



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

NOV 25 2019

The Honorable TJ Cox
Chairman
Subcommittee on Oversight and Investigations
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Chairman Cox:

Enclosed are responses prepared by the Department to questions submitted following the Subcommittee's October 30 2019, oversight hearing on "Sexual Harassment at the Department of the Interior."

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

Sincerely,

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

Enclosure

cc: The Honorable Louie Gohmert
Ranking Member

Questions for the Record
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
Hearing on Sexual Harassment
October 30, 2019

Questions from Chairman Cox

Question 1. Of the 12 organizational risks factors laid out in the Task Force report, which are most apparent – and most urgently in need of redress – at DOI?

Response: As a large organization, the Department faces many of the challenges and confronts many of the risk factors that were discussed at the hearing and in the Task Force report, including decentralized workplaces; significant grade differences within units; and, due to the widespread locations of our offices, cultural and language differences in the workplace. At the Department we are addressing the cultural problem from the bottom up and the top down, through civil training for our employees; creating and improving avenues for communication; and increasing diversity in the workforce.

Question 2. The final report of the Workplace Environment Survey was dated September 29, 2017. The NPS results were released on October 13. But the rest of the DOI results came out two months later, on December 14, in the media shadow of the upcoming holiday season. Why were they released separately and why was there a two-month delay?

Response: After several damning Office of the Inspector General reports that confirmed the prevalence of sexual harassment at the Grand Canyon National Park and other National Park Service worksites, the Department of the Interior made it a priority to analyze and release the National Park Service Work Environment Survey (WES) results prior to the release of the Department-wide results. Thereafter, the Department-wide WES results were analyzed and posted December 14, 2017 on a new external website that included resources on harassment, discrimination, and retaliation and bureau leaders were tasked with developing formal action plans within 45 days to specify the actions they plan to take to address their organizational WES results, the schedule for accomplishing those actions, and a description of how they will assess the success of those actions.

Question 3. How does a pervasive sexual harassment problem affect DOI's ability to achieve its mission?

Response: The Department is committed to preventing and eliminating all forms of harassing conduct and to transforming our workplace culture so our employees feel safe, respected, and valued. The EEOC Task Force report generally discussed the costs of such harassment – direct and indirect - on the workforce, including costs associated with investigations, legal engagement, and potential damage awards, as well as less direct costs, such as reduced employee morale and productivity. Departmental employees have sent a clear message that respect, teamwork, honesty, and fairness are values that they expect to experience in their workplace. We have made significant progress in acknowledging, understanding, and eliminating harassing conduct, holding employees and their managers accountable, and setting clear, enforceable standards of behavior, though we recognize there is more to be done.

Question 3. Many experts suggest organizations should “democratize” efforts to address harassment. In other words, employees from all levels of the workplace should have input in crafting ways to address harassment. This should also include victims and survivors, if they so choose. Have there been efforts to engage field-level employees in anti-harassment efforts? Have there been efforts to engage victims in anti-harassment efforts? For example, are field level employees being included on the Workforce Culture Transformation Advisory Council?

Response: Every bureau and many offices within the Office of the Secretary have a career, field-level, anti-harassment point of contact who attends monthly meetings to learn about progress the Department is making and share best practices at the field level. These employees also transmit information from these meetings to employees in their bureaus. Employees, including victims of harassment, also have the opportunity to become involved in various ways to improve the workplace culture, such as joining an employee resource group, becoming an employee ambassador, or a diversity change agent. In recognition that employees may not want to be or feel singled out, or that they might fear retaliation or retribution, we do not specifically target victims to join different groups. In addition to the various methods for engagement, DOI has multiple resources available for employees who have experienced harassment such as the Employee Assistance Program, the Victim Assistance Program, and a cadre of dedicated ombuds professionals for each of the bureaus. While the Workplace Culture Transformation Advisory Council comprises the highest level of bureau and Departmental leadership so that it can direct policies and allocate resources, many field level employees opt to join one of the Department’s many Employee Resource Groups where they can network and collaborate with like-minded employees who share similar backgrounds or interests. We have also launched an extensive Bystander training program so that field level employees feel empowered to intervene when they witness inappropriate behavior.

Questions for the Record
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
Hearing on Sexual Harassment
October 30, 2019

Questions from Rep. McEachin

Question 1. Please provide the following:

- a. **Current roster of the Workforce Culture Transformation Advisory Council.**
- b. **Website for the Workforce Culture Transformation Advisory Council.**
- c. **The wording of the six questions about harassment that were included in the 2019 Federal Employee Viewpoint Survey.**
- d. **The results for the six questions about harassment that were included in the 2019 Federal Employee Viewpoint Survey.**
- e. **The wording of the four-question survey to which you referred during the hearing that was administered to all DOI employees in April 2019.**
- f. **The results of the four-question survey to which you referred during the hearing that was administered to all DOI employees in April 2019.**

Response: The Advisory Council was created in February 2019 and is chaired by the Assistant Secretary for Policy, Management and Budget. It comprises the Assistant Secretaries, Deputy Assistant Secretaries, and bureau directors (question a). More specific information about the Council and its activities can be found at the Advisory Council's website (question b):
<https://edit.doi.gov/employees/culturetransformation/advisory-council>

The requested information (questions c-f) about the employee surveys can be found here:

<https://edit.doi.gov/sites/doi.gov/files/uploads/wpctac-index-handouts-19august-complete.pdf>

Question 2. During the hearing, Ms. Chai Feldblum acknowledged that while the Federal Employee Viewpoint Survey is a good way to annually survey employees about harassment, re-administering the Workplace Environment Survey and conducting focus groups and/or interviews would be ideal. She also strongly cautioned against comparing the results from the two different surveys and said that you must conduct the Workplace Environment Survey again to truly measure progress since 2017. Will you commit to conducting the Workplace Environment Survey again this fiscal year?

Response: The Department must balance a number of factors as we work to provide an environment free of discrimination and harassment. As I said in my statement for this hearing, the Department has had a good response rate to the Federal Viewpoint Survey, but we also

Questions for the Record
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
Hearing on Sexual Harassment
October 30, 2019

recognize that there is much more to be done. We look forward to continuing this positive progress in the future.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

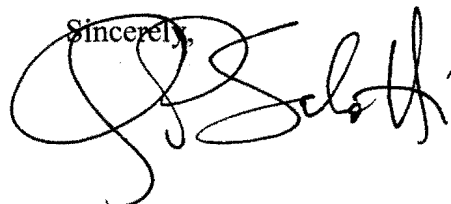
NOV 23 2019

The Honorable Steve Daines
Chairman
Subcommittee on National Parks
Committee on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are responses to questions received following the August 8, 2019, field hearing before your subcommittee entitled "Opportunities to Expand Visitation at Lesser Known National Park System Units." These responses were prepared by the National Park Service.

Thank you for the opportunity to respond to you on these matters.

Sincerely,


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

Enclosure

cc: The Honorable Angus King
Ranking Member

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
August 8, 2019 Field Hearing
Opportunities to Expand Visitation at Lesser-Known National Park System Units
Questions for the Record Submitted to Mr. Palmer “Chip” Jenkins

Question 1: In 2018, Theodore Roosevelt National Park saw 750,000 visitors, a near record number of visitors. However, nationally, Theodore Roosevelt National Park ranks 93rd among National Park Service (NPS) Sites visited, and 27th among national parks, accounting for just 0.24% of the total NPS visitation in 2018. How can the NPS work with local and state industry stakeholders to promote lesser-visited sites such as Theodore Roosevelt National Park?

Response: The National Park Service works closely with state and local tourism partners to manage and promote high-quality visitor experiences. This work varies depending on the needs and priorities of the park and the community.

The work that is done by Theodore Roosevelt National Park with state and local industry stakeholders serves as a good example of how the National Park Service works with state and local partners to promote lesser-visited parks. The park management team works closely with the North Dakota Department of Tourism and Commerce to promote the park and the state through tourism events, conferences, and advertising campaigns. The park partners with the North Dakota State Department of Parks and Recreation as well as the US Forest Service on administration, maintenance, and events for the Maah Daah Hey Trail, a 144-mile long-distance trail that runs through all three units of the park. The park staff provides tours and park orientation for staff from local businesses and visitor-focused service organizations, and for faculty from state educational institutions.

Question 2: As you know, Theodore Roosevelt National Park is the only national park named after a person and honors our former president and the time he spent in North Dakota. Theodore Roosevelt lived in the North Dakota badlands as a rancher and in fact, he often said that he would not have been President had it not been for his experience in North Dakota. Today, the Theodore Roosevelt Presidential Library foundation is working to build a presidential library in the park. What benefits can a project such as this can have on a lesser-visited site and the surrounding gateway communities?

Response: Because a presidential library in the vicinity of Theodore Roosevelt National Park would certainly attract visitors, we would expect that many of those visitors would take advantage of the opportunity to visit the park while they are there. However, the National Park Service has no way of accurately gauging how much a presidential library would benefit the park or its surrounding gateway communities.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 19 2019

The Honorable Deb Haaland
Chairman
Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Haaland:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted following Committee's April 10, 2019, oversight hearing on the 2020 President's Budget Request for the BLM.

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

Sincerely,

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

Enclosure

cc: The Honorable Don Young, Ranking Member
Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

Question from Representative Horsford

Question 1: Mr. Steed, in my state, the Duckwater Shoshone Tribe has been waiting more than five years now for the BLM to-complete surveys to approve a congressionally authorized land expansion for the tribe. Has the BLM money allocated to facilitate this process?

Response: With the passage of the Nevada Native Nations Land Act, in October 2016 (P.L. 114-232), 31,229 acres of BLM-managed public lands in Nevada were immediately transferred to the jurisdiction of the Bureau of Indian Affairs (BIA). After this legislation passed, the BIA began providing funding to the BLM for this survey.

a. Can I get a guarantee that the BLM will follow through with the Duckwater Shoshone land survey?

Response: After the passage of the Nevada Native Nations Land Act, in October 2016 (P.L. 114-232), the BLM collaborated with the affected tribes and the BIA to plan the land surveys required by the legislation. The BLM is finalizing the cadastral land survey requested by BIA for the Duckwater Shoshone Tribe and expects to deliver the completed land survey plats and field notes to BIA very soon.

Questions from Representative Huffman

Question 1: How did the shutdown impact preparation for the upcoming fire season?

Response: The BLM is making every effort to expeditiously onboard and train all of its wildland firefighters prior to the start of this year's fire season. DOI made steady progress in preparing for the fire season following the 35-day lapse in appropriations. During the lapse, some active vegetation management work intended to reduce wildfire risk on DOI on Tribally-managed lands continued, but other treatments were postponed.

During the lapse in appropriations, the BLM took a number of steps to mitigate shutdown impacts. The BLM excepted fire staff at the state and local levels to conduct training of cooperators, such as the Range Fire Protection Associations. Further, the BLM Fire and Aviation (F/A) Human Resources (HR) staff returned to work within two weeks of the lapse in funding to hire seasonal, career seasonal, and permanent full-time fire positions across the country. BLM HR and F/A staff at state and local levels also worked to modify spring training schedules to make up for readiness training that was to occur during the furlough. In addition, staff were brought in to prepare aviation contracts. BLM staff also worked overtime once the agency was funded to make up for lost time on procurement and fire and fuels project work.

Question 2: Has the Bureau of Land Management prepared any assessments or internal reports of shutdown impacts?

Response: The Department of the Interior's Office of Wildland Fire is tracking firefighting activities that may have been affected by the lapse in appropriations for all DOI bureaus, including BLM. The effort is focused primarily on the furlough's effects on wildland firefighting preparedness.

Question 3: What steps are you taking to make up for shutdown impacts and prepare for the upcoming fire season?

Response: The BLM's fire and aviation equipment processes are back on schedule as of April 15, 2019. The BLM adjusted priorities and committed staff to mitigate as many shutdown impacts as possible. As described above, the BLM's F/A HR staff were brought back to work during the recent lapse in appropriations to begin the process of hiring wildland firefighters for the 2019 fire season. The BLM is also closely coordinating with the U.S. Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs, and other partners to prioritize wildland firefighter hiring in areas where fire activity is expected first. For example, BLM and its partners first focused on wildland firefighter hiring and training in the Southwest, where fire

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

activity typically begins in March and April. The bureaus are currently completing firefighter hiring and training in the northern states, where fire activity typically begins in June. The BLM and its partners expect to have all wildland firefighters hired, trained, equipped, and prepared for the Western wildland fire season. Additionally, the BLM's fire and aviation equipment specialists have been worked overtime to finalize firefighting equipment lease and contracting options, to develop fire equipment standards, and to order and inspect new equipment in advance of the fire season.

Questions from Representative Gallego

Question 1: How much money is your agency spending to update the management plans for Grand Staircase Escalante and Bear Ears National Monuments and which accounts are funding this work?

Response: To date, the BLM has spent \$1.16 million to prepare the Grand Staircase-Escalante National Monument and the Kanab Escalante Planning Area Resource Management Plans and Environmental Impact Statement (EIS). The BLM has spent \$755,000 for the Bears Ears National Monument Management Plans and EIS. Similar to other BLM planning efforts, these funds were provided by multiple sub-activities from multiple years of appropriated funding.

Question 2: How much money is being used to propose or conduct lease sales within the original boundaries of the Bears Ears and Grand Staircase Monuments (Presidential Proclamations 9558 and 6920)?

Response: To date, the BLM has not held any lease sales on lands excluded from the Bears Ears National Monument or Grand Staircase-Escalante National Monument. The BLM does not propose lease sales; proponents submit expressions of interest (EOIs) for leasing, and the BLM is required by law under the Mineral Leasing Act of 1920 (as amended) to hold quarterly lease sales considering these EOIs. The BLM also notes that section 408 of Division E of the Consolidated Appropriations Act, 2019 (Public Law 116-6) prohibits leasing and preleasing activities under the Mineral Leasing Act on lands excluded from Grand Staircase-Escalante National Monument using fiscal year 2019 appropriations.

Question 3: How much money is needed to defend the administration's illegal monuments decision in court?

Response: President Trump used his authority under the Antiquities Act to modify the boundaries of the Bears Ears and Grand Staircase-Escalante National Monuments through Presidential Proclamation. The legality of those modifications is currently a question for the courts and not the BLM.

Question 4: For the total cost of changing the monument management plans, considering lease sales in the area, and defending these decisions in court, how many more law enforcement officers do you estimate BLM would have been able to hire to help protect these resources rather than expose them to harm?

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

Response: The Presidential Proclamation establishing the Bears Ears National Monument required the BLM to develop a management plan for the monument and planning is not discretionary.

The Grand Staircase-Escalante National Monument management plan (MMP) is 19 years old and due to significant new conditions on the ground (e.g., new designated critical habitat, changes in recreation use patterns, etc.) the BLM needed to update the MMP to stay responsive to existing public land uses and issues. In fact, starting in 2013 the BLM was in the process of amending the MMP with an Environmental Impact Statement (EIS) to consider changes to livestock grazing and vegetation management actions.

The lands excluded from the national monuments are located within existing special management designations, including Areas of Critical Environmental Concern, Special Recreation Management Areas, and Wilderness Study Areas, among others. In addition, the National Historic Preservation Act, the Archaeological Resources Protection Act, the Paleontological Resources Preservation Act, and other Federal laws provide for the protection of archaeological, historical, and paleontological resources on these lands from damage, vandalism, and looting. The BLM has not observed an increase in looting or vandalism since the proclamations modifying the boundaries were issued. Additionally, the BLM works to protect sensitive resources through education, partnerships, volunteer projects, and -- where necessary -- law enforcement in coordination with local Sheriff's Offices.

Questions from Representative Lowenthal

Question 1: After the publication of the draft Boundary Waters EA the BLM posted a BLM ePlanning project website titled, "DOI-BLM-Eastern States-0000-2019-0001-OTHER_NEPA (Hardrock Mineral Applications within the Superior National Forest, MN)." Home/Background page, as well as a "Frequently Asked Questions" (FAQs) page. When BLM was asked about these new web pages, the site was changed, and the original Home/Background page was removed, and the FAQs page was modified, and BLM now claims it is a "library" for future lease applications.

- a. Why did the BLM remove or modify these web pages and what is the status of the 48 proposed leases and prospecting permits in the Superior National Forest?**

Response: The BLM created a website to allow the public to view all of the NEPA documents that will be informing the BLM and Forest Service on future decisions regarding mining in the Superior National Forest. The BLM incorporates public feedback on BLM web products with occasional changes to better meet the needs of the public. In this case, the BLM provided an explanatory statement on the ePlanning site notifying the public of the site's purpose, which is to serve as a document library for all NEPA documents related to federal mineral applications within the Superior National Forest.

The BLM has received 48 applications for this area. Seven of the 48 applications have been withdrawn. The BLM issued a final EA NEPA document and decision granting the lessee's application to renew the two hardrock mineral leases (MNES 01352 and MNES 01353) on May 15, 2019. In 2015, the BLM began processing extension requests for 13 existing prospecting permits, and completed the NEPA review for those actions. Decisions on these permit extensions are currently pending. The BLM has not initiated NEPA analysis for the preference right lease applications nor the remaining prospecting permit applications.

- b. When Forest Service employees were asked about the BLM web pages, they stated they knew nothing about them and were not even aware they existed. Is this how the BLM intends to consult and work with the Forest Service on mineral lease applications and prospecting permits in the Superior National Forest?**

Response: The Forest Service and the BLM continue to work together and communicate regularly on mineral management in the Superior National Forest. The BLM office consulted

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

with the Forest Service before posting documents to the ePlanning website, such as a set of Frequently Asked Questions (FAQs) that were posted on December 18, 2018. The FAQ document incorporated input that was provided by the Forest Service. Additionally, the BLM coordinated the dissemination of the news release notifying the public that the Environmental Assessment is available for public review, which also contained a link to the BLM's Northeastern States District ePlanning page.

Questions from Representative Grijalva

Question 1: In the 2014 Grazing Improvement Act, Congress provided BLM with authority to renew grazing permits pending NEPA processing to limit the impact of delayed reviews on permittees. Since then, the grazing permit NEPA backlog has risen by almost 20 percent, and the majority of permits, including three quarters of those in sage grouse habitat, have been renewed without NEPA analysis. It is concerning that BLM seems to be operating under a *de facto* NEPA exemption for grazing permit renewals.

- a. What has BLM done in the last 5 years to reduce the grazing permit backlog?**

Response: The BLM is using the authorities provided by Congress to issue grazing permits and leases. The BLM is also using the authority to issue grazing permits and leases with the same terms and conditions until the BLM is able to complete the requirements of NEPA and other applicable laws and regulations.

A significant number of permits and leases have been subjected to NEPA analysis at least once since 1999. However, as permits and leases that were processed ten years ago or more expire, they need to be processed with new or updated NEPA analyses. The BLM also receives approximately 700 transfer applications a year, and these also need to be processed by issuing a new grazing permit with the same terms and conditions (as authorized in FLPMA) until the BLM is able to complete the requirements of NEPA and other applicable laws and regulations.

- b. When does BLM expect to have all of its grazing permits and AUMs authorized under current NEPA analysis?**

Response: A significant number of permits and leases have been subjected to NEPA analysis at least once since 1999. However, as permits and leases that were processed ten years ago or more expire, they need to be processed with new or updated NEPA analysis. In addition, the BLM receives a number of new applications and transfer applications each year. The result is an ongoing NEPA analysis workload to administer the grazing program, thus making it difficult to identify a timeframe to have all grazing permits under current NEPA analysis.

- c. How many of the permits and/or AUMs that have been renewed without NEPA analysis are not meeting land health standards or don't have current land health evaluations?**

Response: Ranching communities rely on public lands grazing permits to be issued in a timely manner. To reduce unreasonable burdens, Congress authorized the BLM to reissue grazing permits with the same terms and conditions prior to NEPA review for a period not to exceed ten years. Since 2009, the BLM has been assessing the performance of grazing permits on associated grazing allotments according to land health standards. A majority of current permits have been analyzed under NEPA, assessed according to those land health standards, and are meeting them.

Question 2: Dr. Steed, BLM is requesting \$7.7 million for its costs associated with implementing the Department's reorganization plan, but we have heard bipartisan concerns that there is very little transparency about how these funds, or any reorganization funds, will be implemented. The best we've heard from BLM is that these funds will be used to establish and implement DOI's 12 unified regions, relocation of resources, and the implementation of shared service solutions.

- a. **What portion of the \$7.7 million will be used to establish and implement the 12 unified regions? What are the concrete next steps in this process?**
- b. **What is the timeline for these activities?**
- c. **How much of the \$7.7 million will be used for relocation of staff?**
- d. **How many will be relocated and when?**
- e. **What other resources will be relocated and what is the timeline for doing so?**

Response: Please refer to the September 10, 2019, testimony of William Perry Pendley, Deputy Director, Policy and Programs, Bureau of Land Management, on the Bureau of Land Management Realignment, available at the following url: <https://www.doi.gov/ocl/blm-reorganization>

Question 3: Dr. Steed, I noted that your agency's budget only proposes funding for 117 full time equivalent law enforcement officers. That means we'd have roughly one officer for every 2 million acres of BLM land. That is concerning when we have seen a rise in public lands extremism and when this administration seems determined to reduce protections for many of the important lands your agency is charged to protect.

Do you believe these staffing levels are adequate to protect public land resources and to ensure visitor safety?

Response: Providing law enforcement on nearly 250 million acres of public lands can present challenges. The BLM maximizes our Agents' effectiveness through innovative initiatives and partnerships and works closely with other Federal, State, local, and Tribal law enforcement

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

agencies. Last year, the BLM had 72 law enforcement service contracts in place, the majority of which are with County Sheriffs. There were also 150 agreements for various other purposes, such as coordination for special recreation permits, radio and dispatch usage, and investigative support for critical incidents.

The partnership between the BLM and U.S. Customs and Border Protection is especially important because it allows the BLM to play a vital role in protecting the American people and the southern border. Partnerships also allow the BLM to coordinate with State and local agencies to manage public safety during large-scale recreational events and conduct search and rescue operations. Furthermore, some law enforcement investigations can be unique to public lands, such as wildland arson, mineral resource theft, or violations of the Wild Free-Roaming Horses and Burro Act. In these instances, the BLM works jointly with local officials to make the most of our law enforcement resources.

What can Congress do to enhance the protection of our treasured resources?

Response: The BLM appreciates congressional support for our law enforcement mission. Establishing service contracts with state and local law enforcement agencies has proven very effective, and these agencies are usually the primary responders for all search and rescue activities on our public lands.

Questions from Representative Curtis

Question 1: As I understand it, NEPA can represent a significant hurdle for your agency to fulfill its statutory obligation to responsibly manage wild horses and burros. If I am correct, an Environmental Assessment (EA) must be completed before an individual gather or fertility control activity can occur, and no programmatic NEPA currently exists to streamline these processes.

- a. Can you estimate how much of your budgeted resources to administer the Wild Horse and Burro Program will be used to comply with NEPA and can you estimate how those costs may increase with populations?**

Response: When the BLM conducts planning for gather and removal operations, as well as other management activities (such as administering fertility controls), development of the NEPA analysis documents can take hundreds of hours of staff time, incorporate periods of public involvement, and may be delayed by potential litigation and protest responses. These factors may all impact the cost of NEPA compliance, which is part of the program's overall budget.

In order to achieve Appropriate Management Levels as on-range populations increase, the number of gathers and actual animals removed must increase as well. As a result, costs attributable to NEPA compliance increase proportionately. In FY 2018, the BLM spent approximately \$6.2 million for gather operations and labor, which resulted in over 11,000 animals being removed from the public lands. This amount includes the NEPA compliance activities for gather related actions, as well as on the ground operations.

- b. What additional resources would you suggest Congress grant your agency in order to solve this problem before further irreparable damage can be done to western rangelands?**

Response: In response to requirements of the FY 2019 Appropriations Act (P.L. 116-6), the BLM is currently preparing a report that explores potential management solutions to bring the wild horse and burro population back to Appropriate Management Levels. We look forward to engaging with Congress further upon completion of the report.

Question 2: I'm very pleased with the bipartisan work this Committee did last year to get FLTFA reauthorized in order to help BLM better dispose of excess land and reinvest those sale proceeds in recreational access throughout the west. Unfortunately, it's been a year and FLTFA is not up and running.

a. What is the status of the implementation of FLTFA?

Response: The Department strongly supported the permanent reauthorization of FLTFA, and the BLM is working expeditiously to restart the program and implement the new requirements included in the 2018 reauthorization. After FLTFA expired in 2011, the FLFTA account was closed and the remaining balance in the account was transferred to a different account in the United States Treasury, as required by the original law. Since reauthorization, the BLM has reestablished the accounts for funds management, drafted a Memorandum of Understanding (MOU) between the four participating Department of the Interior bureaus, and convened a meeting of the four bureaus for discussion regarding execution. The next steps required to implement FLTFA include finalizing the national-level MOU, establishing state-level MOUs, and formal guidance for program staff. The BLM looks forward to working further with Congress as implementation moves ahead.

b. Is the Federal Land Disposal Account taking in funds from BLM land sales?

Response: The account has been reestablished and the BLM is developing guidance for State Offices to begin depositing funds into the account.

Questions for the Record
Subcommittee on National Parks, Forests, and Public Lands
House Natural Resources Committee
Hearing on the 2020 President's Budget Request
April 10, 2019

Questions from Representative Fulcher

Question 1: I understand BLM is working to provide additional flexibility to ranchers to provide more flexibility in their grazing programs to attack fuels buildups. In Idaho, we have had a wet winter and a lot of growth and it could be a devastating summer on our rangelands. I fully support any proposal that can allow for additional flexibility in grazing which is scientifically proven by studies at the University of Idaho to be environmentally sound and beneficial to the land. Can you speak to these proposals?

Response: The BLM is working with grazing permit holders and other partners to develop and expand Outcome Based Grazing Authorization (OBGA) projects, and to implement targeted grazing. OBGA projects demonstrate the permit holder's ability to achieve rangeland and economic objectives and improve rangeland and wildlife habitat health, and allows permit holders flexibility to use their experience and knowledge of local conditions to achieve these outcomes. Targeted grazing uses carefully controlled livestock grazing to accomplish specific vegetation management objectives. As part of the BLM's Integrated Rangeland Fire Management strategy and the BLM's range and vegetation programs, we have developed scalable and adaptive targeted grazing demonstration areas to reduce cheatgrass in three locations in Nevada and Idaho. Last summer, for example, targeted grazing assisted in the containment of the Boulder Creek Fire (L0L4) near Elko.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

NOV 18 2019

The Honorable Raul Grijalva
Chairman
Committee on Natural Resources
United States House of Representatives
Washington, D.C. 20515

Dear Chairman Grijalva:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted following Committee's September 10, 2019, oversight hearing entitled "*BLM Disorganization: Examining the Proposed Reorganization and Relocation of the Bureau of Land Management Headquarters to Grand Junction, Colorado*"

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

Sincerely,

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

Enclosure

cc: The Honorable Rob Bishop, Ranking Member
Committee on Natural Resources

Questions from Chairman Grijalva

Question 1. Acting Director Pendley, this Committee has requested additional information on the BLM reorganization on numerous occasions. Many of those requests were repeated at your September 10th hearing. Please provide the following no later than September 24, 2019:

- a. A five-year cost benefit analysis of the proposed reorganization plan, breaking down costs by expenditure type.**
- b. Workflow analyses and/or professional consultation and analyses that demonstrate the projected benefits of this move, such as improved communication and coordination.**
- c. The position-by-position analysis used to determine which staff would be relocated, where staff would be relocated, and why.**
- d. A breakdown of the current staff relocation plans, including each title, current role, GS level, planned relocation site, timeline for relocation, whether the position is encumbered, and, if unencumbered, the length of time the role has been vacant.**
- e. The Department's disparate impacts analysis for this planned reorganization, demonstrating these relocations will not disproportionately impact any protected classes of employees.**
- f. Formal documentation of the Department's consultation with sovereign tribal nations on the reorganization of the Bureau of Land Management, including concerns raised by tribal leaders on the BLM's reorganization and the Department's responses to those concerns.**
- g. Documents demonstrating DOI's work with the General Services Administration to seek out alternative space in the National Capital Region to replace the capacity of the M Street location.**
- h. Surveys conducted to determine how many employees might retire or otherwise leave the BLM as a result of these planned moves.**
- i. Copies of any other reorganization plans reviewed or analyzed to outline this planned reorganization.**
- j. Details on the planned relocation costs for this reorganization, including cost estimates for the lwnp sum relocation incentives, house seeking trips, and temporary housing incentives provided to staff.**

- k. All continuity plans the Department developed to avoid disruptions to agency work products during the reorganization.**
- l. Documents and communications relating to the selection of the locations at which current BLM staff in Washington DC would be relocated, including any criteria for selection that was considered.**

Response: When the Department respectfully complied with the non-statutory report language associated with Public Law 116-6, the Consolidated Appropriations Act, 2019, it provided the requested information to Congress. If there are additional inquiries I will refer you to the Office of Congressional and Legislative Affairs.

Question 2. Acting Director Pendley, during Ms. Robin Brown's question period she referred to extensive consultations between the city of Grand Junction and DOI. She claimed that DOI requested information from the city, including transportation and lodging options, amenities, workforce analyses, etc; however, it is not clear that these consultations were part of a formal request for information put out by the Department. Can you please provide:

- a. An outline of the process DOI used to request information on potential office locations.**
- b. An explanation of why these information requests were not part of a public, formal request for information.**
- c. Documentation of all public (i.e. non-federal) consultation done on potential office locations.**
- d. What criteria DOI used to analyze potential office locations.**
- e. A list of all the cities considered as potential office locations.**
- f. A copy of the information provided by each city considered as a potential office location to DOI.**
- g. The analysis used to determine why Grand Junction specifically was the best potential office location.**

Response: While I am generally aware that consultations occurred in the development of the BLM's relocation plan, they concluded before I arrived to serve in my current position.

Question 3. Acting Director Pendley, before your appointment to your current role earlier this year you worked on a number of high-profile cases concerning decisions made by federal agencies on resource protection and development. In order for the Committee to better

understand how your leadership might impact agency decision-making on these issues, we request the documents and information below:

- a. A copy of your ethics recusals, including the scope of the recusal identifying any particular matters, name of the organization(s), people included in the recusal, the duration of any recusal, and what policy issues the recusal prohibits you from engaging.**
- b. Are you recused from all matters concerning Solenex LLC (Solenex) in the Badger-Two Medicine region of Montana? If yes, please provide the description of the recusal, the reason for the recusal and the duration of the recusal.**
- c. Are you recused from matters represented by his former employer, Mountain States Legal Foundation? If so, please provide the details of the recusal and the duration of the recusal.**
- d. Are you still the attorney of record for any litigation involving the Montana Badger-Two Medicine oil-and-gas lease? If not, when did you withdraw as counsel? Please provide documentation of this withdrawal.**
- e. Are you recused from all matters concerning the Bears Ears and Grand Staircase- Escalante National Monuments? If yes, please provide the description of the recusal, the reason for the recusal and the duration of the recusal.**
- f. Are you still the attorney of record for any litigation involving the Bears Ears and Grand Staircase-Escalante National Monuments? If not, when did you withdraw as counsel? Please provide documentation of this withdrawal.**

Response: I take my ethics obligations under the ethics laws, regulations, and President Trump's ethics pledge very seriously. I have sought and received ethics guidance from DOI Ethics Officials about my recusal obligations. I have been advised that I may not participate personally and substantially in a particular matter(s) involving specific parties (*i.e.*, litigation, permits, leases, grants, etc.) that are directly and substantially related to Mountain States Legal Foundation and its clients, unless I first receive a waiver or authorization to participate in the particular matter in question.

In addition, I have implemented a robust screening process to ensure that I do not meet with my former employer, its directors, board of litigation members, director *emeriti*, officers and staff, or with former clients, or participate in particular matters involving specific parties covered by my ethics agreement.

Questions from Representative Levin

Question 1. During your testimony before the House Natural Resources Committee on September 10th, you stated that you hoped that D.C. BLM employees who were identified for relocation would remain with the BLM after being so notified. You also stated that DOI did not conduct any prior survey or discussions with BLM staff about whether or not they would leave the BLM if advised that they were being transferred to a western state and that the affected employees would learn their fate with a notice that will be provide September 17th. If you learn that more than 25 percent of D.C. staff will leave BLM rather than transfer to a western state, will DOI stop this process? Is there any threshold percentage of D.C. staff who inform DOI that they will leave BLM rather than transfer to a western state that will cause DOI to stop this process?

Response: The Bureau faces a stark choice: it either must consolidate through reductions in force into limited space at the Main Interior Building or proceed with the move to the West. In addition to being cost effective, we believe that redeployment of the BLM's headquarters functions to various State Offices and relocation of Headquarters to Grand Junction, Colorado, is beneficial for Bureau operations, for BLM's employees, and for the constituents they serve.

Question 2. You have told D.C. staff that they will start to be moved at the beginning of fiscal year 2020. Have you provided details about incentives for those who agree to move? Have you provided a timeline for when employees have to leave? How much advance notice of a required move will the September 17th notice provide to the affected employees? Are you not concerned about the negative impacts on morale that this move will have on the affected employees?

Response: The Bureau values each one of its employees, and we are taking steps to ensure that all affected employees receive information regarding options prior to making any decisions. Employees have received information regarding a relocation incentive. Further, as I mentioned in the hearing, the BLM and the Department have established stringent internal hiring controls designed to provide additional employment opportunities and priority consideration for all affected employees with the goal of retaining them at the Department.

Question 3. You have stated that DOI intends to use the \$5.6 million that Congress appropriated in the current budget cycle for the relocation. You have also stated that you are confident that Congress will provide additional funding as the process advances in the months ahead.

a. Does DOI have a contingency plan if Congress does not provide the additional funding that DOI is anticipating? Why is this process being pushed?

Response: As previously approved by Congress, we have the means to complete this relocation and establish the new headquarters in Grand Junction, Colorado. The Department intends to give BLM employees their legally authorized compensation and incentives, but ultimately it is up to Congress to determine the benefits we are able to provide to our employees.

Questions from Representative Haaland

Question 1. Acting Director Pendley, the BLM has an obligation under The Federal Land Policy and Management Act FLPMA to "give priority to the designation and protection of areas of critical environmental concern" (ACECs) when preparing or revising land use management plans (43 U.S.C. 1712(c)). These ACECs are used to provide special management and protection for biological, cultural, historic, scenic, and ecological resources and values. However, recent BLM draft resource management plan revisions have, instead of designating and protecting new ACECs, reduced or eliminated existing ones. For example, the draft Lewistown (MT) resource management plan proposes to eliminate all ACECs that exist in the planning area today. The draft Bering Sea-Western Interior (AK) plan would eliminate 1.8 million acres of existing ACECs and designate zero new ACECs, despite BLM's own determination that there are more than 4.2 million acres that meet the relevance and importance criteria for ACEC designation. Many of these acres in the draft Bering Sea-West plan were further supported by many of the tribal nations in the region, who rely on the resources protected by the ACECs for customary and traditional uses, including subsistence nutrition.

- a. How do you reconcile the elimination of existing ACECs in these draft resource management plans' with FLPMA's requirement that the Secretary "give priority to the designation and protection of areas of critical environmental concern" and "take any action necessary to prevent unnecessary or undue degradation of [BLM] lands"?**

Response: The Federal Land Policy and Management Act (FLPMA) and its implementing regulations require the BLM to prioritize the consideration of areas of critical environmental concern (ACEC) in a land use planning process. As part of the planning process, any potential ACEC designation is evaluated along with other desired or potential uses of that area. The BLM also endeavors to match the boundary of the potential designation with the size of the landscape necessary to protect the resources in question. As the part of the planning process the public is invited to comment on any changes to ACECs prior to finalization and implementation.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

NOV 18 2019

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

Dear Chairman Murkowski:

Enclosed are responses to questions received following the June 25, 2019, oversight hearing before your committee related to the implementation of the Land and Water Conservation Fund Program.

Thank you for the opportunity to respond to you on these matters.

Sincerely,

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

Enclosure

cc: The Honorable Joe Manchin
Ranking Member

U.S. Senate Committee on Energy and Natural Resources
June 25, 2019 Hearing: *The Implementation of the Land and Water Conservation Fund Program*
Questions for the Record Submitted to the Honorable Susan Combs

Questions from Chairman Lisa Murkowski

Question: Is maintenance a factor in the existing process to select federal land acquisition projects? If so, how does each Bureau factor in maintenance needs in acquisition projects? If not, why not?

Response:

All three land acquisition Bureaus, the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), and the National Park Service (NPS), consider maintenance requirements during the acquisition project selection process.

The Bureau of Land Management conducts a preliminary assessment for potential acquisition projects at the local level to consider the additional maintenance impact of the project and how it may impact future resource needs. If a potential acquisition parcel includes facilities or structures not needed for BLM's mission, BLM will work with the seller or a non-governmental organization to remove the facility or structure prior to conveying the property to the government.

The FWS avoids acquiring land with improvements that would increase maintenance needs unless there is a compelling justification to do so, such as providing public road or trail access to lands or waters that do not already have suitable access. Since 2010, more than 75 percent of FWS acquisition acres have been conservation easements, where the private landowner retains ownership of the lands, as well as responsibility for managing the land. In a few cases, FWS acquires land with improvements that enhance public wildlife-dependent recreational access.

The NPS considers all future costs, including maintenance and operations, when examining requests for the protection of park unit resources through land acquisition. During the initial ranking process, the park unit describes how the resource, if acquired, will impact the bottom line of the unit's operational and general maintenance costs, as well as any others that would factor in, either positively or negatively. At the national ranking level, both the costs and the savings associated with a proposed action and projections into the future are considered in the total ranking of each request.

Question from Senator Ron Wyden

Question: During the hearing, there was much back and forth about how the Land and Water Conservation Fund may or may not add to the deferred maintenance backlog on lands managed by the Department of the Interior. Please provide specific examples of how LWCF can actually be used in some cases to reduce the deferred maintenance backlog.

Response:

One of the primary examples of deferred maintenance savings from federal land acquisition projects is the benefit of no longer having to maintain fencing when a private parcel within public

U.S. Senate Committee on Energy and Natural Resources

June 25, 2019 Hearing: *The Implementation of the Land and Water Conservation Fund Program*
Questions for the Record Submitted to the Honorable Susan Combs

land areas is acquired. The acquisition eliminates the need to maintain fencing in place to prevent public trespassing on private lands, and promotes ease of access for better management of fire, law enforcement and potentially recreational access.

Sometimes an acquisition can provide superior access to public lands, eliminating the need to maintain inferior routes or construct an alternative route. At the Trempealeau National Wildlife Refuge in Wisconsin, the refuge's main road floods several times per year and is sometimes closed for extended periods due to flood damage, however, a recent acquisition provides consistent access to the refuge in an area not subject to flooding.

Within the Fish and Wildlife Service, acquiring land within refuge areas can eliminate the need to maintain dikes, levees, and other structures that prevent FWS waters from flooding adjoining private lands. At Siletz Bay, Nestucca Bay, and Bandon Marsh NWRs in Oregon acquired lands eliminated the need for FWS to maintain levees to prevent flooding of adjacent private lands. At all three refuges, the levees and associated water control structures were dilapidated and in need of expensive repair. At Lower Klamath NWR, in California and Oregon, the acquisition of a flowage easement will enable FWS to restore waterfowl habitat on 10,000 acres of public land and 4,000 acres of private land while eliminating the need to maintain existing levees to prevent flooding of private lands. The Bureau of Reclamation estimated new levee construction would have cost up to \$26 million without the easement acquisition.

Question from Senator Mazie K. Hirono

Question: If Congress were to provide full mandatory funding for the LWCF by passing S. 1081, do your agencies currently have prioritized lists of land acquisition projects that have been reviewed and are ready to utilize these funds?

Response: As indicated in the FY 2020 President's Budget, the Department's priority is to take care of the resources we have rather than acquiring new Federal lands. Individual bureaus continue their established, annual processes to identify land acquisition priorities. The Budget does not propose funding for new land acquisition.

Question from Senator Angus S. King, Jr.

Question: There has been a lot of discussion about using LWCF funds to address the maintenance backlog on our federal lands. My concern is that this will lead to management agencies eliminating maintenance funding in their budgets and relying solely on LWCF funds. Do you have suggestions to avoid this issue?

Response: The Department manages an infrastructure asset portfolio with a backlog of over \$18 billion in deferred maintenance. To address these needs, the FY 2020 President's Budget re-proposes a Public Lands Infrastructure Fund that would generate up to \$6.5 billion over 5 years for deferred maintenance needs of the Department. Similar legislation, S. 500, has been introduced on a bipartisan basis in the Senate, and we look forward to working with the Congress on this

U.S. Senate Committee on Energy and Natural Resources
June 25, 2019 Hearing: *The Implementation of the Land and Water Conservation Fund Program*
Questions for the Record Submitted to the Honorable Susan Combs

legislation. Addressing the maintenance backlog needs of the Department with the time-limited Infrastructure Fund will significantly improve many of America's most visible, visited, and treasured places, however, it will not replace the need for continued operational and cyclic maintenance of our asset portfolio.