



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 26 2018

The Honorable Tom McClintock
Chairman, Subcommittee on Federal Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chairman McClintock:

Enclosed are responses to questions received following the March 20, 2018, legislative hearing before your subcommittee on H.R. 2584 and H.R. 5210. 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

Enclosures

cc: The Honorable Colleen Hanabusa
Ranking Member

House Committee on Natural Resources
Subcommittee on Federal Lands
Legislative Hearing on H.R. 2584 and H.R. 5210
March 20, 2018

Questions for the Record Submitted to Mr. P. Daniel Smith

Question from Chairman Bishop:

Question 1: Conservation Corps accomplish millions of dollars of important work on maintenance, infrastructure, recreation, and wildfire remediation that address the priorities of Department of Interior each year. This work requires a good faith understanding that the project development and financial agreement approval process will move forward in a timely fashion, in order to recruit and train Corpsmembers, field staff and buy supplies like trucks and chainsaws, tents and boots. This work is also often seasonal meaning there's a short window when the work can be accomplished without further adding to the maintenance backlog.

We understand there is a financial agreement review process in place for any project over \$50,000 which has temporarily frozen nearly all of these projects around the country. Please share with the committee what steps the department is taking to ensure these projects will continue to meet Interior's needs, Corps won't have to turn away thousands of young adults and veterans this year, and the projects they have been developing with Interior will move forward in time to accomplish this work during the 2018 field season.

Response: The Department is committed to appropriately administering a grant and cooperative agreement program that distributed over \$5.5 billion of taxpayer money each year. Upon arriving at the Department, Secretary Zinke began a review of the Department's financial assistance programs, which included a review of the audits and investigation on these programs that have been conducted by the Department's Office of the Inspector General. To ensure the proper management and implementation of the Department's grants and cooperative agreements, the Department provided guidance to Bureaus to improve the process for managing discretionary financial assistance programs. With an eye on establishing a reasonable path forward—although minimum thresholds for review were initially set—the process for review is an evolving one.

For Fiscal Year 2018 financial assistance obligations, final approval is required from the National Park Service (NPS) Deputy Director if the amount of proposed funding is under \$50,000. If the amount it is more than \$50,000, the financial assistance agreement must be reviewed by the Senior Advisor to the Assistant Secretary Policy, Management, and Budget prior to award.

In order to manage and expedite this process, the NPS established an internal online review system. Projects are submitted for review to a central database that tracks budget information, project objectives, and public benefits. NPS staff review each project to ensure that they meet Departmental and NPS priorities. Then, either the NPS Deputy Director or the Senior Advisor to the Assistant Secretary for Policy, Management, and Budget takes action on the project.

The NPS has worked diligently to ensure that projects are internally reviewed and approved to allow sufficient time for funds to be obligated and for work to be accomplished during the 2018 field season.

Question from Ranking Member Grijalva:

Question 1: In H.R. 5210, the baseline for Fiscal Year 2019 is 8 billion dollars. In this year's budget, the Interior Department projects that in Fiscal Year 2019, we will collect just under seven point eight (7.8) billion dollars. So if we collect 7.8 billion dollars in FY 2019 as expected, and the number in the bill for 2019 is 8 billion dollars, no money would go to the National Park Restoration Fund in Fiscal Year 2019.

However, in the budget, the Department projects 760 million dollars going to the Fund in Fiscal Year 2019. Using the Department's projections, no money would be going to fix National Park infrastructure, but then you also say you expect 760 million. How does the Department come up with that 760-million-dollar estimate?

Response: The Department's budget proposal caps the funds that could be deposited into the Public Lands Infrastructure Fund at \$18 billion. The budget estimated that there would be \$8 billion in deposits and \$6.8 billion in expenditures from the Fund over the course of that 10 years. Importantly, because the deposited funds would be available without further appropriation, this fund would be consequential for facilities that currently must rely on annual appropriations to address the maintenance backlog at national parks, wildlife refuges and Bureau of Indian Education schools.

Additional Information Provided for the Record

Several questions were asked of Deputy Director Smith during the hearing that required follow up information. That information is provided here.

Representative McClintock asked if the NPS was able to provide an answer to his question asked during the House Natural Resources Committee oversight hearing held on March 6, 2018, about regulations adding to the cost of deferred maintenance.

Answer: The current estimated \$11.6 billion NPS maintenance backlog reflects the labor and material costs associated with maintenance work that has been deferred for at least one year. The costs for completing National Environmental Policy Act and National Historic Preservation Act (NEPA/NHPA) compliance, planning, design, construction management services, and construction contingency are not included in the \$11.6 billion figure. These costs are developed at the project formulation stage and applied on a project-by-project basis.

The deferred maintenance backlog estimate also does not include non-deferred maintenance costs. Most projects, however, include both deferred and non-deferred maintenance components. Correcting code deficiencies is an example of a non-deferred maintenance activity. The activity does not relate to the failure to perform scheduled maintenance (resulting in a deferral), but relates to upgrades needed to meet evolving code compliance.

As an example, at Yosemite National Park, the Fiscal Year 2018 Line Item Construction (LIC) project to rehabilitate the Wawona Wastewater Treatment Plant includes both deferred maintenance and code compliance components. Much of the work involves constructing new systems needed to prevent effluent discharge in the Merced River as the State will no longer permit such discharge. The project's total net construction amount is \$18.286 million, of which 20% is deferred maintenance. After construction contingency and construction management services are included, the Fiscal Year 2018 LIC project list is \$21.578 million.

As another example, at Mammoth Cave National Park, the Fiscal Year 2018 LIC project to Reconstruct Unsafe Cave Trails has a net construction value of \$11.775 million, of which, 90% is deferred maintenance. The only non-deferred maintenance component relates to the addition of handrails, stairs, and ramps in some areas to enhance safety. After construction contingency and construction management services are included, the Fiscal Year 2018 LIC project list is \$13.894 million.

The LIC program typically budgets 22% of the estimated net construction costs for compliance, and planning and design, which are ideally funded one to two years prior to the construction budget request. Because these costs are calculated for projects that combine deferred and non-deferred maintenance elements, we are not able to determine the portion of these costs that are associated only with the deferred maintenance components of NPS projects.

Representative Labrador asked for an example of compounding costs the longer a project is deferred.

Answer: The longer that an asset's deferred maintenance goes unaddressed, the faster that asset will deteriorate. The industry standard facility backlog deterioration rate varies between 2% and 10% annually (<http://bokcms.appa.org/pdfs/131-05281612.pdf>). This deterioration causes the cost of repair to grow at an increasing rate each year. The following is a detailed example:

Cantilever Structure - The "Cantilever Structure" on the Clara Barton Parkway (part of the George Washington Memorial Parkway) provides a good example of repair work that originally was less expensive and less complicated when the defect originally occurred. In 2009, a large pothole (6' by 4') was found in the Cantilever structure's deck. At that time, the repair would have required closing that lane of the bridge and possibly the lanes of traffic below (part of the Westbound roadway overhangs the Eastbound roadway for 0.27 miles; this is the "cantilever"). NPS staff completed a temporary fix by filling the pothole, which maintained the safety of the public using the bridge. The more extensive and expensive fix was delayed for a number of reasons including the complexity of the long term repair that was beyond the capability of the park's maintenance staff and a desire save costs by lumping the repair with a more extensive project planned for the Clara Barton Parkway which would reduce mobilization and demobilization costs.

Currently, the pothole has grown both in area and in depth and now measures about 20' by 10'. The deterioration requires different materials to repair, including repairs to the steel reinforcing material, which is more expensive than concrete. In addition, the larger and deeper repair requires that the structure be supported from underneath (from the lower roadway) during work. The more extensive repair combined with the need to close more of the road for a longer time leads to an increase in workzone costs. The total project cost of this repair is now approximately \$200,000, far more than it would have been if the pothole had been fully repaired at the time it was first discovered.

Representative Gianforte asked for prioritized deferred maintenance projects in Montana and inquired how fast work could begin on these projects.

Answer: The table below shows the maintenance projects that are underway or planned for Fiscal Year 2018 and Fiscal Year 2019 that have a deferred maintenance component. These projects will begin either in 2018 or 2019.

Planned Year	Park	Project
2018	Glacier National Park	Rehabilitate Albright Circle Sewer System
2018	Glacier National Park	Rehabilitate Four Comfort Stations For Accessibility at Saint Mary Campground
2018	Little Bighorn Battlefield National Monument	Rehabilitate Domestic Water Source and Transmission System
2019	Big Hole National Battlefield	Replace Defective Fire Protection System for Park Housing
2019	Little Bighorn Battlefield National Monument	Rehabilitate Wastewater Collection System
2019	Glacier National Park	Rehabilitate Many Glacier Sewage Force Main Connection
2019	Glacier National Park	Reconstruct Rock Walls and Elevate Boardwalks on Multiple Trails
2019	Glacier National Park	Rehabilitate Nine Sections of Trail System Associated With the Going to The Sun Road
2019	Glacier National Park	Rehabilitate Many Glacier Road, Route 14

2019	Grant-Kohrs Ranch National Historic Site	Rehabilitate Visitor Center and Museum Parking
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Representative Gianforte also asked about the percentages of energy development revenues that come from conventional energy sources (oil, gas, and coal), and from renewable energy sources.

Answer: In Fiscal Year 2017, 98.7% of revenues were from conventional sources and 1.3 % were from renewable sources.



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SEP 25 2018

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

Dear Mr. Chairman:

Enclosed are responses to the questions received by Secretary Zinke following his March 15, 2018, appearance before your Committee at a hearing on the "Policy Priorities at the Department of the Interior and the Administration's Fiscal Year 2019 Budget Proposal." We apologize for the delay in our response.

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

Sincerely,

Christopher P. Salotti
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Raul Grijalva
Ranking Member

Questions from Rep. Napolitano

1. **On December 6, 2017, you released your final report on the findings of the Trump Administration Monument Review. The report did not mention or recommend any changes to the size of the San Gabriel Mountains National Monument, which is located just above my district. Although there was no recommendation, how can local residents, business and cities be confident to implement their city and business plans without fear that the President or the US Department of the Interior will review their nearby designation again?**
 - a. **Can you confirm today, that there will be no changes to the San Gabriel Mountains National Monument?**

Response: As you noted, the final report outlining the Secretary's recommendations in accordance with the President's Executive Order 13792 were submitted to the President in December, 2017, and no changes were recommended related to San Gabriel Mountains National Monument. Any final decisions on monuments rest solely with the President.

2. **Did you ever have plans to visit the San Gabriel Mountains National Monument before the Trump Administration Monument Review comment period ended on July 10, 2017?**
 - a. **If not, how did you plan to make a decision on the San Gabriel Mountains National Monument without meeting with local residents, businesses and cities?**
 - b. **What other information besides public comments made online did you take into consideration? Where did that information come from and who? How can local residents, businesses and cities be ensured that that information was in their best interest?**

Response: Although I was not able to visit the San Gabriel Mountains National Monument before the comment period ended, I heard from the local communities including state, county and federally elected officials, tribes, local businesses, and trade associations. And I again I want to thank you for the input you provided to me. For the review, each group's input was considered as we crafted recommendations for the President.

3. **While the Title XVI program has been successful in helping construct water recycling infrastructure, the program remains greatly underfunded. Currently, there remains a backlog of \$463 million for Title XVI water recycling projects that have been authorized by Congress but remain unconstructed. Additionally, in the new round of WIIN Act Title XVI projects, 44 feasibility studies have been approved with a total combined cost of \$3.6 billion. Despite the success of this program, President Trump has proposed a more than 90% funding cut for Title**

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XVI water recycling infrastructure projects by funding this program at \$3 million. How do you think these cuts will impact farms, cities, and vulnerable communities?

Response: It is important to look at a wide range of approaches when it comes to helping the West effectively manage drought. Water recycling is a key component of efforts by Reclamation and the Department of the Interior to address water challenges currently facing cities and water districts in the West. Projects that increase supply through use of recycled water can diversify communities' water portfolios and promote resilient water supplies, since sources such as treated municipal wastewater continue to be available during periods of water shortage. Title XVI leverages investment from non-federal entities to develop water recycling projects, and we will continue to rely upon the investment of local communities to compliment the federal investment for this program.

- 4. Secretary Zinke, the 2019 Proposed Budget also includes a 64 percent cut to the popular WaterSMART Grants program (2019 = \$10 million; 2018 = \$28 million). The WaterSMART Program provides cost-shared grants that help states respond to drought and work to increase water supplies largely through conservation, water-use efficiency, and water-reuse projects. My state of California has suffered and will continue to suffer through severe droughts so we should increase funding to these vital programs so Western states can respond more effectively to persistent drought conditions. Why would the Administration propose severe cuts to yet another successful program that helps California and the West respond to drought conditions in innovative ways?**

Response: The WaterSmart program continues to be an important tool that allows Reclamation to support local efforts to firm water supplies. While the WaterSmart experienced a reduction in the President's FY 2019 budget request, the program will continue to compliment ongoing efforts to address drought, including streamlining the approval process for new water supply infrastructure.

- 5. The Land and Water Conservation Fund (LWCF) which has saved places in nearly every state and every county in the US, will expire on September 30, 2018 without action from Congress. One great example, is the Pacific Crest Trail which spans 2,659 miles through the states of California, Oregon and Washington, and goes through the Angeles National Forest just above my district. Over 16 years approximately \$31 million from the LWCF has been used to acquire and permanently protect more than 20,000 acres along the trail. The LWCF also provides block grants for state and local parks and recreation projects. How can this committee work with your department to ensure that these vital funds, paid entirely by energy companies drilling for oil and gas on the Outer Continental Shelf, are not diverted to uses other than conservation?**

Response: I support the Land and Water Conservation Fund. In fact, the President's budget calls for the reauthorization of the LWCF. My staff and I are prepared to work with you and members of Congress to reauthorize the Land and Water Conservation Fund.

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- 6. The suicide rate for American Indians and Alaska Natives has been increasing since 2003. The rate in 2015 was more than 3.5 times higher than those in other racial/ethnic minority groups with more than one third of suicides within American Indians and Alaska Native population being youths under the age of 24. What is the current availability of on-site behavioral health services for students under the Bureau of Indian Education?**

Response: Challenges exist in the delivery of behavioral and mental health services for BIE schools located in rural, geographically isolated locations, including the lack of local Indian Health Service resources; lack of private practice and/or local hospital and clinical resources; and difficulty recruiting qualified licensed counselors and behavioral health and safety professionals. To address these needs, BIE actively partners with IHS to better address the behavioral health needs of our schools and instances of suicide among BIE-funded students. The BIA is also working with DOJ and HHS to provide comprehensive suicide prevention training to police officers and facility workers. Comprehensive training that shares interagency resources and expertise will enhance early identification and intervention, as well as equip officers and communities with a foundation from which they can advance toward a holistic approach to suicide prevention.

BIE personnel have increasingly utilized the U.S. Department of Education's Project SERV program when BIE-funded schools respond to suicide attempts and completions. Project SERV funds have also been used by BIE schools to hire mental and behavioral health professionals to return the school environment to pre-incident conditions as much as possible. Individual schools may also utilize ISEP base funding to provide for student safety services as well as Project SERV funds to support short- and long-term education-related services to help students and staff recover from a violent or traumatic event.

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Questions from Rep. Tipton

1. **This committee recently passed a bill by unanimous consent called the 21st Century Conservation Service Corps Act. Secretary Zinke you were a supporter of this bill when on this committee. It would engage more Corps and thousands of young people and veterans who serve in Corps, like in Colorado, to help address more high priority projects like backlog maintenance. I've had the opportunity to visit one of the Veterans Corps in Colorado doing this work. We appreciate your focus on addressing the backlog. Can you talk about the impact of getting thousands more young people and veterans working on these projects would have? Have you identified any plans to boost engagement of Corps to address the backlog?**

Response: DOI bureaus have collaborated with youth conservation corps on 21CSC projects all across the country. These projects, which are undertaken through the use of cooperative agreements, have ranged from trail maintenance to watershed restoration, historic preservation to forest regeneration, and invasive species removal to front-line services for visitors. The projects have decreased the land management agencies' maintenance backlogs and helped to fill critical staffing gaps. They have also given many young people, including youth from underserved communities and veterans, opportunities to gain in-demand skills for success in the 21st century workplace. Through these partnerships, the bureaus have been able to generate an interest among young people in pursuing careers in public land management.

2. **Wild horses and burros continue to threaten other animals and critically important habitats in the West. How does the Department intend to better manage the wild horse and burro populations in FY19?**

Response: The Department is committed to finding solutions to achieve long-term sustainable populations on the range in a humane manner, as is our obligation under the Wild Free-Roaming Horse and Burro Act of 1971. Rangelands are incapable of handling the current overpopulation and the ecosystems are out of balance. The 1971 Wild Free-Roaming Horses and Burros Act contains a variety of tools for managing herd numbers. However, current congressional appropriation riders prohibit the BLM from using all the authorities available in the Act. To succeed, the Department must have the necessary tools as provided in the Act to manage on-range herds more effectively and humanely. The BLM recently provided a report to Congress outlining options for addressing the challenges of the BLM's Wild Horse and Burro Program, and will need the help of Congress to solve the challenges.

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Questions from Rep. Pearce

- 1. I appreciate the Administration's support for addressing wildfire issues. In New Mexico and other Western states, Conservation Corps help to accomplish remediation through invasive species and dead tree removal. How does this budget address remediation needed to thin our forests and prevent catastrophic fires? Does the budget aim to utilize the low cost work provided by Conservation Corps?"**

Response: The FY19 Budget requests robust funding for wildland fire management, and responsibly funds 100 percent of the 10-year suppression average. The Administration remains committed to forest health management, including salvage and removal of dead trees and I believe there is merit in identifying needs for additional forest management reforms to better address prevention. Interior bureaus have a long history of collaborating with a wide variety of volunteer groups, education partners and youth organizations including conservation corps. These partnerships assist land managers in maintaining resources, including wildlife remediation, in a cost effective manner while providing participants with developmental jobs skills training and education.

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Questions from Rep. Bordallo

1. **At a time when more and more citizens of the Freely Associated States (FAS) are migrating to Guam and other affected U.S. jurisdictions under the Compacts of Free Association, why does the FY2019 budget request propose eliminating the Office of Insular Affairs' "discretionary" Compact impact grants to reimburse affected jurisdictions?**

Response: We recognize the demand from affected jurisdictions for compact impact funding regularly exceeds annual appropriations. The FY 2019 budget request continues support for the \$30 million in mandatory funding, which will continue under current law through 2023. While the \$3 million in discretionary compact impact funding is not part of the FY 2019 budget request, we look forward to working with you to figure out additional means of defraying the costs of compact migrants on affected jurisdictions.

2. **Mandatory Compact impact funding provided by the Office of Insular Affairs—split between Guam and other affected U.S. jurisdictions, does not come close to reimbursing GovGuam for the costs of serving our FAS citizen residents. Will you commit to taking a hard look at Compact impact in your budget request for next year, as well as the many low-cost, practical policy changes outlined in my Compact Impact Relief Act (H.R.4761)?**

Response: As noted above, we recognize the demand from affected jurisdictions for compact impact funding regularly exceeds annual appropriations. While we continue to support the \$30 million in mandatory funding, funding was not requested in FY 2019 for the compact impact discretionary program in order to prioritize funding for the U.S. territories in other OIA financial assistance programs. While we have not conducted a thorough analysis of your proposed legislation, we look forward to maintaining a dialogue with you and the committee, and working with you on this important issue.

3. **The FY2019 budget request proposes to cut funding for the Office of Insular Affairs' "Assistance to the Territories" by more than 11% and proposes even more severe cuts to other programs important to Guam. How do these proposed budget cuts square with the Trump Administration's stated goal of improving economic opportunity, governance, and quality of life in the territories?**

Response: The 2019 budget request aims to balance the Office of Insular Affairs' efforts to strengthen economic and health capacities in the U.S. territories, and fulfilling U.S. compact obligations to freely associated states, while exercising appropriate budgetary restraint. Focusing on strategic investments in infrastructure, public services and technical assistance, the FY 2019 budget aims to strengthen insular economies, promote policies and improve Federal coordination on issues impacting insular economies, restore trust with territorial communities, and ensure sovereignty means something working with the freely associated states.

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4. **What is the Trump Administration's position on extending full voting rights for the 4.5 million Americans living in the territories? Unlike the District of Columbia, the five U.S. territories are excluded from the electoral college so we have no say in choosing our president. Note that 2 of the 5 Members of Congress from the territories are Republicans, so this is not a partisan issue. I understand that this would require an Act of Congress, but what is the Administration's position?**

Response: Allocating electors from the five U.S. territories for the purposes of electing the President under the Electoral College would require an amendment to the U.S. Constitution. The Department of the Interior does not have a position on allocating electors to the five U.S. territories.

5. **Under current law, the 5 U.S. territories and District of Columbia split—six ways—a single state's share from Land and Water Conservation Fund (LWCF) each year. This is simply unfair and underfunds public park and recreation projects in the territories and D.C. Will the Interior Department consider supporting my LWCF Parity for Territories and DC Act (H.R.4179), which is supported by all 6 Members from the territories and D.C.?**

Response: The Land and Water Conservation Fund receipts authorization expires at the end of fiscal year 2018 and the Administration will review options for reauthorization. While the Department is familiar with the goal of HR 4179, to amend the Land and Water Conservation Fund authority to re-classify the District of Columbia, Puerto Rico, Guam, American Samoa, the Virgin Islands and the Northern Mariana Islands as "State" for purposes of the apportionment of LWCF allocations, the Department has not yet developed a position on the bill.

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Question from Rep. Thompson

1. Secretary Zinke, thank you for the information that you provided last year in response to my request for an update on the status of the remedial action at the Folcroft Landfill, a property which was purchased by the US Department of Interior in 1980 and incorporated into the John Heinz National Wildlife Refuge (JHNWR) under legislative authority provided by Congress. Congress provided \$19.5 million in funding for the development of the JHNWR and directed FWS to work with EPA to address the contamination at the site. In response to my request for detail on whether any of the \$19.5 million in funding provided by Congress is still available for expenditure, you indicated that “FWS does not immediately have a response for the inquiry regarding the funds appropriated from Congress in 1972 (P.L. 92-327), 1976 (P.L. 94-548), and 1980 (P.L. 96-315), “for acquisition of the Tincum National Environmental Center, for construction of environmental educational center facilities, and for other development projects on the Center,” (P.L. 96-315 July 25, 1980) but a search has commenced for records from that time period to confirm the expenditures for these expressed purposes.”

Could you please provide an update on the findings of this research?

Response: In 1972, P.L. 96-326 authorized \$2,250,000 to be appropriated to the Department of the Interior for the acquisition of the Tincum National Environmental Center, for construction of environmental educational center facilities, and for other development projects on the Center, to remain available until September 30, 1985.

In 1980, P.L. 96-315 amended the original statute by striking \$2,250,000 and inserted \$19,500,000, and also added a new section directing the Administrator of the Environmental Protection Agency, in consultation and cooperation with the Fish and Wildlife Service, to investigate potential environmental health hazards resulting from the Folcroft landfill, within the authorized boundary of the Tincum National Environmental Center, and to develop alternative recommendations as to how such hazards, if any, might best be addressed in order to protect the refuge and the general public.

Then in 1985, P.L. 99-191 struck “September 30, 1985” and inserted “expended”, extending the authorization of appropriations indefinitely.

In order to clarify, \$19.5 million was an authorization of appropriations by Congress and not an actual appropriation of funds by Congress.

To the best of our knowledge, the Service has not received specific appropriations from Congress for the investigation and on-going maintenance of the Folcroft Landfill.

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Questions from Rep. Barragán

- 1. Secretary Zinke, does the National Park Service expect to issue a Fiscal Year 2017 Funding Opportunity Announcement for ORLP grants in the near future?**
- 2. Does the National Park Service have sufficient capacity and staffing to dedicate the needed attention and administration of the ORLP program?**
- 3. Secretary Zinke, with respect to the administration's infrastructure plan, how can the ORLP program better align to meet the shovel-readiness intent of the program? How can the funds be more quickly allocated to the areas that need them the most?**
- 4. Secretary Zinke, recognizing the value of the ORLP program, would greater flexibility in criteria thresholds (such as lowering the requirement that cities and towns have to have a population of 50,000 or more residents) and eligibility expansion (non-profits, for example) help cities better and more quickly deliver the intended outdoor recreation and economic benefits?**

Response: On April 13, 2018, the National Park Service announced the application process has opened for the 2018 Outdoor Recreation Legacy Partnership Program, with applications due on September 14, 2018. This competitive grant program is funded through the Land and Water Conservation Fund. As with all grant programs implemented by the Department, we are reviewing the process and criteria used to award and manage grants, and, in this review, will consider the flexibility issues you have raised.

Questions from Rep. Grijalva

1. **The Department of Interior demanded that language connecting sea level rise and coastal flooding to climate change be removed from a press release announcing a new publication by scientists working for the United States Geological Survey (USGS). Do you agree that coastal communities deserve expert scientific research to inform their mitigation and resiliency efforts? If so, then why establish a pattern of censorship with critical public health concerns like coastal floods? Do you believe the communities in Houston, South Florida, and Louisiana, ravaged by recent hurricanes and damaged by unusually aggressive flooding deserve unbiased information from experts within your agency at the USGS? Will you commit to directing USGS to providing that information to these vulnerable communities without political interference?**

Response: The USGS has a responsibility to provide sound, unbiased scientific data and analysis to policy-makers and the public in order to carry out its mission to support the stewardship of the Nation's public lands and waters and deliver natural hazard science to protect public safety, health and American economic prosperity. The USGS continues to carry-out activities to improve assessments and forecasts of coastal change hazards, in order to address the vulnerability of ecosystems, landscapes, communities and infrastructure to coastal flooding and erosion due to storms, land-loss, and sea level rise. Specifically regarding the hurricanes you mentioned, USGS' budget supports regional real-time forecasts of erosion and inundation due to coastal storms, including hurricanes; and long-term forecasts of the likelihood of future coastal change and inundation due to storms, erosion, and sea-level rise.

2. **Just yesterday, the Office of the Inspector General published a report showing that DOI's ability to detect and respond to cyberthreats is highly inadequate. Undeniably, DOI data systems are a desirable target for both foreign and domestic hackers given the vast amount of public lands and energy resources managed by the Department. To address this issue, the Inspector General's report made 23 recommendations for improving DOI's ability to detect and respond to threats. Although your Department has agreed to all recommendations, the report notes that DOI's timeline for implementing these recommendation is concerning. Five recommendations will not be addressed for more than 5 years. Given the substantial budget cuts you've proposed, how do you intend to commit the substantial staff and resources needed to implement these recommendations? Where will you pull these resources from? The Inspector General also noted that some of the recommendations may require the recruitment of additional staff. Do you plan to ease hiring restrictions in order to hire personnel with the needed expertise?**

Response: The Department takes cybersecurity threats extremely seriously, and appreciates the focus that the Inspector General has provided on these issues. The Department is working closely with the Department of Homeland Security to strengthen the management of cybersecurity events/incidents and to enhance protection of our systems. The Department is issuing guidance,

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providing training, and leveraging resources to ensure that critical systems are appropriately protected.

3. In 2015, Western Governors, sportsmen, ranchers, mining companies, oil and gas companies, elected officials, conservationists, and local business owners came together to find a solution to keep the west open for business while also keeping the sage grouse and sagebrush ecosystem healthy and robust. These sage grouse plans were an unprecedented collaborative effort. Despite the plans' widespread support, the Bureau of Land Management recently released a scoping report outlining changes it plans to make to the sage grouse plans. The report claims to summarize public comments related to the changes, but last week, BLM admitted that a "technical error" caused around 100,000 public comments to go missing. What are you doing to understand how 100,000 comments were not included in the report and how do you plan to fix it? How do you expect the public to have faith that their comments are being heard? Will you amend the report to include these missing comments or reopen the comment period to allow the public to be heard?

Response: While BLM does not know at this time where the technical glitch occurred, it has determined the web and email systems involved did not malfunction internally during sage-grouse public scoping. The BLM's email and ePlanning site remain open and ready to receive and record future comments submitted on the Draft EISes.

4. Your Solicitor issued a legal opinion ending some protections for migratory birds under the Migratory Bird Treaty Act - one of our nation's first and most successful conservation laws celebrating its 100th Anniversary this year - against the threats that are most significant and controllable in the modern age. The new opinion goes against all settled understanding of the Act by your Department, the Justice Department, and by numerous courts and Congressional actions over 50 years and across administrations as articulated by a letter signed by 17 former Interior Department officials from each administration back to Nixon's Presidency asking you to reverse the opinion. More than 500 local and national organizations from every state in the country have also written to oppose this reversal. Your interpretation would have prevented the Justice Department from capturing fines for bird deaths to be used to restore bird habitat from BP for the Deepwater Horizon spill, and Exxon for the Exxon Valdez spill. And it ends an essential incentive for industries in many sectors such as oil and gas, power lines, communications towers, and of course, wind power, to develop and implement reasonable best management practices and technologies that minimize harm to birds, and that help fulfill the treaty commitment of the U.S. to protect and conserve migratory birds. Mr. Secretary, how do you intend to ensure that the migratory bird protections industries have implemented in consultation with the Fish and Wildlife Service continue to be implemented and that the US continues to live up to treaty obligations ratified by this Congress?

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Response: The Fish and Wildlife Service will continue to work with any partner that is interested in voluntarily reducing impacts to migratory birds and their habitats and will continue to support our commitments through international treaties to the protection of migratory birds. The Service will continue to develop best management practices to protect migratory birds and their habitats in partnership with any industry, federal, state, and tribal entity, and in the course of project review, will continue to provide recommendations through their advisory role under other authorities, including NEPA and Fish and Wildlife Coordination Act.

- 5. Your office has proposed cutting the FWS by 135 million dollars in FY19. FWS funds Landscape Conservation Cooperatives (LCCs) which represent an advisory board equipped with local, state and federal agency representatives. Your office has also cancelled the meetings of LCCs and effectively ended their input into DOI decision making. Why are you cutting critical stakeholders such as local businesses and scientists out of the process? Is this an effective way to share governance over public land? Should the department be making decisions that impact states and localities without input from these LCCs? Can you please explain what will happen to the important work that was being conducted under these programs since they are being eliminated?**

Response: This budget request fully supports FWS coordination with State resource management agencies, the public, and other partners through longstanding programs. The elimination of funding for Landscape Conservation Cooperatives in this budget reflects my decision to prioritize those foundational FWS programs—such as the National Wildlife Refuge System—through which FWS fulfills its statutory responsibilities. Through longstanding programs and the field staff that make them effective, Interior will work with partners to identify and implement shared conservation goals and to resolve conflicts related to resource management.

- 6. The 1990 amendments to the Coastal Barrier Resources Act directed the Department of Interior to map undeveloped coastal barriers along the Pacific Coast and to recommend areas that could be included in the CBRS. The FWS took a preliminary look but didn't propose additions. Given the benefit to taxpayers from the CBRA, which has saved over \$1.3 billion in federal expenditures, could resources be made available for FWS to map Pacific coast areas so this taxpayer-friendly program could be brought to the Pacific coast?**

Response: There are significant geological and climatic differences between the Atlantic and Gulf coasts and the Pacific coast that do not support inclusion of areas along the Pacific coast in the CBRS. The FWS mapped a total of 195 undeveloped coastal barriers in California, Hawaii, Oregon and Washington and determined that the designation of identified coastal barriers would not demonstrably reduce the potential loss of human life and damage to natural resources or save taxpayer dollars.

- 7. On December 7, 2017, I released an update to my report titled "Missing the Mark: African Trophy Hunting Fails to Show Consistent Conservation benefits" in**

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response to your desire to form a body, misnamed the International Wildlife Conservation Council at the urging of groups like the Safari Club International and the National Rifle Association. Thus, it was no surprise to me when the names of the Council members were released and include SCI and NRA employees along with all but one person who has a tie to trophy hunting. Taxpayers should not be spending money for an advisory panel whose purpose to make it easier for billionaires to turn imperiled wildlife into wall hangings. The charter for the IWCC lists the annual cost as \$250,000. I provided a detailed report that outlines why the tasks given to the IWCC have already been explored by other bodies or by Fish and Wildlife Service wildlife experts. How can DOI justify moving forward with this unbalanced Council under the guise of conservation? In the hearing, you stated that the Fish and Wildlife Service's position on trophy imports has not changed. Does this mean that the FWS will not allow the importation of any elephant and lion trophies from Zimbabwe and Zambia? Do you intend to go through a formal rulemaking process, including an opportunity for public comment, on the enhancement and non-detriment findings the service withdrew? Given the fact that many trophy hunters are extremely wealthy, do you think it is appropriate that the American taxpayer foots the bill for 92 percent of all permit fees for wildlife trophy imports? Does the FWS have enough people and resources to review these permits? Was President Trump aware of the decision to allow trophies into the United States on a case-by-case basis?

Response: The American conservation model, supported by hunters and anglers, serves as an example that all nations can follow for wildlife and habitat conservation. This council was established to advise the Secretary on how to increase public awareness regarding the conservation, law enforcement, and economic benefits associated with trophy hunting and the benefits international hunting generates for wildlife and people. On the topic of trophy imports, as I have stated, the D.C. Circuit Court ordered the FWS to revise its process, not the policy. The FWS is continuing to monitor the status and management of African elephants and lions in their range countries. They will review each application as well as other information available to the FWS regarding the status and management of the species to ensure that the hunting program is promoting the conservation of the species. The policy is fully aligned with the law and the President's policy.

8. Mr. Secretary, you claim to be a sportsman and a conservationist and a defender of the Land and Water Conservation fund. However, across your Department, you propose virtually eliminating LWCF, a popular, bipartisan program that promotes hunting and fishing access. Your proposed budget will impede the expansion of sporting and recreational activities available to the public. How do you claim to honor the stewardship legacy of Teddy Roosevelt and justify the proposal to eliminate LWCF? You keep saying that your department is committed to promoting access for hunting, fishing, and all kinds of outdoor recreation. If that is true, I really do not understand how you can justify the elimination of LWCF. Are you not aware that acquisitions financed by LWCF promote access to public lands and support outdoor recreation opportunities throughout the country?

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Response: I support the Land and Water Conservation Fund. In fact, the President's budget supports the LWCF and calls for its reauthorization. Although the budget did not request funding for new Federal land acquisition projects because the Department places a high priority on taking care of the land and assets that we currently have rather than adding to the federal estate, the budget does include State-side funding derived from the LWCF to ensure that States continue their implementation of LWCF programs.

- 9. Secretary Zinke, you proposed radical fee hikes at 17 of the most visited national parks as a way to address the deferred maintenance backlog that is plaguing our national parks. Our parks desperately need a dedicated source of funding and significant investment from Congress. Visitor fees alone cannot sustain America's parks and public lands. And, these increased fees threaten access to parks and discourage visitation by the public, especially communities that already lack access and do not have the funds to pay higher fees. In some cases, these significant fee hikes could end up tripling the costs for families. Visiting our parks is a right to be enjoyed by all Americans. Please explain why raising visitor fees will not discourage low-income families and communities from visiting our national parks?**

Response: After carefully considering the public comments provided on the National Park Service's 2017 fee proposal, the National Park Service revised its proposal and developed a balanced plan that implements modest increases at the 117 fee-charging parks as opposed to larger increases proposed for 17 highly-visited national parks. Fees are not charged at the other 300 units of the National Park System. Importantly, under the Federal Lands Recreation Enhancement Act (FLREA) each of the fee-charging parks will keep 80 percent of the revenue collected, which means those dollars will be spent at the park to enhance and preserve the visitor experience. The \$11.6 billion maintenance backlog is not going to be solved overnight and will require a multi-tiered approach as we work to provide badly needed revenue to repair infrastructure.

- 10. Your budget proposal includes a significant reduction to the National Park Service's visitor services account, including eliminating \$5 million dollars from Youth Partnership Programs. This is an approximately 50 percent reduction from an account that supports opportunities for veterans to gain valuable job training skills and experience through participation in the 21st Century Conservation Corps. How do you justify cuts to that program? Will you commit to working with this committee to ensure that veterans have more opportunities to participate in their public lands?**

Response: Ensuring that veterans have the ability to participate in our public lands, whether as employees, volunteers or as visitors, is one of the Secretary's highest priorities. Veterans bring incredible strengths to any organization including strong leadership, organizational skills, work ethic, and love of country. The Secretary is committed to initiatives for veteran engagement and for increasing the employment of veterans within the Department's workforce.

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11. **Secretary Zinke, at the end of last month you traveled to Pennsylvania to announce the latest round of abandoned mine lands funding. The announcement was made about a mile outside of the 18th congressional district, two and a half weeks before a special election. The Republican candidate was there – you tweeted a photo with him. I didn't see the Democrat there. The race, at the time, was a toss-up. I have seen no evidence that any other Secretary has traveled anywhere since 2009 to announce these routine grants. You accepted an inherently political TV interview with Fox News about it. You could have chosen any of the thousands of AML sites but you chose this one. Locals, including members of the Republican party, were surprised you chose the location you did. You can understand that's a lot of coincidences that point to this being a political trip funded with taxpayer money. You've said that the state made sense because of the sheer number of AML sites there. But how did you choose East Bethlehem among the over 800 AML sites from within Pennsylvania?**

Response: Restoring the usability of abandoned mine lands is an example of the Department of the Interior's multiple-use mission of conservation in action. Interior will continue helping states and tribes responsibly develop America's energy resources and address legacy problems related to 200 years of mining. On February 24, 2018, the Department announced the availability of over \$300 million in Abandoned Mine Land Reclamation grants, of which the State of Pennsylvania is eligible to receive more than \$55 million in funding. Pennsylvania's eligibility illustrates the scale of legacy problems the funding will help to address, which the Secretary was able to underscore by making the announcement in person.

12. **DOI has used the proposed reorganization of the Department to justify significant agency actions. Those actions include the reassignment of several members of the Senior Executive Service, the rescission of an existing 100-year plan for the National Park Service, the ongoing hiring freeze, and the expansion of authority for Assistant Secretary for Insular Areas, Doug Domenech. At the same time, you're claiming there is no final reorganization plan. If that's true, it is irresponsible to start implementing in a piecemeal fashion what you have called the greatest reorganization in the history of the Department without a plan. At what point in the implementation of the reorganization will you do an in-depth financial and managerial analysis that provides evidence that your reorganization will be effective?**

Response: This organization is based on science and will enable the Department of the Interior achieve its core mission of stewardship. The goal of the reorganization is to create mechanisms within the Department to streamline communications and inter-bureau decision-making at the local level. Organizing the Department's bureaus within common geographic areas will allow for more integrated and better coordinated decision making across bureaus and help streamline operations. Bureaus within a region will also be focusing on common issues, geographies, and landscapes, and thus taking a comprehensive approach instead of a bureau-centric approach from Washington, D.C. The Department has taken into account feedback from Congress, governors,

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interior employees and the stakeholders. We continue to gather information that will give us more detail on both the costs and the benefits of the plan.

13. **You initially justified your chartered flights on private jets, commercial flights to destinations close to your home or political events, helicopter flights and the like by saying all your flights had been reviewed by the Department's Law and Ethics Division. Then the Inspector General issued an unusual letter saying that your recordkeeping regarding your travel was insufficient for them to determine whether you had broken the law. What have you done to try to understand why your ethics team gave the flights the green light but the IG has said the recordkeeping is inadequate to make that call?**

Response: Department leadership is committed to implementing the best management practices throughout the Department. In response to the advisory, the Department requested additional input from the Inspector General's office during review and implementation of the IG's recommendations, including specific examples, objective metrics, and any measures that would help DOI officials build a process that creates value and ensures compliance with all applicable laws, rules, and regulations.

14. **You are proposing a cut in excess of 100 million dollars to the FWS budget in the FY19 requested budget for the Department of Interior. The agency request also cuts 28 million from the Office of Ecological Services which manages endangered and threatened species protection. Can these agencies operate at optimum efficiency and save our critical species while receiving inadequate funding? Do you anticipate that the agency workforce cuts will hurt agency conservation efforts?**

Response: The budget includes \$211.8 million to conserve, protect, and enhance listed and at risk fish, wildlife, plants, and their habitats. The budget proposes \$98.8 million to support environmental reviews, consultation services, and permitting that enables economic development and the creation of American jobs. The budget prioritizes funding to promote the recovery of listed species and toward completing recovery actions and five-year species status reviews as required by the ESA. The budget proposes \$10.9 million for the Listing activity to focus available resources on the recovery of the more than 1,660 species listed as threatened or endangered, nearly 400 of which were listed between 2010 and 2017.

15. **The damages to communities and real property such as oil and gas infrastructure from Hurricane Harvey were severely diminished because of natural infrastructure in the form of wetlands and coastal marshes. Given this lifesaving, property saving, cheap, and effective way to protect lives and properties, why did the Administration not include funding for natural infrastructure in the recent hurricane supplemental request to Congress?**

Response: The Department is focused on rebuilding, repairing and replacing equipment, and addressing damages at Interior managed facilities impacted by the hurricanes, while demonstrating fiscal constraint, as described in the Administration's supplemental request. To

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achieve this, the Department allocated the supplemental appropriations to projects that will rebuild park and refuge facilities, restore monitoring networks that support public safety warnings and water management activities, collect critical data needed to inform recovery and rebuilding efforts, prevent permitting backlogs, and accelerate rebuilding efforts at individual sites including wildlife refuges, recreation areas, and national parks. The Department is applying supplemental appropriations to rebuild and repair important national assets including critical infrastructure which benefits local communities.

The Department is removing debris and hazardous materials and repairing a wide-range of facilities such as visitor centers, ranger stations, wastewater treatment facilities, employee housing units, roads, bridges, campgrounds, and water control structures damaged as a result of the hurricanes. Supplemental appropriations for the U.S. Geological Survey, for example, are being used to repair and replace damaged streamgages and seismic monitors that provide essential information to support public safety warnings and water management activities.

- 16. Given that we are in the middle of a global extinction crisis driven by irresponsible land use and climate change, do you believe that this budget will allow you to meet your statutory obligations under the ESA to prevent extinction and recover threatened and endangered species? The Endangered Species Act is our nation's most effective law for protecting wildlife in danger of extinction. Ninety-nine percent of species listed under the Act have survived, and many are on the path to recovery. The American people care deeply about wildlife and are troubled by the concept of extinction. According to a June 2015 poll, 90 percent of American voters support the Endangered Species Act. My colleagues on the other side of the aisle like to say that the ESA is broken and needs reform. But the ESA is starved, not broken, and your FY 2019 budget request continues this sad state of affairs.**

Response: Yes, preventing extinction and achieving recovery of listed species has always been, and will continue to be, one of the Service's highest priorities, and it's important to note that Section 7 of the ESA calls on all Federal agencies to participate in the conservation and recovery of listed species. The budget prioritizes funding to promote the recovery of listed species including the completion of recovery plans and five-year species status reviews as required by the ESA. The budget proposes \$10.9 million for the Listing activity to focus other available resources on the recovery of the more than 1,660 species listed as threatened or endangered, nearly 400 of which were listed between 2010 and 2017.

- 17. Several years ago, FWS developed a 7-year workplan to allow the agency to prioritize over 350 species for ESA listing decisions. This workplan is supported by a wide range of stakeholders. While the FWS has made progress on listing decisions for a number of these species, more than 300 still await decisions, yet the budget proposes a 47 percent cut to the FWS listing program for FY 19. This cut will disrupt the timeframes in the workplan and cause FWS to further delay listing decisions for many species leading to at the least longer recovery times or at the worst more extinctions of species. Species due for decisions in FY 2019 include the**

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tufted puffin and monarch butterfly. Can you explain how the Department plans to make progress on recovering species with such an inadequate level of funding?

Response: The budget includes \$211.8 million to conserve, protect, and enhance listed and at risk fish, wildlife, plants, and their habitats. The budget proposes \$98.8 million to support environmental reviews, consultation services, and permitting that enables economic development and the creation of American jobs. The budget prioritizes funding to promote the recovery of listed species and toward completing recovery plans and five-year species status reviews as required by the ESA. While our budget request focuses on carrying out inherently federal actions, we will continue to work with partners for implementation of recovery actions on the ground, including some programs (such as Recovery Challenge if funded in fiscal year 2019) to aid carrying out such actions.

- 18. This year marks the centennial birthday anniversary for The Migratory Bird Treaty Act. It is credited with saving many species of birds from the brink of extinction. While we have overcome many of the threats facing bird populations in the earlier part of the last century, such as the plume trade, new threats have emerged. Due to industrialization, millions of waterfowl, raptors and songbirds have died from oil pits and powerlines. In fact, the FWS found that electrocutions kill an estimated 5.4 million birds, while oil pits kill an estimated 750,000 birds this year. Given what we know about current threats, I am deeply alarmed with the agencies recent interpretation of the MBTA which eliminates FWS authority to address the incidental take of birds, such as the 750,000 birds that die tragic, avoidable deaths in oil pits each year. Will this decision result in more birds being needlessly killed? The problem will only be compounded by your proposal to reduce the North American Wetlands Conservation Fund. NAWCA is a landmark investment and one of the most cost-effective conservation programs. Federal dollars invested in NAWCA are typically matched by more than three dollars from non-federal partners at the local and state level, including corporations, private landowners, and non-profits. Since its enactment, the program has generated over \$4.34 billion in partner funds leveraged by \$1.48 billion in grant funds to protect nearly 33.4 million acres across the nation. Given the program's demonstrable success, why does your budget seek to reduce it by \$4.5 million?**

Response: The total FY 19 budget request for the North American Wetlands Conservation Fund--including \$33,600,000 in discretionary appropriations and \$16,700,000 in mandatory receipts--is \$50,300,000. This funding will be used to support partnerships that protect, enhance, and restore habitat for wetland-dependent birds and other wildlife. These funds will also sustain hunting and fishing by increasing the quality and quantity of opportunities for outdoor recreation. The mandatory receipts supporting the fund are derived from fines related to Migratory Bird Treaty Act violations, and the FY 19 estimate of \$16,700,000 is an increase of over \$5 million from last year.

- 19. Invasive mussels are a serious threat to the waters of the western U.S. They are not only a risk to wildlife and human health, but they can also block water pumping**

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stations and impede the flow of water through pipes and infrastructure. Arizona's waterways are a major source of invasive mussel infestation and pose a large threat to other un-infested waters. Yet, Arizona is one of the only western states that has not implemented mandatory watercraft inspection and decontamination stations. This is primarily due to insufficient funding and lack of engagement from federal agencies. Considering prevention and control methods for these invasive mussels have cost an estimated \$5 billion so far, shouldn't funding be increased to protect our waterways and prevent infestation? Many western states rely on federal funding to operate watercraft inspection programs, but current review of federal grant programs is hampering state planning for the 2018 boating season. When will this federal review be completed to ensure that these federal funds are accessible to state programs?

Response: Invasive mussels are among the many invasive species causing economic and ecological harm across the United States. There is \$12 million to address invasive mussels in the budget for the U.S. Fish and Wildlife Service, U.S. Geological Survey, and Bureau of Reclamation, and Interior is currently working on more than four dozen actions to address invasive mussels. This includes preventing the spread of the species to uninfested waters, such as those in the Columbia River Basin in the Pacific Northwest, and containing and controlling them where they are established, such as in Lake Powell and the Lower Colorado River region.

With regard to grants, the Department distributes over \$5.5 billion in grants and cooperative agreements every year. Secretary Zinke's review of the Department's financial assistance programs, which included examination of 83 audits by the Department's Inspector General over the last 5 years, illustrated over \$88 million in questionable disbursements. The IG also made 419 recommendations for corrective action. In addition to these audits, numerous IG investigations were conducted revealing waste, fraud, and abuse in these programs, including the lack of a competitive process, conflict of interest abuses, and the lack of adequate processes related to the acquisition of federal interests in lands with financial assistance, among other things. In addition, there was no Department-wide system in place to manage these awards.

To ensure proper management and implementation, guidance was provided to bureaus setting forth an approval process for discretionary financial assistance programs, and a Senior Advisor to the Assistant Secretary for Policy, Management and Budget was tasked to work with each Bureau to set clear expectations and develop an organized implementation plan. We are prioritizing the review of mission critical grants and cooperative agreements where taxpayers' money is used most efficiently to accomplish our priorities and missions, and we are paying overdue attention to high-risk grant making.

Guidance provides that the review process may be simplified to address programs that demonstrate sound management. We are regularly adapting our process to strengthen grants review while still protecting the public interest. It is important to note, however, that the Department's reviews and guidance do not apply to mandatory grant programs; we are fully committed to implementing the laws passed by Congress.

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20. Secretary Zinke, when you testified before the Committee, you stated that the Interior Department's "budget [for renewable energy programs] is consistent with expected demand in [fiscal year 2019]." You told Representative Anthony Brown that you would provide the data behind your agency's decision to reduce the Bureau of Ocean Energy Management's renewable energy program by over \$3 million. What energy demand data did the Interior Department use to justify its proposal to reduce BOEM's renewable energy program by over \$3 million? How is this consistent with the story reported by Bloomberg on September 29, 2017, which said, "[BOEM] is betting on heightened interest in offshore wind to drive up the price of the Atlantic Ocean leases it will auction next year," and, "We've had two unsolicited bids" for the parcels already, [James Bennett, chief of renewable energy at BOEM] said. That and the fact that a recent BOEM auction for an ocean parcel off Long Island, N.Y., netted a \$42.5 million winning bid "indicates to us that interest in offshore wind has changed dramatically in just two years," Bennett said.'

Response: This budget supports expected market demand for renewable energy onshore and offshore. BOEM will continue to advance renewable energy through an aggressive leasing program and by streamlining its permitting and NEPA processes. To date, BOEM has 12 active commercial wind leases along the Atlantic Coast and is in the planning stages to identify potential lease areas offshore Hawaii and California. Additionally, BOEM is in the planning stages for additional areas offshore Massachusetts, New York, and North and South Carolina. In FY 2017, OCS renewable energy leases provided \$4 million in rent payments. BOEM estimates annual rent payments of close to \$4 million in FY 2018 and FY 2019. To date, BOEM has generated over \$67.9 million in bonus bids for the renewable energy leases it has issued through the competitive leasing process.

21. Secretary Zinke, in August 2017, the Department of the Interior informed the National Academies of Sciences, Engineering, and Medicine that it should cease all work on a study of the potential health risks for people living near surface coal mine sites in Central Appalachia. The Interior Department stated it was conducting an agency-wide review of its grants and cooperative agreements exceeding \$100,000. Is this study still under review? When the study was halted in August 2017, there were approximately \$400,000 remaining on the contract with the National Academy of Sciences. This money could have only been repurposed until September 30, 2017. What happened to the roughly \$400,000 remaining on the contract? Is the Department of the Interior going to ask the National Academy of Sciences to resume their study? Is the Department of the Interior going to ask the National Academy of Sciences to start a new study of the potential health risks of surface coal mine sites in Central Appalachia?

Response: In the course of conducting its review of grants and cooperative agreements exceeding \$100,000, the Department reviewed the NAS study and concluded that it would not be prudent to spend additional federal dollars on it, in light of the existence of other studies on this topic and limited federal resources. The Department's Office of Surface Mining Reclamation and

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Enforcement notified the NAS that it would close out the cooperative agreement and end the study.

22. **Secretary Zinke, when you testified before the Committee, you acknowledged that in December 2017 you requested access to a U.S. Geological Survey (USGS) energy resource assessment for the North Slope of Alaska before it was officially published. The USGS's Fundamental Science Practices states, "Particularly sensitive results...such as energy and mineral assessments...that typically have significant economic implications are not disclosed or shared in advance of public release because pre-release in these cases could result in unfair advantage or the perception of unfair advantage." It is clear your actions violated USGS science policy. Do USGS guidelines about early release of sensitive data apply to you and to Deputy Secretary Bernhardt? If not, please explain why not. Were you aware of the significant oil resources that had been discovered along Alaska's North Slope since publication of the original USGS assessment in 2010? Was the Secretary, Deputy Secretary, or anyone in their offices asked for information about the data in or the timing of the National Petroleum Reserve Alaska assessment by outside parties before the assessment was officially published on December 22, 2017? Did you or anyone at the Department of the Interior attempt to share or successfully share information about the data in or the timing of the December 2017 USGS assessment with anyone outside the Interior Department before it was officially published on December 22, 2017? Please provide all correspondence within and between the Secretary's office, Deputy Secretary's office, and USGS regarding the potential early delivery of the National Petroleum Reserve Alaska assessment to the Secretary or Deputy Secretary. Please provide all memoranda that discuss the potential early delivery of the National Petroleum Reserve Alaska assessment to the Secretary or Deputy Secretary. Please provide all notes or minutes from meetings in which the potential early delivery of National Petroleum Reserve Alaska assessment to the Secretary or Deputy Secretary was discussed.**

Response: The leadership within the Department has a responsibility to be knowledgeable about Interior information that will be released to the public. The Department's leadership has a responsibility to review data, draft reports or other publications. No Interior employee should ever alter data or act on confidential information, and this did not occur in the instance referenced in your question.

Questions from Rep. Young

1. **Please describe in detail any DOI resources or personnel that have been or might be directed toward activities in support of the National Ocean Policy. In doing so, please provide specific references to FY 2019 budget request line items, if any, that might be used to support DOI's continued participation in National Ocean Policy activities, and describe in detail DOI's completed and planned National Ocean Policy-related activities.**

Response: Interior is one of our Nation's principal stewards for our oceans, Great Lakes and coastal resources Interior supports and fosters the vital connections between our Nation's ocean and coastal resources and human health and economy. On June 19, 2018, President Trump signed an Executive Order "Regarding Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States," which revokes and replaces Executive Order 13547. The EO seeks to advance the economic, security, and environmental interests of the United States through improved public access to marine data and information, efficient Federal agency coordination on ocean related matters, and engagement with marine industries, the science and technology community, and other ocean stakeholders, including Regional Ocean Partnerships. This EO does not impose any regulatory requirements.

The order creates the interagency Ocean Policy Committee, which includes the Secretary of the Interior. The Order maintains and enhances the benefits the oceans, Great Lakes, and coastal water provide to economy, security, global competitiveness, and well-being of the United States. Domestic energy product from Federal waters strengthens the United States and reduces reliance on imported energy. Clean, healthy waters support fisheries that offer tremendous export opportunities and outstanding recreation opportunities for all Americans.

President Trump's Order maintains and enhances these and other benefits to the nation through improved public access to marine data and information, efficient interagency coordination on ocean-related matters, and engagement with marine industries, the science and technology community, and other ocean stakeholders, including supporting Interior, as a part of overall Federal participation, in regional ocean partnerships, to the extent appropriate and within statutory authorities.

2. **Given that this unnecessary and overreaching Executive Order conflicts with the current administration's priorities for job creation, economic growth, and reducing red tape and regulatory hurdles, what if any steps is DOI taking to review its participation in this unauthorized and unfunded initiative?**

Response: On June 19, 2018, President Trump signed an Executive Order, "Regarding Ocean Policy to Advance the Economic, Security, and Environmental Interests of the United States." This Executive Order revokes and replaces Executive Order 13547 establishing the National Ocean Policy. The EO is intended to advance the economic, security, and environmental interests of the United States through improved public access to marine data and information, efficient Federal agency coordination on ocean related matters, and engagement with marine industries,

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the science and technology community, and other ocean stakeholders, including Regional Ocean Partnerships. The EO does not impose any regulatory requirements.

3. **BLM finalized the Eastern Interior Resource Management Plan under the Obama Administration as part of BLM 2.0. This designated over 1 million acres of land as an “Area of Critical Environmental Concern” and over 362 thousand acres of the Fortymile region. This Congress overturned BLM 2.0 with a CRA, but the Eastern Interior Plan is still in effect. What is the Department of the Interior doing to overturn this plan so that it is no longer hurting the people who live in the Eastern Interior? What is the proposed timeline for overturning this plan?**

Response: The Eastern Interior Resource Management Plan has four sub-units, each covered by its own Record of Decision. The BLM is actively working with Doyon, Ltd., and Alaska Native Corporation, and the State of Alaska to convey selected lands within the Fortymile sub-unit. After the conveyances are completed, an updated land pattern would warrant a land use plan amendment.

4. **The Fish and Wildlife Service has claimed there are “data gaps” in wildlife studies in Alaska. I understand the BLM is collaborating with FWS to collect additional data, specifically involving polar bear counts and caribou migration patterns as they relate to the Ambler Road project. BLM has informed FWS that they do not have the budget of staffing capacity to conduct the necessary studies for Ambler, so FWS is providing the data. I am concerned that these “data gaps” are simply created by career bureaucrats to slow-walk development projects they don’t like.**
 - a. **Are the data gaps unique to Alaska or do they exist in the Lower 48, and what other projects could they effect?**
 - b. **Does BLM have the budget and personnel capacity to verify data provided by FWS?**
 - c. **Are additional data necessary for the EIS to move forward with permitting in the projects?**

Response: The Bureau of Land Management (BLM) is the lead federal agency for developing the Environmental Impact Statement for the Ambler Road project. Working with the U.S. Fish and Wildlife Service (FWS), there were no threatened or endangered species identified in the Ambler project area and we do not expect project-related activities to adversely impact listed species.

As part of scoping, the BLM and cooperating agencies are currently reviewing all data that has been provided for the Road to Ambler project. Once this review is complete, the BLM will be able to determine where data gaps may exist and to what extent they may impact the environmental analyses being prepared, if at all.

Other projects nationwide with a federal-nexus and subject to National Environmental Policy Act review are many and varied, and we are not able to speak generally to the type of information available or not available.

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The current EIS effort is adequately funded by the applicant only through scoping (including the data gap analysis and alternatives development). The BLM has provided the applicant with a budget to complete the EIS through to a Record of Decision and the BLM will refine this budget once the scoping is complete.

- 5. Fish and Wildlife is planning to increase the fees for use of the Iditarod Trail from \$10,000 to \$60,000, but the user fee increase only applies to Iditarod participants. Why is the increased user fee only applied to one user group instead of being spread out across all user groups?**

Response: All BLM special recreation permits for commercial use and organized group use of special areas, including those which occur on BLM-managed portions of the Iditarod National Historic Trail, are governed by national BLM policy which requires all permit holders to pay a maximum of 3% of their annual gross receipts. This amount is reduced by a 40% discount for time spent on non-public lands during the course of the event. As for the 2018 Iditarod Trail Sled Dog Race, the BLM continues to discuss the SRP fees with the Iditarod Trail Committee in order to determine the amount for the SRP on an annual basis.

Questions from Rep. Sablan

1. **Last year I brought to your attention that under the Office of Insular Affairs competitive system for Covenant Funds that originally all went to the Northern Marianas, my district now gets less than half the money. This deprives Saipan, the only U.S. municipality without 24-hour potable water, of needed infrastructure funds. In your written answer you said that the competitive evaluation criteria are evaluated and revised as necessary every five years. Can you explain the re-evaluation process to me and what year it will next take place? If you has occurred recently, what criteria was used and was this issue taken into consideration?**

Response: Following the statutory expiration of the Covenant funds provided to the Government of the Northern Mariana Islands, payments to Guam, the Virgin Islands, American Samoa, the Republic of Palau, the Federated States of Micronesia, the Republic of the Marshall Islands and the Commonwealth of the Northern Mariana Islands were directed towards capital infrastructure projects. The determination of the annual allocation is made on the basis of a set of competitive criteria that measure the demonstrated ability of the governments to exercise prudent financial management practices and to meet Federal grant requirements. The Office of Insular Affairs reevaluates the criteria for these funds every five years, the last time being in 2017.

2. **Last year we also discussed the long overdue Marianas Trench National Monument Management Plan that the Fish and Wildlife Service has been working on for nine years. In your written answer you stated FWS continues to work with its partners toward completion of the plan and that a number of steps have been taken to address or resolve important issues such as 2016 patent under the Territorial Submerged Lands Act. Can you tell me what has happened in the past year and when the draft Monument Management Plan, which was to be completed in 2011 under President Bush's proclamation, will be issued?**

Response: FWS has worked with partners (the Commonwealth of the Northern Mariana Islands (CNMI), National Oceanic and Atmospheric Administration - National Marine Fisheries Service, U.S. Coast Guard, and Department of Defense) to develop a draft Monument Management Plan and associated Environmental Assessment for the Marianas Trench Marine National Monument. To date, a number of steps have been taken to address or resolve important outstanding issues. FWS issued a patent under the Territorial Submerged Lands Act for CNMI's territorial waters in December 2016, and NOAA Fisheries has developed and published fishing regulations for the Islands Unit of the Monument. These actions address issues that are further discussed within the draft management plan.

3. **The Fish and Wildlife Service requests \$473 – a decrease of almost \$11 million – for management of National Wildlife Refuges. This includes decreases to wildlife and habitat management, visitor services, law enforcement and elimination of funding for refuge conservation planning. These cuts will surely ensure that American hunters, anglers, and other outdoor enthusiasts will have less access to sporting**

House Natural Resources Committee
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March 15, 2018

opportunities on public lands. Do you believe the proposed funding levels for Refuges are consistent with your vision of increasing access to America's public lands, while also managing and expanding the Refuge System to protect and enhance America's wildlife resources?

Response: Yes, funding for the operation and maintenance of the National Wildlife Refuge System is requested at \$473.1 million. The request ensures access to high-quality opportunities for all Americans to enjoy wildlife-dependent recreation, including wildlife photography, hunting, and fishing and maintain habitat and facilities across the refuge system. The request for the refuge system includes \$228.3 million for wildlife and habitat management. The request focuses resources on improving habitat conditions using tools such as controlled burns to combat invasive species, management of wetland habitats to benefit waterfowl and other populations, and support surrounding communities.

- 4. In my reply to your soliciting comments to your assist your review of the Marianas Trench National Monument under Executive Order 13792, I wrote about the promises made to the people of the Northern Marianas that remain unfulfilled. You have submitted recommendations to President Trump under that Executive Order. Can you clarify if there was a recommendation concerning the Marianas Trench National Monument included in your submission to the President? If a recommendation was included please include the text and any information regarding the review process and timing in terms of presidential decision-making.**

Response: Pursuant to Executive Order 13795, the Department of Commerce will lead the review of the Marine National Monuments in consultation with the Department of the Interior. The Secretary of the Interior provided no recommendations regarding the Marianas Trench Marine National Monument, which was included in the Department of the Interior's review under EO 13792. The Secretary of Commerce made recommendations to the President in October 2017, and the final action on these recommendations rests with the President.

Questions from Rep. Gallego

1. **Regarding the public comment period undertaken by the Interior Department in connection with the national monument review, did Interior analyze the approximately 2.8 million comments in totality to determine character of individual responses (i.e. quantify favorable vs. unfavorable or otherwise break down categories of response)?**
 - a. **If so, please provide the categories used and respective numbers or percentages relative to total comments received. If not included in your internal categories, please include the number or percent of comments favorable to maintaining existing monuments.**
 - b. **If not, how were public comments factored into the decision-making process without quantifying them?**

Response: In conducting the national monument review in accordance with the President's Executive Order 13792, I visited eight monuments in six different states and personally hosted more than 60 meetings attended by hundreds of local stakeholders. Attendees included individuals and organizations representing all sides of the debate ranging from environmental organizations like the Wilderness Society and the Nature Conservancy to county commissioners, residents and ranchers who prefer multiple use of the land. In addition, I made it a point to meet with members of Congress as well as Governors to receive input. These meetings and the public comments received were considered in formulating the final report submitted to the President in December, 2017.

2. **External sampling analyses reported a 99% rate of responses favorable to maintaining existing monuments. If the Department's analysis differs, how would you explain the divergence?**

Response: As noted in response to the previous question, public views were considered by holding meetings with local, state, tribal, and other elected officials; non-profit groups; and other stakeholders, as well as providing an online format for public comment. I also met with members of Congress as well as Governors to receive input. These meetings and the public comments received were considered in formulating the final report submitted to the President in December, 2017.

3. **Following the review, your memorandum to the President indicated that "Comments received were overwhelmingly in favor of maintaining existing monuments and demonstrated a well-orchestrated national campaign organized by multiple organizations." Did the Department undertake a quality control process that determined these comments resulted from a 'campaign?' Were these comments valued or considered differently than others?**
 - a. **If so, please explain how.**

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Response: In conducting the national monument review in accordance with the President's Executive Order 13792, I found that each monument was unique in terms of the object or objects used for justification, proclamation language, history, management plans, economic impact, and local support. I considered the views of local, state, tribal, and other elected officials; non-profit groups; and other stakeholders, as well as providing an online format for public comment. I also met with members of Congress as well as Governors to receive input. These meetings and the public comments received were considered in formulating the final report submitted to the President in December, 2017.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 11 2018

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

Dear Chair Murkowski:

Enclosed are responses prepared by the Department to the questions for the record submitted following Committee's June 5, 2018, oversight hearing regarding *the 2018 Wildland Fire Outlook and the Wildland Fire Management Programs at the Department of the Interior and the U.S. Forest Service*.

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 Maria Cantwell, Ranking Member
Committee on Energy and Natural Resources

U.S. Senate Committee on Energy and Natural Resources
June 5, 2018 Hearing: *The 2018 Wildland Fire Outlook and the Wildland Fire Management Programs at the Department of the Interior and U.S. Forest Service*
Questions for the Record Submitted to Mr. Jeff Rupert

Questions from Senator Mazie Hirono

Question 1: As I'm sure you are aware, as it has gained international attention, communities along the Lower East Rift Zone of Kilauea on Hawaii Island are currently dealing with an active lava flow. While we understand the direct impact of lava burning and destroying whatever it comes into contact with, there are side effects associated with a volcanic eruption that include the impacts of air pollution known as vog and ashfall on vegetation in surrounding areas. Does the Department of the Interior conduct research on how vog and ashfall could contribute to hazardous fuel loads and wildfire threats to communities near lava flows?

Answer: While the United States Geological Survey (USGS) and the National Park Service (NPS) have not yet conducted vog and ashfall research related to wildfire risks, they are monitoring and documenting the current sequence of events at Kilauea in coordination with the State of Hawaii. The eruption is very complex and dynamic and, in general, scientific resources are more engaged with aspects of the eruption that pose more immediate threats to life and property. With the eruptions at Kilauea scientists recognize the unique opportunity to address the question of the interaction of vog, laze and ashfall with wildfire. Currently, we're considering opportunities to work with our partners to capture data and information that will help us address this question.

Question 2: Last month the Department of the Interior announced that it awarded a Call When Needed contract to four companies that allows the Department to obtain contractor-operated and maintained drones to support wildfire management activities. However, the contract only covers the Contiguous 48 states and Alaska.

Given the challenging terrain throughout our islands, it seems that the option for additional drones would be very helpful to wildfire management activities. What led to this service not being available in the state of Hawaii? Are there challenges unique to Hawaii that prevented our inclusion in the contract and does the Department have future plans to expand the contract to cover all 50 states?

Answer: In FY 2017, there were no Department of the Interior (DOI) drone, or unmanned aircraft system (UAS), flights in Hawaii. In FY 2018, so far there have been more than 221 flights. The DOI UAS fleet in Hawaii has expanded to 14 aircraft on Hawaii, Maui, Oahu, and Molokai. The DOI drone program continues to support resource monitoring and emergency services at Kilauea with 12 aircraft from the fleet stationed on Hawaii. As you are aware, a DOI drone recently assisted with a search and rescue operation in an area adjacent to the eruption. This quick adaptation to both emergency and traditional resource monitoring needs is the hallmark of the DOI's growing UAS program.

The contract for the call when needed services is currently under modification to allow the vendors to deploy aircraft to Hawaii. This development will provide call when needed UAS support in all 50 states.

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Questions for the Record Submitted to Mr. Jeff Rupert

Questions from Senator Catherine Cortez Masto

Question 1: As you know, cheatgrass is an invasive, fire-prone plant that has a tendency to spread even more rapidly after a wildfire, displacing sagebrush, which is crucial habitat for sage grouse, and is important for ranching as well. Interior's "Sagebrush in Prisons" program, in which prison inmates cultivate sagebrush seedlings to be provided to public land management agencies to restore sage grouse habitat destroyed by wildfire and invasive cheatgrass, has had positive outcomes and has been met with positive feedback. In 2017, Nevada inmates cultivated 210,000 plants. However, the Administration seems to have suspended this program. What is the status of this program?

Answer: In FY18, the BLM expended \$330,000 of FY17 funds to support the Institute for Applied Ecology to run the Sagebrush in Prisons Program in 5 prisons in 3 states (NV, ID, OR). This is reduced from previous years which funded 11 prisons in 6 western states.

The BLM is working in a partnership with the Institute of Applied Ecology in support of the Sagebrush in Prisons Program. Currently, all agreements are being reviewed to ensure that they are an efficient tool for management of the public lands and that they properly follow the federal procurement process. This review is being conducted in coordination with each of our state offices. The Sagebrush in Prisons program is included in this review because it has been funded through agreements in the past.

A. Would it not be more expensive to cultivate sagebrush seedlings through other means?

Answer: Different sagebrush species grow in different environments, thus BLM provides locally adapted sagebrush seed for inmates to grow into seedlings. The other sources of sagebrush seedlings are state and federal nurseries in Idaho, Oregon, and Nevada.

B. What other measures are being undertaken to cut down on post-fire invasive species?

Answer: The BLM takes seriously the threat of invasive species following wildland fire. The following are some of the measures BLM is taking to limit the spread of invasive species:

- The BLM Plant Conservation & Restoration Program has established an ecoregional program for the Great Basin that is working to increase availability of native seed for restoration and rehabilitation (CA, ID, NV, OR, UT).
- BLM is working with Dr. Beth Leger (UNR) to investigate native forbs that can compete with cheatgrass. Preliminary results indicate that native plant populations are adapting to cheatgrass and these can be selected for commercial production.
- The BLM's weed and invasive species management program utilizes weed prevention, early detection and rapid response to reduce post-fire return in combination with invasive species inventory, treatments, restoration, and monitoring that includes fuels reductions,

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emergency fire stabilization, and coordinates weed treatments with private, state and county cooperators. The BLM uses an integrated pest management approach (IPM) using a combination of chemical, biological, mechanical and prescribed fire treatments.

Question 2: Nevada is a naturally fire-prone state which last year burned 1.2 million acres and has approximately \$10 billion in moderate to very high risk of potential community exposure to wildfire damage. Nevada has invested in research activities to better predict the risk of wildfire, address those risks with prevention strategies, use technology to fight fires, and analyze the threat to communities post-fire. Yet the President's budget continues to cut wildfire research programs through the U.S. Forest Service R&D accounts and the Joint Fire Science Program (JFSP), an innovative program specifically designed to perform and deliver research and recommendations at the land managers' request to help them combat wildfire conditions and effects. This program is directly responsive to their needs. How does this Administration plan to support research funding to provide decision-support for planning and operations in what is expected to be a significant wildfire year as well as in future years?

Answer: Working within budget parameters that are in-line with the President's priorities to reduce spending while increasing efficiency, the USGS and the Bureau of Land Management (BLM) continue to research fire risk in Nevada. In partnership, they are exploring the interrelationship of wildland fire risk, cheatgrass, and the sagebrush ecosystem. More broadly, wildland fire science partners, including the DOI, U.S. Forest Service, Department of Defense (DOD), NASA, Tribes, states, universities and non-government organizations, extensively collaborate to provide wildland fire science support for planning and operational decision-making.

- A. How are you coordinating these research activities between federal agencies and with academic partners, especially those in our Western States which have firsthand knowledge of wildfire?

Answer: National level coordination continues through the Wildland Fire Leadership Council, which includes fire management agencies in DOI and the Department of Agriculture, partners in the Department of Homeland Security, DOD and USGS, as well as representatives of state foresters, governors, local government and Tribes. At regional and local levels, the DOI's bureaus continue to coordinate closely with state and local governments, community groups and other stakeholders on mutual concerns or shared issues, often through the regional Fire Science Exchanges. Regarding Nevada, the "Integrated Rangeland Fire Management Strategy Actionable Science Plan" provides a common resource for federal, state and local governments, non-governmental organizations, and communities interested in addressing priority research needs. Within DOI, the USGS and BLM coordinate through regular communications at the staff level and through venues convened by regional organizations such as the Great Basin Consortium.

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Questions for the Record Submitted to Mr. Jeff Rupert

In addition, Federal scientists regularly collaborate on research projects with academic partners. The SageSTEP research program, initially established through JFSP funding, is an example of scientists from different federal agencies and universities studying the management of wildland fire, cheatgrass and sagebrush. They regularly meet at field and national levels with fire and land management programs to share research results on challenges of the sagebrush steppe and gain feedback from managers.

Question 3: How are you making use of other federal programs such as NOAA's Regional Climate Centers and inter-agency drought monitoring programs to help federal, state and local agencies and emergency planners better predict the incidence of wildfires?

Answer: The Predictive Services Unit of the National Interagency Fire Center relies extensively on NOAA and interagency drought monitoring efforts. During fire season, the Predictive Services Unit uses NOAA data to produce a monthly National Significant Wildland Fire Potential Outlook that is used by wildland fire managers to inform wildland fire management decisions and proactive strategies. Regional Predictive Services staffs within the Geographic Area Coordination Centers also coordinate with and rely on state and regional climate and drought monitoring centers.

Question 4: How are you supporting research to help communities that fall victim to wildfire better assess the potential risk of post fire emergency situations, such as flash floods and mudslides?

Answer: The DOI supports post fire risk research through a number of avenues. Monitoring and emergency stabilization efforts are initiated for large wildfires even while Incident Management Teams are actively managing an incident. Local and regional line managers decide if Burned Area Rehabilitation Teams should be deployed to conduct wildfire severity and post-fire risk assessments. USGS programs provide support to teams and communities that are addressing post-fire risks with information on burn severity, debris-flow risk assessments and monitoring, satellite imagery, flood potential assessments and stream flow (with existing stream gauge network, or add additional temporary gauges). Specialists use these tools in concert with NOAA weather information and warning systems, and hydrologic monitoring. USGS also leads extensive hydrologic, debris flow, and vegetation recovery research across Federal and State agencies. For example, researchers with Northwest Climate Science Center modeled future wildfire activity through 2050 and used these projections to produce an assessment of fire-induced soil erosion for the West.

Question 5: How can we make better use of Unmanned Aircraft Systems and other technologies to help predict and prevent fires and fight those fires when they occur? Where are monitoring and response operations lacking in utilizing the full extent of our technological and data sharing capabilities?

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Answer: The DOI's use of UASs to gather data for fire prediction models, weather forecasts, and real-time fire behavior during active fire suppression is a technological leap forward in using aircraft to support wildland fire management. The DOI's UAS program continues to explore the potential for quickly integrating new sensor technology to improve operational capabilities of UASs. The most recent example of this integration comes from emergency support for the Kilauea eruption where drones monitored the concentration of toxic gases with air sensors.

While the current drone program has grown to one of the largest, most diverse, and most successful domestic programs in the United States, it is still expanding. The DOI is preparing for field tests of UASs designed for use as an aerial ignition device for prescribed fire. This approach has the potential to increase effectiveness of fire management while reducing risks for fire managers on the ground. The DOI is also testing the feasibility of adding optionally piloted helicopters to its aerial support fleet. The same helicopters we already use for wildfire support would return to the helibase at the end of the day, get quickly reconfigured for remote flying, and then serve night operations while pilots rest. This means tripling the support these aircraft provide.

Question 6: The Department of the Interior is projecting a very strong probability for Northern Nevada to see wildfires early this summer. In what ways is the Interior coordinating with state firefighters?

- A. What are ways in which the Interior can improve coordination between other agencies and state partners?

Answer: The DOI improves coordination between wildland fire protection agencies as an ongoing process in the Great Basin. The fire program managers of the various state and federal agencies involved in wildland fire protection meet regularly as the Great Basin Coordinating Group. This group focuses on developing plans that ensure a coordinated approach for wildland fire protection within the Great Basin Geographic Area.

Annual operations procedures and plans guide Great Basin Multi-Agency Coordinating Group activities when unusual or critical fire activity and resource mobilization requires continuous, daily interaction between agencies. This ensures that decisions not covered in existing plans and guides are responsive to the priority interests of the geographic area as a whole.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP 10 2018

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

Dear Chairman Murkowski:

Enclosed are responses to questions received following the appearance of Susan Combs, Senior Advisor to Secretary Zinke, before your Committee at the July 19, 2018, hearing on the Secretary's efforts to modernize the Department of the Interior.

Thank you for providing the Department with the opportunity to respond to these questions.

Sincerely,

Legislative Counsel
Office of Congressional
and Legislative Affairs

Enclosure

cc: The Honorable Maria Cantwell
Ranking Member

Questions from Ranking Member Cantwell

Question 1: The Army Corps of Engineers Civil Works program operates and maintains about 700 dams nationwide. These dams simultaneously serve multiple purposes, including navigation, flood control, water supply, hydroelectric power generation, fish and wildlife conservation, and recreation.

The President's reform plan recommends splitting up these functions and transferring navigation functions to the Department of Transportation and flood control, hydropower, aquatic restoration, regulatory, and other functions to the Department of the Interior.

How would this work? How can a multipurpose dam's functions be separated and given to different agencies? At Bonneville Dam, for example, will the navigation lock be given to the Department of Transportation and the powerhouses and spill way be given to the Department of the Interior? How will putting two agencies in charge of different functions of the same project "facilitate the consideration of projects on a basis of comprehensive and coordinated development" as called for by the Flood Control Act of 1944, which authorized the Corps to build and operate multipurpose dams?

Response: The goal of the Administration's proposed realignment is to create efficiencies, increased certainty, and better alignment in federal program administration and policymaking. The more significant recommendations will require legislative action, and the Administration's proposals serve as a foundation for constructive dialogue on the implementation of such a realignment. With regard to this particular reform, the Administration believes that aligning and consolidating the Corps of Engineers civil works mission areas into the Department and the Department of Transportation will increase consistency in policy and actions in both transportation and natural resource management; result in more rational public policy outcomes; enable the broadest possible view of transportation and land and water management infrastructure; and lead to improved decision-making for federal investments.

Question 2: Secretary Zinke is not the first person to call for standard, uniform regions. Nearly 50 years ago, in 1969, President Nixon ordered five agencies engaged in social or economic programs (the Department of Labor, the Department of Health, Education, and Welfare, the Department of Housing and Urban Development, the Office of Economic Opportunity, and the Small Business Administration) to adopt standard uniform boundaries and field office locations. He originally called for 8 standard federal regions for these regions, which a few months later he increased to 10 standard regions. The Office of Management and Budget thought that this was such a good idea that, in 1974, it issued Circular No. A-105, which directed all domestic federal departments and agencies to adopt the standard federal regions and field office locations. Secretary Morton directed the Department of the Interior to comply with the OMB directive. But in 1995, OMB decided that standard federal regions were not necessary after all and rescinded Circular No. A-105. It said that "changes in the way the Federal Government manages resources; agency efforts to reduce duplicative levels of management and oversight; and expanded use of

technology to interact with the public makes a strict regional structure inefficient and unnecessary.”

What lessons were learned from the Department’s experience with standard regions in the 1970s?

Please provide the Committee with electronic copies of:

1. All decision documents and supporting studies and reports relating to Secretary Morton’s decision to adopt the standard federal regions for the Department of the Interior’s bureaus, services, and offices.
2. Any decision documents and supporting studies and reports relating to any exemptions (e.g., the Bureau of Indian Affairs) from Secretary Morton’s directive to adopt the standard federal regions.
3. All documents, studies, and reports relating to the efforts made by the Department’s bureaus, services, and offices to comply with the directive to align their regions with the standard federal regions, including any estimates of the cost of the realignment.
4. All decision documents and supporting studies and reports relating to the decision to abandon use of the standard federal regions by the Department’s bureaus, services, and offices following rescission of OMB Circular No. A-105.

Response: This Administration is moving to ensure that the federal government meets the needs of the 21st century. The government-wide effort to reform and reorganize the Executive Branch and Secretary Zinke’s efforts to modernize the Department derive from the inability of today’s federal government to provide the level of service and flexibility that the public expects. Today’s federal government operates much like it did 50 years ago - with outdated infrastructure, organizational constructs, and processes - despite dramatic changes in technology.

Question 3: The Administration is proposing to merge NOAA Fisheries, also known as the National Marine Fisheries Service, which is part of NOAA in the Commerce Department, with the Fish and Wildlife Service in the Department of the Interior in order to “consolidate the administration of the Endangered Species Act and Marine Mammal Protection Act in one agency....” Important as those functions are, they are not the sole purpose of NOAA Fisheries.

NOAA Fisheries is responsible for managing our multi-billion commercial fisheries as well as protecting endangered marine species.

Merging the commercial marine fisheries program with the Fish and Wildlife Service is not a new idea. It has been done before, by Franklin Roosevelt in 1939. But in 1970, in view of the increasing importance of our commercial marine fisheries, the Nixon Administration

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July 19, 2018

decided to merge the commercial fisheries program with other marine science and management programs in a single agency within NOAA. It was thought at the time that marine resource programs should be approached in a unified and coordinated way, and experience over the past 50 years has shown this to have been the correct decision.

What new evidence do you have that our commercial fisheries will be better managed if NOAA Fisheries is now merged under the Fish and Wildlife Service?

Response: The proposal contained in the Administration's report *Delivering Government Solutions in the 21st Century* recommends that NMFS be returned to the Department and merged into the U.S. Fish and Wildlife Service in order to consolidate administration of the Endangered Species Act and the Marine Mammal Protection Act. This would result in more consistent federal fisheries and wildlife policy and improved services to stakeholders and the public, particularly with regard to infrastructure permitting.

The proposal also aligns with Secretary Zinke's vision to take a more integrated interagency approach to natural resource management founded on science; reduce administrative redundancy and jurisdictional and organizational barriers that get in the way of making sound decisions informed by superior knowledge of local circumstances, make smarter use of resources; improve collaboration and coordination in government; and facilitate joint problem solving that is important and necessary to bring the Department into the 21st century. The hope is that the Administration's plan serves as a foundation for constructive dialogue and we look forward to working with Congress to see these proposals implemented.

Question 4: I assume the Interior Department undertook a cost-benefit analysis before proposing to reorganize the Department into new regions. But I am not aware that any of this analysis has been made public.

- **Has the Department completed a cost-benefit analysis on the proposed reorganization? If so, please provide the analysis and any other detailed justifications.**
- **What will be the total cost to reorganize the Department as the Secretary is proposing? How much do you project to save as a result of the reorganization?**
- **How many DOI employees will need to be relocated as a result of the reorganization? What will the total cost be to relocate employees? Will any employees be laid off? If so, how many?**

Response: We have not, at this stage, conducted a cost-benefit analysis, but continue to gather information that will give us more detail on both the costs and the benefits of the plan. We are assessing the Department's IT and procurements/acquisition functions, and are evaluating an internal study of the human resources management function. We expect that these efforts will provide us with additional information related to the costs and benefits of the Department's modernization. While we may consider the use of Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments, if authorized by OMB and the Office of Personnel

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Management, the Department has no plans to implement any Reduction in Force related to the reorganization.

Question 5: In addition to the proposal to reorganize the Interior Department into new regions, I understand that Secretary Zinke has also proposed establishing new Interior Regional Directors that would oversee all bureaus, and be in addition to each bureau's existing regional management organization. However, the Department's written testimony didn't mention the proposal for the new Regional Directors.

Is the Secretary still proposing to add Interior Regional Directors as a new level of management for each of the new regions? If so, please provide details on how the new Regional Directors will interface with the existing management organization for the Department and each bureau.

Response: As the unified regional boundaries are put in place, the intention is that Interior Regional Directors (IRDs) will be in charge of managing shared services and facilitating coordination on projects involving multiple bureaus within a region. As part of their facilitation role, IRDs would assist when necessary to resolve conflicts among bureaus. Existing chains of command will stay the same and all other specific bureau management will stay in place.

Senate Energy and Natural Resources Committee
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Questions from Sen. Wyden

Question 1: As my colleagues mentioned during the hearing, this proposed reorganization appears to be a solution looking for a problem. During Secretary Zinke's confirmation, I had cautioned him against spending valuable time and resources reorganizing. A reorganization such as what is proposed has the potential to end up with arbitrarily reassigned career staff. The Office of Inspector General has already taken issue with how senior managers were reassigned under Secretary Zinke's leadership, indicating the administration did not gather the information needed to make informed decisions about the reassignments, nor did it consistently apply its stated justification.

Please outline steps your agency will take to ensure transparency and retain existing subject matter experts and in-house experience should you pursue reorganization.

Response: The implementation of these new Unified Regions will be a ground-up approach that will tap into the expertise and experience of the Department's dedicated career civil servants. While the Department may consider the use of Voluntary Early Retirement Authority and Voluntary Separation Incentive Payments, if authorized by OMB and the Office of Personnel Management, we have no plans to implement any Reduction in Force related to the reorganization. No one will be forced to move.

Question 2: Climate change is one of the biggest challenges of our generation. To assist with planning, response and recovery, I'd like to reemphasize the importance of programs such as the DOI's Climate Science Centers. The Secretary currently oversees eight regional DOI Climate Science Centers, including an active center at Oregon State University.

How will you ensure that this reorganization does not create an interruption to ongoing climate change research and education at these eight centers?

Moreover, science is at the foundation of the DOI's mission.

What is the agency's plan to ensure that the Department's scientific integrity policies remain robust, reliable and at the forefront of the agency?

Response: The new boundaries should have little impact on operations in the field. The goal of the reorganization is to create mechanisms within the Department to streamline communications and inter-bureau decision-making at the local level. Organizing the Department's bureaus within common geographic areas will allow for more integrated and better coordinated decision making across bureaus and help streamline operations. Bureaus within a region will also be focusing on common issues, geographies, and landscapes, and thus taking a comprehensive approach instead of a bureau-centric approach from Washington, D.C.

With regard to scientific integrity, Secretary Zinke and the senior staff at the Department have been clear in their strong support of and respect for scientific integrity and the work that our

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scientists carry out at the Department and that support and respect will not be affected by this modernization.

Question 3: The Department of the Interior has experience managing federal lands and natural resources in freshwater and terrestrial areas of the United States, and familiarity with habitat conservation for freshwater fish species. However, the agency has very little, if any, experience managing the nation's marine resources.

Please outline how DOI assuming control of an entire marine fisheries management agency – the National Marine Fisheries Service – will lead to more effective and efficient fisheries management that benefits coastal commercial and recreational fisheries?

Response: The Administration's recommendation would move the National Marine Fisheries Service back into the Department and merge it into the U.S. Fish and Wildlife Service. This would result in more consistent federal fisheries and wildlife policy and improved services to stakeholders and the public, particularly with regard to infrastructure permitting.

Question 4: In May, the Status of U.S. Fisheries Report revealed the National Marine Fisheries Service's continued progress in rebuilding fishery stocks. It found that the number of stocks on the "overfished list" is at an all-time low and stocks on the "overfishing list" remain near all-time lows.

If the DOI is to assume control of the National Marine Fisheries Service, what specific steps will be taken to ensure that the recent rebuilding efforts continue and the economic health of coastal commercial and recreational fisheries communities is also supported?

Response: As indicated in the June report the Administration's proposals serve as a foundation for constructive dialogue on the implementation of such a realignment. However, the Administration believes that returning NMFS to the Department and merging it with the FWS would result in more consistent federal fisheries and wildlife policy and improved services to stakeholders and the public, particularly with regard to infrastructure permitting.

Question 5: During the hearing, Senators from both sides of the aisle raised concerns about tribal consultation. The process laid out focused on how you would neatly fit the tribes' feedback into your reorganization and check the box. Government to government consultation is more than just sending a letter and checking the box.

Please outline the steps the DOI will take to ensure robust tribal consultation during any attempted reorganization.

Response: The Office of the Assistant Secretary – Indian Affairs carried out consultation sessions at various locations throughout this summer, and tribes have been asked for their input on the unified regional boundaries and whether Indian Country should opt in by making changes to the existing Indian Affairs regions. The Department will review the information that tribes provide to determine the appropriate level of involvement of Indian Affairs programs.

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Questions from Sen. Hirono

Question 1: The Department of the Interior benefits immensely from the service of dedicated career staff who care deeply about carrying out the missions of the agencies and have on-the-ground knowledge of program effectiveness. How many career staff at the Departments of Energy did you or the OMB consult in preparing the plan released last month, and how did you conduct the consultation?

Response: Following the issuance of Executive Order 13781 in March 2017, Secretary Zinke began his internal review of the Department of the Interior's functions and structures. We defer to OMB and the Department of Energy with regard to the views of those agencies and the analysis and development of modernization plans for the Department of Energy. Overall, however, the proposals and recommendations in the Administration's June report were informed by input from each agency and the public on the best path forward to reorganize governmental functions within each agency. The report itself, issued by the Office of Management and Budget, represents the Trump Administration's collective analysis and recommendations from all departments and agencies for the structural realignment of the Executive Branch. We are continuing to seek feedback from employees, tribes and states.

Question 2: Which parts of the June 2018 plan affecting the Department of the Interior require legislative changes? Will you carry out the other parts of the plan even if Congress does not make the changes included in the plan?

Response: The more significant recommended changes in the June report, including consolidating and re-aligning certain civil works missions of the Army Corps of Engineers into the Department, will require legislative action. The hope is that the Administration's proposals serve as a foundation for constructive dialogue. We look forward to working with Congress to refine and prioritize these proposals for implementation.

Question 3: Will the reorganization proposal change the number of federal employees in the Department of the Interior, and, if so, what change do you expect?

Response: The Administration's realignment, announced in June, recommends bringing the National Marine Fisheries Service back into the Department and consolidating and re-aligning certain civil works missions of the Army Corps of Engineers into the Department. With regard to the Secretary's modernization effort within the Department, while we may consider the use of voluntary Early Retirement Authority and Voluntary Separation Incentive Payments if authorized by OMB and the Office of Personnel Management, the Department has no plans to implement any Reduction in Force related to the reorganization.

Questions from Sen. Alexander

Questions: I appreciate the Department of the Interior's efforts to improve efficiency and applaud efforts better align resources to be more responsive to states. In the current proposal to create twelve Unified Regions, the state of Tennessee would be in the North Atlantic-Appalachian region which does not include any other southern states. In nearly all of the current regional boundaries, the state of Tennessee is grouped with other southern states which has worked well. For example, Tennessee is in the Fish and Wildlife Service's Region 4 – the Southeastern region – and is in the National Park Service's Southeast Region – which has made it easier to coordinate. Also the Great Smoky Mountains National Park would be split between two different regions under the new Unified Regions proposal because North Carolina would be included the South Atlantic Gulf region and Tennessee would be in the North Atlantic-Appalachian region. As the Department looks to finalize the proposed regional boundaries for the twelve Unified Regions, I hope the Department will carefully consider whether Tennessee might need to be included in the South Atlantic Gulf region, which would keep responsibilities for the Great Smoky Mountains National Park within one region.

1. What are the benefits of including Tennessee in the same region as other southeastern states with similar climates, wildlife, and resources?
2. What are the benefits of having the Great Smoky Mountains National Park – the nation's most visited national park – included within one single region?

Response: The current map of the 12 unified regions includes Tennessee in the South Atlantic-Gulf region. Including Tennessee and other southeastern states with similar climates, wildlife, and resources within the same, unified region will allow for a stronger focus on ecosystem and watershed analysis with regard to that region. Organizing the Department's bureaus within common geographic areas will allow for more integrated and better coordinated decision making across bureaus and help streamline operations. Bureaus within a region will also be focusing on common issues, geographies, and landscapes, and thus taking a comprehensive approach instead of a bureau-centric approach. It will improve service delivery across the Department. For recreation, it will reduce complexity and empower decision-makers with a shared geographic frame of reference, making stakeholders' interactions with the Department easier and more accessible. For conservation, it will foster a collaborative approach, meaning more coordinated and timely management actions on our federal lands and resources. With regard to permitting, it will allow the same landscape, geography, and environmental factors to be taken into account.

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Questions from Sen. King

Question 1: Please supply before and after organizational charts of the Department of Interior that reflect the new changes that are intended for the Department

Response: With regard to the Secretary's modernization of the Department, we are continuing to seek feedback from employees, tribes and states, on the potential for improved services and opportunities for modernization. At this stage there are no proposed organizational charts, but each bureau is currently constituted with its own chain of command and statutory authorities and that will not change with the adoption of common regions. A copy of the map of unified regional boundaries and other information can be found at:

<https://www.doi.gov/employees/reorg/unified-regional-boundaries>.

Question 2: Why does the Interior Department feel that bringing the National Marine Fisheries Service into the US Fish and Wildlife Service is necessary?

Response: The proposal in the Administration's report *Delivering Government Solutions in the 21st Century* recommends that NMFS be returned to the Department and merged into the U.S. Fish and Wildlife Service in order to consolidate administration of the Endangered Species Act and the Marine Mammal Protection Act. This would result in more consistent federal fisheries and wildlife policy and improved services to stakeholders and the public, particularly with regard to infrastructure permitting.

Question 3: In dollar amounts, what specific savings will result from a merger of the NMFS and USFWS?

Response: We have not conducted a cost-benefit analysis on the Administration's proposal at this time. The hope is that the Administration's plan serves as a foundation for constructive dialogue. We look forward to working with Congress to see these proposals implemented.

Question 4: What do the relevant officials and experts at the Department of Commerce have to say about the potential for the NMFS merging with USFWS?

Question 5: What is Secretary of Defense Mattis' point of view on the proposed reorganization of the Army Corps of Engineers?

Response to Questions 4 and 5: While the Department defers to Secretary Ross and Secretary Mattis for their views on the Administration's proposal, the recommendations in the June report were informed by input from each agency and the public on the best path forward to reorganize governmental functions within each agency. The report itself, issued by the Office of Management and Budget, represents the Trump Administration's collective analysis and recommendations from all the Department and agencies for the structural realignment of the Executive Branch.

Questions from Sen. Duckworth

Question 1: The U.S. Department of Interior (DOI) is responsible for managing more than 600 million acres of public land and provides a diverse set of services from resource protection to recreation management. However, within the next five years, 40 percent of DOI's workforce will be eligible to retire and the Department may lose a staggering amount of institutional knowledge and subject matter expertise.

Rather than developing a comprehensive human capital plan, Secretary Zinke announced plans to eliminate 4,000 important jobs and attacked dedicated career civil servants by falsely claiming that a third of DOI's workforce is "not loyal to the flag" – and offensive and unfounded accusation against hard-working Americans. I am concerned by Secretary Zinke's contempt for our land management workforce.

As DOI continues to devote resources towards Secretary Zinke's push to eliminate agency positions, please provide the cost-benefit analysis and economic impact analysis that DOI produced to justify its efforts to eliminate thousands of good paying American jobs.

Response: The Department's 2019 budget request maintains core functions important to the American people and supports transformation the Department needs to accomplish more effective management over the next 100 years. While we may consider the use of voluntary Early Retirement Authority and Voluntary Separation Incentive Payments, if authorized by OMB and the Office of Personnel Management, the Department has no plans to implement any Reduction in Force related to the reorganization.

We continue to gather information that will give us more detail on both the costs and the benefits of the plan. We are also assessing the Department's IT and procurements/acquisition functions, and are evaluating an internal study of the human resources management function. We expect that these efforts will provide us with additional information related to the costs and benefits of the Department's modernization.

Question 2: In 2013, the U.S. Government Accountability Office (GAO) examined your proposal to merge the U.S. National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (FWS). While the report found both benefits and drawbacks associated the proposal, GAO concluded that the drawbacks of combining the two offices outweighed the benefits. NMFS heavily relies upon the National Oceanic and Atmospheric Administration for legal services, law enforcement, research and programmatic connections. The report further states that "a major reorganization unavoidably disrupts agency programs in the short term. Some officials and stakeholders estimated that such disruptions could last for as long as 5 or 10 years." The GAO report also highlighted "that even a 1-year disruption in approving fishery management plans would cause problems for the industry."

Instead of causing upheaval, disruption and uncertainty through a major reorganization at DOI, GAO suggested there are steps component agencies should take to improve efficiency

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and coordination. For instance, three of NMFS and FWS share the same field offices and the two Agencies' realigned regulations, policies and guidance for implementing the Endangered Species Act to be more consistent.

Please provide the Committee with all the analysis DOI conducted and produced to determine the estimated cost of merging NMFS and FWS, how much time would be diverted from fulfilling programmatic goals and the impact in terms of disruption in services and management during and after the transition. In addition, please confirm whether DOI is committed to maintaining the funding levels for NMFS and FWS despite increased competition for budgetary resources.

Response: The proposal contained in the Administration's report *Delivering Government Solutions in the 21st Century*, recommends that NMFS be returned to the Department and merged into the U.S. Fish and Wildlife Service in order to consolidate administration of the Endangered Species Act and the Marine Mammal Protection Act. This would result in more consistent federal fisheries and wildlife policy and improved services to stakeholders and the public, particularly with regard to infrastructure permitting.

The proposal also aligns with Secretary Zinke's vision to take a more integrated interagency approach to natural resource management founded on science; reduce administrative redundancy and jurisdictional and organizational barriers that get in the way of making sound decisions informed by superior knowledge of local circumstances, make smarter use of resources; improve collaboration and coordination in government; and facilitate joint problem solving that is important and necessary to bring the Department into the 21st century. The hope is that the Administration's plan serves as a foundation for constructive dialogue and we look forward to working with Congress to see these proposals implemented.

Questions from Sen. Cortez Masto

Question 1: The Administration's budget allocates \$18 million to begin the process of reorganization of the Department of the Interior along 13 different regional offices, yet the Department has provided little information to Congress and little opportunity for Congressional offices to weigh in on any proposals. Will you commit to providing timely information to this committee in its entirety as well as to the offices of all those states impacted by this decision, regardless of party?

- A. What studies or analyses has been done in order to determine if there are needs for reorganization?
- B. Have any analyses been prepared on how the proposed changes will correct identified needs?
- C. Do you have any analyses on how much this will cost?

Response: Over the past year, the Department has met with hundreds of organizations and stakeholders; has met with, testified before, and briefed Members of Congress; and has held consultations sessions in Indian Country in an effort to gather input on the current proposal to migrate the Department to 12 unified regions. We are not, at this stage, in a position to estimate the total costs of the proposed reorganization because we are taking a flexible iterative approach to implement the reorganization, which allows us to fine-tune our approach to the situation in particular regions.

We are continuing to gather information that will give us more detail on both the costs and the benefits of the plan, including assessing the Department's IT and procurements/acquisition functions and evaluating an internal study of the human resources management function. Our data collection will focus on the use of shared services and inter-bureau coordination efforts and will help ensure that the eventual nationwide implementation of these unified regions will have considered the full complexity of our operations and is sensitive to regional differences. We look forward to continue working with all interested Members of Congress.

Question 2: The proposal to establish boundaries beyond state borders has been met with confusion and concern from both states and stakeholders (per letters and comments received by Western Energy Alliance, Western Governors Association, Nevada Association of Counties, and Nevada Farm Bureau, in particular). What has Interior done to engage these stakeholders, and what has been done to address their concerns? How has the plan been changed to adapt to what has been brought to you by these stakeholders?

- A. What are your future plans for state and stakeholder consultation on the proposed boundary changes?

B. How did the Interior evaluate the proposal's impact on the ability of its bureaus and agencies to consult and coordinate with those states that are split into multiple management areas?

Response: The Department has met with hundreds of organizations on multiple occasions to gather input on this proposed reorganization, including from Department staff, Congress, governors, tribes, and stakeholders. Many provided valuable input on the Secretary's proposal. We heard from the overwhelming majority during those discussions the importance of following state lines, and that is reflected in the map of the 12 unified regions. Our efforts will focus on the use of shared services and inter-bureau coordination efforts and will help ensure that the eventual nationwide implementation of these unified regions will have considered the full complexity of our operations and is sensitive to regional differences. We look forward to continue working with Congress.

While the Department has not established a schedule for public meetings, we have been clear in our intention to continue to work with Department staff, Congress, governors, tribes, and stakeholders. For those projects, agreements, or plans that are split between two or more regions, the region that is designated the lead region will be the one whose staff and expertise is best positioned to bring the activity to a successful completion.

Question 3: Nevada contains the highest percentage of public lands in the United States. Why not give Nevada its own Region instead of pairing it with California and lopping off the bottom?

Response: Instead of focusing on individual states, organizing the Department's bureaus within common geographic areas will allow for more integrated and better coordinated decision making across bureaus and help streamline operations. Bureaus within a region will also be focusing on common issues, geographies, and landscapes, and thus taking a more comprehensive approach. Because of the Colorado River's importance to Clark County, we propose to include it in the Lower Colorado unified region.

Question 4: Adding the proposed reorganization changes from the government-wide reorganization effort recently put forward by the Administration, it appear that the Interior would gain programs from other departments and lose some authorities to other agencies. Considering that Secretary Zinke has been talking about the Department's own reorganization plan since early last year, was Interior consulted prior to the release of the government-wide plan?

- A. How much was Interior involved?
- B. Were relevant stakeholders consulted?
- C. Particularly in regards to environmental clean-up effort that would be transferred to EPA, how would this affect Tribal communities?

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a. Were they previously consulted?

Response: The President's Executive Order 13781 directed the Office of Management and Budget to propose a plan, informed by input from each agency – including the Department, the public, and our stakeholders, on the best path forward to reorganize governmental functions within each agency. That Executive Order resulted in the development and issuance of the report, *Delivering Government Solutions in the 21st Century*, which contained recommendations to realign responsibilities from several agencies and the Department, including bringing the National Marine Fisheries Service back into the Department; consolidating and re-aligning certain civil works missions of the Army Corps of Engineers into the Department; and consolidating portions of the environmental cleanup programs at the Department into the Environmental Protection Agency's Superfund program. These proposals are intended to improve the management and regulatory processes that these agencies carry out.

Regarding the consolidation of environmental cleanup programs, the Administration believes it would give project managers greater control over cleanup work, and the affected states, tribes, and communities surrounding these sites would have a single point of contact for raising concerns. Many of the proposals in the report establish a vision for the Executive Branch that will require further exploration and partnership with the Congress.

Question 5: Do you believe that the creation of new administrative regions would create an additional layer of bureaucracy for local governments and stakeholders to navigate, increasing confusion and decision-making backlogs?

- A. How will this proposed reorganization ensure that local government and stakeholders have more of a voice in federal land use decisions?**

- B. Taken in a broader context with your recently proposed budget that proposes funding cuts to all agencies and also eliminates a few thousand positions, it really sounds more like you are tightening a grip on local managers through having less resources, while consolidating decision-making authority in the hands of just a few people with more direct access to the Secretary's office. Please tell me how you think this would not be the case.**

Response: The reorganization will create mechanisms within the Department to streamline communications and inter-bureau decision-making at the local level. Organizing the Department's bureaus within common geographic areas will allow for more integrated and better coordinated decision-making across bureaus and help streamline operations. Bureaus within a region will also be focusing on common issues, geographies, and landscapes, and thus taking a comprehensive approach instead of a bureau-centric approach from Washington, D.C. For recreation, these changes will reduce complexity and empower decision-makers with a shared geographic frame of reference, making stakeholders' interactions with the Department easier and more accessible. For conservation, they will foster a collaborative approach, meaning more coordinated and timely management actions on our federal lands and resources. With regard to permitting, they will allow the same landscape, geography, and environmental factors to be taken

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into account. These changes will make collaboration on all of these issues simpler and the process more efficient.

Question 6: What is Interior going to do make sure its consultation with Indian Tribes is meaningful and that Indian Tribes actually have a say in Interior's decision?

- A. Can you describe what consultation has been made thus far with Tribes?**
- B. How will Tribes factor into this process and what benefits do you expect they will see from this process?**
- C. The Bureau of Indian Affairs (BIA) budget includes \$900,000 to support the DOI reorganization effort. What exactly is this amount of money to be used for?**

Response: The Office of the Assistant Secretary – Indian Affairs carried out consultation sessions at various locations throughout this summer, and tribes have been asked for their input on the unified regional boundaries and whether Indian Country should opt in by making changes to the existing Indian Affairs regions. The Department will review the information that tribes provide to determine the appropriate level of involvement of Indian Affairs programs. The requested \$900,000 would facilitate Indian Country's participation in the unified regions, should that be the result of the ongoing tribal consultations.

Questions from Sen. Smith

Question 1: For purposes of the reorganization, the Interior Department is describing its core functions as “Conservation, Recreation and Permitting.” Tribal government leaders are concerned that treaty rights and the trust responsibility are also a core function of Interior, and have been since Interior was founded in 1849. How can we make sure that the obligations to tribes are included among the core functions as Interior considers reorganization?

Response: We anticipate that the unified regions might strengthen and certainly would not weaken the Department’s ability to serve the tribes. The Office of the Assistant Secretary – Indian Affairs is currently leading a process of consultation with Indian tribes regarding this proposed reorganization. Consultation sessions occurred at various locations throughout this summer, and tribes have been asked for their input on the unified regional boundaries and whether Indian Country should opt in by making changes to the existing Indian Affairs regions. The Department will review the information that tribes provide to determine the appropriate level of involvement of Indian Affairs programs.

Question 2: Tribal consultations regarding the proposed reorganization have focused on Bureau of Indian Affairs, but tribal interactions with Interior are broader in scope. For instance, Tribes have water agreements with the Bureau of Reclamation, endangered species management with Fish & Wildlife, and drilling permits, fire management and other interactions with non-BIA agencies. How will Interior ensure that tribes’ interests are incorporated into the entire DOI reorganization and not just with respect to the Bureau of Indian Affairs?

Response: Each bureau is currently organized with its own chain of command and statutory authorities and that will not change with the adoption of common regions. We are continuing to seek feedback from employees, tribes, and states on the unified boundary concept and the potential for improved services and opportunities for modernization. We have encouraged tribes, when broader issues have been raised, to provide comments that will be considered as we move forward.

Question 3: Tribes are encouraging Interior to use the reorganization to establish an Under Secretary for Indian Affairs position. An Under Secretary would report directly to the Secretary, and supervise and coordinate activities with the BIA and with the non-BIA agencies and bureaus. Will you encourage the Secretary to consider establishing the Under Secretary position as a part of the reorganization?

Response: The Department will review the comments and information collected in Indian Country and determine the appropriate level of involvement of Indian Affairs programs.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240
SEP 10 2018

The Honorable Fred Upton
Chairman
Subcommittee on Energy
Committee on Energy and Commerce
House of Representatives
Washington, D.C. 20515

Dear Chairman Upton:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's June 7, 2018, oversight hearing on "Improving the Hydropower Licensing Process."

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 Bobby Rush
Ranking Member

QUESTIONS FOR THE RECORD
Submitted to Greg Sheehan, Principal Deputy Director
U.S. Fish and Wildlife Service
“Improving the Hydropower Licensing Process”
House Energy and Commerce Subcommittee on Energy
June 7, 2018

The Honorable Fred Upton

1. On August 15, 2017, President Trump signed Executive Order 13807, which established the "One Federal Decision" policy for Federal review of major infrastructure projects and set a goal for completing reviews and authorizations within two years. On April 10, 2018, a Memorandum of Understanding (MOU) outlining a framework for implementing the E.O. became effective.

a. Please describe how the E.O will be implemented for hydropower projects.

Response: Executive Order 13807 includes a framework to coordinate environmental reviews and authorizations under one lead agency, facilitating improved coordination and timely decisions. This April, the federal agencies involved in the permitting process, including the Department of the Interior, signed a MOU setting out goals under the One Federal Decision framework to implement the executive order and fulfill the President’s goal of completing Federal environmental review and permitting decisions for major infrastructure projects within two years, on average.

The One Federal Decision policy is complementary to current law for the licensing of hydropower projects. Under current law, the Federal Energy Regulatory Commission (FERC) is the lead agency for conducting analyses of proposed hydropower licensing projects pursuant to the National Environmental Policy Act (NEPA) and issuing licenses, exemptions, or amendments. FERC’s regulations at 18 CFR §5 outline the procedures of its Integrated Licensing Process (ILP), which shares the One Federal Decision objective of establishing cooperative relationships for the timely processing of environmental reviews and authorization decisions. For example, through its ILP, FERC develops a preliminary schedule for expeditious processing of a license application, similar to the Permitting Timetable required under One Federal Decision. Also, the pre-application phase of FERC’s ILP provides for early involvement in the process by all stakeholders, similar to the preliminary project planning contemplated in One Federal Decision. The Service will continue to work with FERC to complete its reviews relative to FERC hydropower projects to meet the expectations of One Federal Decision.

2. FERC provided the Committee with a table with information regarding cases where FERC staff has completed its environmental review and is currently waiting for an action to be completed by another agency before FERC can issue a decision on a project (See Table 1).

a. Please describe the status of each of the pending proceedings.

Response: Please see attached table for information on those projects in which the Service is engaged.

b. Please describe your consultations with FERC and any steps taken by your agency to complete the action.

Response: Please see attached table for information on those projects in which the Service is engaged.

3. Please explain generally how the Fish and Wildlife Service evaluates the threat of invasive species when making decisions on hydropower licenses, including the prescription of upstream and downstream fish passage.

Response: The Service recommends instream surveys at each proposed hydroelectric project to determine the presence of any invasive species either upstream or downstream of the project dam. If an invasive species is present, the Service evaluates and compares the value of providing passage to the target species with the potential risk and effects of expanding the range of invasive species. Depending on the species involved, it may be possible to provide a type of passage that will only pass the target species and not the invasive species. When the threat of spreading invasive species is high, the Service may decide not to prescribe fish passage. In those cases where invasive species are already either upstream or downstream of a dam, the Service considers the value of providing passage to all species, particularly if there is a greater benefit for all aquatic species, such as mussels.

4. Section 5 of H.R. 3043, the "Hydropower Policy Modernization Act of 2017," contains a provision that requires consideration of the threat of invasive species in prescribing a fishway under Section 18 of the Federal Power Act.

a. Please explain how the Fish and Wildlife Service would implement this requirement.

Response: Where possible, the Service would prescribe fishways designed to selectively move target species without providing passage for invasive species. This is possible where the passage criteria (e.g., velocity, height, width depth, seasonality, water temperature, diel timing, etc.) for target and invasive species do not materially overlap. Such passage criteria are based on industry standard practices, accepted design methodologies, and the best available science.

Where it is not possible to implement designs that prevent invasive species movement while simultaneously providing passage for target species, the Service would prescribe

fishways that integrate trapping and sorting facilities. Trapping and sorting facilities provide licensees/state agencies with the ability to identify, screen out, and euthanize invasive organisms to ensure that only target species are moved through the fishway. Trapping and sorting procedures are codified in a project's comprehensive "Fishway Operating Plan" or in a separate "Invasive Species Control and Prevention Plan."

b. Would any changes to existing guidance or regulation be necessary?

Response: No, existing guidance and regulations would not need to be changed.

c. How would this requirement affect renewals and extensions of existing licenses?

Response: The Service does not believe that this requirement would have an effect on relicensings or potential license extensions, both of which are under FERC's purview.

The Honorable Cathy McMorris Rodgers

1. The Federal Power Act provides "mandatory conditioning authority" to your departments over fish passage at FERC-licensed hydropower projects. I am concerned by reports of agency staff using this authority in an effort to force concessions - rather than conduct fact-based analysis on project effects, and without considering other project benefits. For example, license applicants report agency staff requiring fish passage that could cost ratepayers tens of millions of dollars, even if the target species is healthy, or where very few individuals are present in the watershed.

Understanding that the Services' primary stewardship is for species and habitat management, isn't it reasonable to expect the agencies to understand the full range of impacts that their conditions have on the various other public uses and benefits of these projects -such as renewable power generation, water supply and irrigation, grid reliability and security, and public recreation?

Response: The Service aims to be judicious when using its mandatory conditioning authorities, only issuing prescriptions when we have substantial justification that conservation measures would have a significant benefit for fisheries and other trust resources. If we believe that fisheries would benefit from a fishway prescription, but do not have enough information at the time we are developing recommendations and prescriptions to file with FERC, we will reserve this authority and revisit possible fishway prescriptions at a later date when more information on that waterway has become available. Since 2000, the Service has prescribed fishways at approximately one-fourth of the projects where it has engaged in FERC's relicensing process.

The Service seeks to conduct as much of our review process as possible in concert with other entities, including stakeholders interested in power generation, water supply, grid

reliability, recreation, and the many other affected sectors. Oftentimes, the prescriptions are developed as a part of a settlement negotiation process, through which interested parties consider and discuss the costs of various proposed measures, and any potential effects to energy production. In developing our prescriptions, as well as the other conservation measures that we recommend to FERC, we engage with our partner agencies, license applicants, and other stakeholders to ensure that there are no surprises in our final prescriptions or recommendations. Pursuant to Section 4(e) of the Federal Power Act, FERC must balance the need for power with the need to protect, mitigate damage to, and enhance fish and wildlife (including related spawning grounds and habitat) as well as protect recreational opportunities, and preserve other aspects of environmental quality.

FERC Projects Requiring U.S. Fish and Wildlife Service Action

Updated: August 30, 2018

Project Number	Project Name	State	NEPA Completed	Current FWS Status
2086	Vermilion Valley	CA	5/3/2004	The U.S. Fish and Wildlife Service (Service) is working with the applicant, Southern California Edison (SCE), and anticipates concurring with FERC’s determination that proposed project, as well as five other projects associated with it (FERC Project Nos. 2174, 67, 120, 2085, and 2175), will not adversely affect any Endangered Species Act (ESA)-listed species or critical habitat. Service staff met with SCE twice and discussed potential conservation measures for the Yosemite toad and Sierra Nevada yellow-legged frog. The Service received draft conservation measures from SCE on June 19, 2018, to which we responded with clarifying questions. The Service is awaiting SCE’s response. We anticipate resolving outstanding issues and issuing a letter of concurrence to FERC before the end of 2018.
2174	Portal	CA	4/27/2016	The Service is working with the applicant, SCE, and anticipates concurring with FERC’s determination that proposed project, as well as five other projects associated with it (FERC Project Nos. 2086, 67, 120, 2085, and 2175), will not adversely affect any ESA-listed species or critical habitat. Service staff met with SCE twice and discussed potential conservation measures for the Yosemite toad and Sierra Nevada yellow-legged frog. The Service received draft conservation measures from SCE on June 19, 2018, to which we responded with clarifying questions; we are awaiting SCE’s response. We anticipate resolving outstanding issues and issuing a letter of concurrence to FERC before the end of 2018.
1971	Hells Canyon	ID/OR	8/31/2007	Completion of consultation is awaiting finalization of a Salmon Passage Agreement by the states of Oregon and Idaho.
67	Big Creek 2A, 8, and Eastwood	CA	3/13/2009	The Service is working with the applicant, SCE, and anticipates concurring with FERC’s determination that proposed project, as well as five other projects associated with it (FERC Project Nos. 2086, 2174, 120, 2085, and 2175), will not adversely affect any ESA-listed species or critical habitat. Service staff met with SCE twice and discussed potential conservation measures for the Yosemite toad and Sierra Nevada yellow-legged frog. The Service received draft conservation measures from SCE on June 19, 2018, to which we responded with clarifying questions; we are awaiting SCE’s response. We anticipate resolving

				outstanding issues and issuing a letter of concurrence to FERC before the end of 2018.
120	Big Creek 3	CA	3/13/2009	On September 18, 2008, SCE requested consultation on the potential effects to valley elderberry longhorn beetle from FERC relicensing of Big Creek 2A, 8, and Eastwood; Big Creek 1&2; Big Creek 3; and Mammoth Pool projects. The Service completed the consultation on December 16, 2008 (TAILS # 81420-2009-I-0238). No other consultation request for Big Creek 3 has been received by the Service.
2085	Mammoth Pool	CA	3/13/2009	On September 18, 2008, SCE requested consultation on the potential effects to valley elderberry longhorn beetle from FERC relicensing of Big Creek 2A, 8, and Eastwood; Big Creek 1&2; Big Creek 3; and Mammoth Pool projects. The Service completed the consultation on December 16, 2008 (TAILS # 81420-2009-I-0238). No other consultation request for Mammoth Pool has been received by the Service.
2175	Big Creek 1 and 2	CA	3/13/2009	The Service is actively working with the applicant, SCE, and anticipates concurring with FERC's determination that proposed project, as well as five other projects associated with it (FERC Project Nos. 2086, 2174, 67, 120, and 2085), will not adversely affect any ESA-listed species or critical habitat. Service staff met with SCE twice and discussed potential conservation measures for the Yosemite toad and Sierra Nevada yellow-legged frog. The Service received draft conservation measures from SCE on June 19, 2018, to which we responded with clarifying questions; we are awaiting SCE's response. We anticipate resolving outstanding issues and issuing a letter of concurrence to FERC before the end of 2018.
2079	Mid-Fork American	CA	2/22/2013	The Service and the applicant, Placer County Water Agency (PCWA), reached agreement on avoidance measures. PCWA has not indicated when they will complete the Biological Assessment. ESA consultation completed.
2266	Yuba Bear	CA	12/19/2014	The Service is currently working with the applicant, Nevada Irrigation District (NID), on this project. Service staff are reviewing project information, including management plans and other documents, to complete our analysis. NID indicated needing to resolve issues with NOAA Fisheries prior to concluding ESA consultation with the Service. Service staff continue to review project information, including additional project information received in August 2018. Service staff have requested a meeting with NID to discuss proposed conservation measures. We anticipate completing consultation by end of summer 2018.

2310	Drum Spaulding	CA	12/19/2014	The Service contacted the applicant, Pacific Gas and Electric Company (PG&E) in late 2017. At that time, PG&E indicated it did not have staff to work on the project. PG&E recently informed the Service that it had hired a project manager and we anticipate completing consultation shortly after PG&E's new project manager engages with us.
2179	Merced	CA	12/4/2015	Depending on potential workload conflicts, the Service anticipates completing consultation on this project fall 2018.
2467	Merced Falls	CA	12/4/2015	Depending on potential workload conflicts, the Service anticipates completing consultation on this project fall 2018.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

SEP - 5 2018

The Honorable Lisa Murkowski
Chairman, Committee on Energy and Natural Resources
U.S. Senate
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed are responses prepared by the U.S. Geological Survey to the questions for the record submitted following the July 17, 2018, oversight hearing before your Committee to examine the Department of the Interior's final list of critical minerals for 2018 and opportunities to strengthen the United States' mineral security.

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

Sincerely,

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

Enclosure

cc: The Honorable Maria Cantwell, Ranking Member
Committee on Energy and Natural Resources

Questions from Senator Mike Lee

Question 1: China dominates global rare earth element production and the US is 100% import-dependent on those elements. In addition to traditional REE deposits in the US, tell us what you think about opportunities to recover/extract rare earths from waste piles/historic tailings in the US? What would it take to develop this source of supply? What are the most common obstacles to development?

Response: Rare earth elements occur in many types of deposits, including tailings from mining operations and other waste streams. Research to understand the concentrations at different sites, the mineral phases in which the materials reside, and how to extract and concentrate them is needed to evaluate the economic viability of any particular source. Obstacles include low concentrations, the costs of extraction and concentration, and the lack of technologies that can economically extract critical metals from mine wastes, mine waters, and mill tailings.

Question 2: I'm curious about electronic, or "eWaste," as a source of critical minerals, especially as our society becomes increasingly dependent on technology. What will it take to develop this source of critical minerals?

Response: Increased focus is needed on recycling technologies and processes like extraction, concentration, and economic feasibility, but an even more fundamental issue is the lack of effective programs for the collection of end-of-life electronics so they can be recycled. Other countries such as Japan and China are much further along in the development of technologies and processes to recover critical metals from electronic waste. However, at least one western company, Belgium-based Umicore, is successfully demonstrating the economic viability of recovering critical metals from eWaste, today.

Questions from Senator Joe Manchin III

Question 1: Why is the USGS listing Scandium separately from the rare earth element group in the list of 35 mineral commodities?

Response: Scandium, along with yttrium, is often included with the lanthanide elements as rare earth elements (REE's), but scandium does not always behave the same way in natural systems as the other REE's. There are deposits at various stages of development that contain scandium in economic quantities, but not other REEs. Also, it is worth noting that an important use of scandium is as an alloy with aluminum, whereas the uses of REE's are primarily related to their use in electronics and in magnets.

Question 2: Does the USGS consider Yttrium to be a rare earth element?

Response: Yes. The behavior of yttrium in natural systems is very similar to heavy rare earth elements.

Questions from Senator Catherine Cortez Masto

Question 1: The U.S. Geological Survey (USGS) updated its 1973 critical minerals report in a remarkably short period of time last year. I think it is important that USGS accurately noted that mineral deemed critical today might not be so in the future—and vice versa. Can you provide some further insight on how each of the mineral commodities were evaluated so quickly?

- A. How did the Administration come to determine that thirty-five minerals were critical, when USGS originally proposed just twenty-three?

Response: USGS Professional Paper 1802 was published in December 2017, however this publication was several years in the making. The 23 minerals included were viewed as critical to a broad range of existing and emerging technologies, renewable energy, and national security at the time USGS began the report. However, the selection of minerals was not intended to constitute an exhaustive or authoritative list of critical minerals. Each of these 23 mineral commodities is on the 2018 final list of critical minerals, except for selenium, which is important to energy-efficient windows and thin-film photovoltaic cells but did not meet the criteria for critically used in generating the list. The critical minerals list published by the Department of the Interior in April 2018 was in direct response to Executive Order 13817, which identified import reliance as a source of strategic vulnerability and provided a specific definition of a critical mineral for the purposes of developing a whole-of-government response. The Department of the Interior was able to quickly produce this list of 35 critical minerals because of the support of the interagency group operating under the auspices of the National Science and Technology Council Subcommittee on Critical Minerals. This group has been focused on the critical minerals issue for several years.

- B. Essentially, what was the rationale that was used in determining what is critical, and what is not critical?

Response: Importance to U.S. economic and national security interests and risk of disruption of supply. There were two primary quantitative criteria, the country concentration of production, and the import reliance for the United States, both of which rely on USGS data.

- C. Is there a process for re-evaluating and amending the list?

Response: The initial evaluation process included a public comment period. It is anticipated that the list will be re-evaluated and updated periodically through an objective and transparent process but the frequency has not yet been set.

Question 2: How, exactly, would the production of political minerals be increased?

- A. Would a focus on critical minerals be at the detriment to the domestic mining of non-critical minerals?

Response: No. A number of minerals that are not on the critical minerals list are important for the US economy and have a robust domestic mining capacity and production. There is no reason to believe that these would be impacted by an increased focus on critical minerals.

Question 3: As you are aware, the production of any mineral begins with, and is dependent on, the exploration for and discovery of that mineral. What specifically will be done to encourage exploration for new sources of minerals?

Response: Section iv. of the Executive Order report requires a plan for improving the topographic, geologic, and geophysical mapping of the United States. The USGS has developed recommendations in response to this direction. Improved topographic, geologic, and geophysical mapping can result in fundamental, baseline, regional information at a scale useful to facilitate exploration by the private sector. Such data are already available for other mining jurisdictions such as Canada and Australia, where environmental standards are comparable to those in the U.S.

Question 4: The Administration's list of recommended critical minerals included minerals beyond those that have been recommended by other scientific bodies, such as the American Physical Society and the Material Research Institute. Could a more expansive list jeopardize efforts to focus on securing truly rare and critical minerals?

Response: The critical minerals list will need to be prioritized and a strategy for how to best mitigate the strategic vulnerabilities of individual minerals developed. Each mineral has unique characteristics with regard to geologic occurrence, exploration, extraction, and processing.

- A. Considering that supply is an issue with these materials, what is the rationale for some of the minerals on this list, such as aluminum or potash, have a tariff placed against it?

Response: USGS did not factor the recently imposed tariffs in the draft or final list of critical minerals.

- B. Doesn't the actions of our own country just exacerbate the existing need?

Response: USGS is a scientific organization. We collect, analyze, and publish fact based information and research. Cause and effect implications of U.S. trade or economic policy or societal behaviors are not part of our remit.

Question 5: Mining for many of these minerals can be a time-consuming, groundwater-intensive process, especially in deserts where groundwater is a precious and nonrenewable commodity. Coupled with land subsistence concerns, along with other concerns pertaining to constrained supply and increased demand, and existing trade conflicts – should we not also be considering ways to recycle these minerals, in order to extend their use lifecycle?

Response: Recycling can be an effective mechanism for mitigating supply risk. The Executive Order specifically identifies this as an area to be addressed, along with other avenues for meeting future needs for critical minerals.

- A. What recommendations would you have for R&D investments to overcome current technological constraints in mining and recycling, in particular?

Response: Development is needed of technologies to economically extract critical minerals from ores in which they are byproducts, as well as from various waste streams (e.g., mine wastes, mine waters, biosolids, post-consumer products). Obstacles to recycling include collection, low concentrations of elements in individual pieces of equipment, complex extraction and concentration requirements, and challenging economics. All of these areas need investments in order to realize the potential for resource recycling.

Question 6: A report by the National Academies of Science in 2013 found that the mining sector faces a significant workforce challenge. Approximately seventy percent of mining engineers were expected to retire within the next decade – at a time when fewer students are enrolling in mining engineering programs. Additionally, many faculty in mining engineering are also approaching retirement age. What is the industry doing to fill both these industrial and academic roles?

Response: There has also been a marked decrease over the last two decades in university curricula in the United States targeting economic geology, a fundamental earth science expertise needed to best understand the Nation’s critical mineral endowment. The USGS is partnering with the Colorado School of Mines to leverage the capabilities of the Colorado School of Mines, USGS, other governmental agencies, non-profit organizations, and industry to collaborate on research of mineral resources, including economic geology, mineral economics, mining engineering, mineral extraction, and environmental geoscience. This partnership will provide an educational environment to produce future leaders who will help meet the challenges of global exploration, mining, and sustainable development of mineral resources.

- A. How should the government be involved in taking a more concerning look into this challenge, particularly at a time when this Administration is advocating for more critical mineral development?

Response: Academic institutions are best suited to determine the curricula needs of their students, including economic geology and other fields of study that support the management of mineral resources.

Question from Senator Tina Smith

Question: Not all minerals for which we are heavily dependent on imports are equally “critical.” For instance, some imports are from friendly countries and some are from rival, or

even hostile, countries. Accounting for geopolitics, what are, in your opinion, the most “critical” of the critical minerals?

Response: The Executive Order specifically identifies trade with reliable partners and allies as an area requiring focus and development. The USGS has highlighted imports from countries such as Canada and Mexico as being inherently lower in risk in several of our publications. Minerals sourced from countries with high governance risk are of the greatest concern.