a “beta” version of that Atlas by the end of the year and will continue to update the Committee from there.

2. How will the Department quantify how much existing U.S. lands and waters under Federal stewardship count as currently being “conserved”?

RESPONSE: Under the initiative we expect a flexible, inclusive definition given the many uses of land and waters that can be consistent with the long-term health of ecosystems and many types of conservation that exist on Federal, Tribal, State, and private land and waters. It will also help to address the impacts of climate change and environmental injustices. We have undertaken broad public engagement, including a public comment period that closed in early March and are coordinating with the Departments of Agriculture and Commerce, and the Council on Environmental Quality, on development of the Atlas.

3. Will lands currently subject to multiple use be considered “conserved”?

RESPONSE: As noted in the previous response, the Atlas will reflect the many uses of land and waters that can be consistent with the long-term health of ecosystems and help address the impacts of climate change and environmental injustices.

Question 16: The Bureau of Land Management (BLM) announced a notice of intent on the Federal Register in November 2021 to solicit comments to inform the BLM's preparation of Environmental Impact Statements (EIS) to address the management of Greater Sage-grouse and sagebrush habitat on BLM-managed land in the States of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, and Wyoming through a land use planning initiative. Comments closed in February 2022.

1. What other opportunities will BLM provide the public to maintain involvement with the NEPA and land use planning processes?

RESPONSE: After the BLM and its cooperating agencies prepare the Draft EIS, the BLM will seek public input on the document during a 90-day comment period. After the comment period, the BLM will review all the public input and adjust the EIS, as necessary. The resulting Final EIS will then be provided for public review during a 30-day protest period.

2. Will there be a Governor's consistency review on any proposed land use plan amendment/final EIS?

RESPONSE: Yes, the BLM will provide the Proposed RMP Amendment/Final EIS to all the affected Governor's offices for a 60-day consistency review.

3. What is the timeline of activities related to the finalizing activities under the November 2021 solicitation?

RESPONSE: The current schedule has the BLM working with its cooperating agency partners to prepare the Draft RMP Amendment/Draft EIS and anticipates providing the document for public review and input in July 2023. Following the 90-day comment period and time for reviewing received comments, preparing responses, and updating the EIS, we expect to publish the Proposed RMP Amendment/Final EIS in February 2024, making it available for a 30-day protest period and 60-day governor's consistency review. Pending resolution of any potential protests or issues raised by governors, we expect to publish the decisions in June 2024. As with similar planning efforts, these dates are our best current estimates, but could be subject to change to adapt to changing conditions.

Question 17: The BLM announced in August 2021 and published a notice of intent stating it will begin re-initiation of consideration of whether a proposed 10-million-acre mineral withdrawal of Federal land from location and entry under the Mining Law to conserve priority greater sage-grouse habitat is necessary.

1. What is the current status is of the consideration of a mineral withdrawal?

RESPONSE: In 2021, the U.S. District Court in Idaho vacated the BLM's 2017 cancellation of its NEPA efforts to consider a mineral withdrawal providing additional conservation in some priority greater sage-grouse habitats. To comply with the court order, the BLM has reinitiated the

NEPA process, beginning by reviewing the 2016 Draft EIS and updating the information and analysis to reflect new science and results from monitoring.

To ensure the BLM is considering the most current information, we have contracted with the USGS to update the 2016 Mineral Potential Report, in particular to consider the potential for critical minerals within the proposed withdrawal areas. A draft report has been completed, which the BLM is currently reviewing to provide comments back to the USGS. Once those comments have been addressed, the USGS will issue the updated report as final.

The BLM is concurrently reviewing new science on greater sage-grouse that has been published since 2015 to assess whether the proposed areas for withdrawal are providing the conservation benefit anticipated in 2015.

2. What are the anticipated next steps in the review?

RESPONSE: When the mineral potential report is final, that information will be combined with the biological analyses to update the alternatives from the 2016 Draft EIS. The BLM will then conduct an analysis of the refined range of alternatives to consider the impacts of a proposed withdrawal of some, none, or all of the sagebrush focal areas that were initially recommended for withdrawal. In coordination with cooperating agencies, including State, local, and Tribal governments, the BLM will prepare a Draft EIS that includes the updated alternatives and associated impact analyses. The Draft EIS will be provided for public review and comment in 2023.

3. How are you taking into account the comments and economic needs of states and tribes who would like to develop their natural resources?

RESPONSE: The BLM has renewed cooperating agency agreements with State, local, and Tribal governments to assist in preparing the Sagebrush Focal Area Potential Mineral Withdrawal EIS. Those cooperating agencies will be able to provide valuable input on local, social, and economic conditions and the associated effects of the alternatives on local economies. The BLM will use their input to analyze the impact of the various alternatives on social and economic conditions. This will be informed by the mineral potential report, which will form the basis for preparing a reasonably foreseeable development scenario based on mineral availability, mining sector trends, and economic conditions and will include the economic potential for development of any recoverable material. The data will be presented in the NEPA documents and will be considered before any final decisions are made by the agency.

Question 18: The Federal government relies on private parties to explore Federal lands to locate and develop minerals that are essential to our quality of life, national security, and economic competitiveness. Access to exploration activities for these minerals is essential to the development and production of minerals. Put simply, we need more mines on public lands to demand for domestic critical mineral production.

1. How will the Department promote access to mineralized lands for development?

RESPONSE: Under the Mining Law of 1872, hundreds of millions of acres of public lands may be accessed freely and without prior authorization for the purpose of entry and location, allowing exploration and the staking of claims for valuable mineral deposits. The Bureau of Land Management (BLM) processes new claim filings and annual claim maintenance fees, ensuring that those claims are available for exploration and development under applicable laws. The BLM also reviews mining notices for exploration work and reviews and approves plans of operation for larger-scale exploration and commercial mineral development. The BLM continues to expeditiously review and approve new mineral exploration and development work to provide access to mineral deposits and allow for development in a way that prevents unnecessary and undue degradation of public lands.

2. Does the Department consider the anticipated mineral demand for clean energy technologies as a determining factor before taking administrative action that would preemptively block or negatively impact development of a mine project?

RESPONSE: The BLM processes all mine plan applications in accordance with applicable laws and ensures that any exploration or mining operations do not cause unnecessary and undue degradation of the public lands. The Mining Law of 1872 does not require operators to report the quantity or type of minerals that are produced by their operations to the BLM.

Question 19: The Infrastructure Investment and Jobs Act (IIJA) provided over \$11 billion for coal abandoned mine land funding and the Department released draft guidance in May of 2022 for select states and Tribes on how to apply for 2022 grants pursuant to this funding. Given that the guidance expands the scope of eligibility to non-coal AML projects, how will DOI ensure adequate oversight of states and Tribes with these new funds while increasing the efficient use of taxpayer dollars? Also, please provide an update on the timing of the rulemaking that would establish requirements and obligations for states and Tribes to receive this funding.

RESPONSE: The Draft Guidance published in May 2022, by the Department of Interior's (DOI) Office of Surface Mining and Enforcement (OSMRE) did not expand nor propose to expand the scope of eligibility for use of the IIJA funds to non-coal AML projects. Title VII, Section 40701 of the IIJA states the following:

This section appropriates \$11,293,000,000 billion in funds for deposit in the Abandoned Mine Reclamation Fund...Grants under this section must only be used for activities described in subsections (a) and (b) of section 403 and section 410 of SMCRA.

Thus, this new funding source may only be spent on eligible abandoned coal mine projects as set forth under the referenced provisions of the Surface Mining Control and Reclamation Act (SMCRA). The Final Guidance published on July 21, 2022, provides, consistent with the requirement of Section 40701, for the use of IIJA grant funds on priorities resulting from legacy coal mining that pose a threat to public health, safety, and the environment (including acid mine drainage projects), water supply restoration projects and coal AML emergency projects.

DOI-OSMRE has put a series of measures in place to ensure adequate oversight of State and Tribal implementation of the IIJA with this new funding. Actions taken and anticipated include,

recruiting and hiring additional staff with the relevant skill sets across OSMRE's headquarters and regional offices to ensure effective execution of the program. OSMRE, among other things, is developing a training program for State and OSMRE employees engaged in IJA implementation, reviewing state and Tribal Reclamation Plans to ensure consistency with the IJA provisions, developing performance metrics to ensure the objectives of the IJA are met, and requiring information in grant applications on specific projects, beginning in FY 2023. The Final Guidance document is available to assist States and Tribes in meeting the IJA objectives with detailed requirements and expectations for successful implementation of the IJA AML program.

Further, DOI-OSMRE has built in efficiencies to ensure the proper use of these taxpayer funds by basing the design of the IJA program on the existing AML-fee based program in several respects. Examples include, directing IJA funds only to eligible States and Tribes with approved Reclamation Plans, requiring separate grant applications for the IJA grants and the traditional AML-fee based grants, ensuring enhanced reporting transparency to enable the tracking of IJA fund expenditures, and leveraging existing internal control measures such as periodic drawdown reviews and Single Audit Compliance reviews to minimize the potential for waste, fraud and abuse.

OSMRE continues to evaluate the need and the timing for IJA rulemaking.

Question 20: In February 2022, the Department submitted a request to the Court to remand the ROD/EIS for the Ambler Access Project. In that request, the Department expressed a commitment to completing the necessary consultation, analysis, and supplemental work in a timely manner. It is now August 2022 and it appears that no significant progress has been made in this process.

1. When does the department intend to initiate the necessary work?
2. And will there be a schedule for work to be completed?
3. Does BLM Alaska intend to select a third-party contractor to conduct the necessary work on the Ambler Access Road Project supplemental EIS? If so, when will that contractor be selected?
4. BLM Alaska has delayed approvals for scientific, cultural surveys, and non-ground disturbing field activities this summer. With a very short window during the summer months in Alaska to conduct this work, the project could be set back an entire year. Additionally, the delays have already caused significant financial damage to the project. Does the BLM intend to provide approval for any of this important work? If so, when will these approvals or denials be conveyed to the project proponents?

RESPONSE: The Ambler Access project was remanded to the BLM by the U.S. District Court for the District of Alaska, based on the Department of the Interior's request for a voluntary remand to address certain procedural and legal defects. Following a period of intensive review and planning among the BLM, the project proponent, stakeholders, and Tribes, the Bureau began the supplemental environmental impact statement (SEIS) process by publishing a notice of intent in the Federal Register on September 20, 2022. The notice kicked off a 45-day scoping period, ending November 4, 2022. In parallel with the scoping period, BLM is pursuing the necessary

procurement steps to engage the services of a third-party contractor to prepare the SEIS. We expect to release the solicitation early in FY 2023.

Since the court required that the BLM maintain the "environmental status quo" until the obligations outlined in the voluntary remand were met, the BLM was unable to approve ground-disturbing field work for this project in 2022. However, limited ground disturbing activities were approved contingent upon completion of a 28-day notice to the Plaintiffs; this requirement was met on September 19, 2022. We will continue to work closely with the proponent, Tribes, cooperators, and all other interested parties as the 2023 field season approaches.