



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT - 3 2017

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

Dear Chairman Bishop:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Committee's July 19, 2017, legislative hearing on H.R. 424, the "Gray Wolf State Management Act"; H.R. 717, the "Listing Reform Act"; H.R. 1274, the "State, Tribal, and Local Species Transparency and Recovery Act"; H.R. 2603, "Saving America's Endangered Species (SAVES) Act"; and H.R. 3131, the "Endangered Species Litigation Reasonableness Act".

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 Raul Grijalva  
Ranking Member

**House Committee on Natural Resources**  
**1324 Longworth House Office Building**  
**Wednesday, July 19, 2017**  
**10:00am**

**Legislative Hearing on**

*H.R. 424, the "Gray Wolf State Management Act"; H.R. 717, the "Listing Reform Act"; H.R. 1274, the "State, Tribal, and Local Species Transparency and Recovery Act"; H.R. 2603, "Saving America's Endangered Species (SAVES) Act"; and H.R. 3131, the "Endangered Species Litigation Reasonableness Act"*

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**Question from Congressman Steve Pearce to Acting Director Sheehan**

- 1. You mention in your testimony the necessity for Fish and Wildlife Service staff on the ground to work with local landowners. We have a situation in my district regarding the New Mexico Meadow Jumping Mouse and a rancher. To date, the Fish and Wildlife has been unwilling to work toward a solution that works for everyone.**

**Would you commit to working with our office to attempt to find common ground?**

**Response:** Yes. The U.S. Fish and Wildlife Service (Service) would be happy to meet with your office and the U.S. Forest Service (USFS) to work towards a solution that addresses your concerns and those of your constituent while being consistent with the law. Service and USFS representatives have met with livestock grazing permittees to discuss best management practices for grazing activities that would conserve the New Mexico meadow jumping mouse and are committed to promoting collaboration with the ranching community. If our past efforts have not resulted in conservation actions that are suitable to the rancher and the needs of the species, then we must reevaluate those efforts. We are committed to doing so.

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**Questions from Congresswoman Madeleine Bordallo to Acting Director Sheehan**

- 1. On July 18, 2017, the U.S. Fish and Wildlife Service (Service) released its final biological opinion (01EPIF00-2015-F-0025 & 01EPIF00-2016-F-0185) regarding potential adverse impacts on the 11 ESA-listed species from the proposed relocation of U.S. Marine Corps (USMC) personnel from Okinawa, Japan to Guam. Will the Service recommit to providing all additional technical assistance/guidance needed for the U.S. Department of the Navy (DON) to fully implement the conservation measures specified in the final biological opinion?**

**Response:** The U.S. Fish and Wildlife Service (Service) issued the July 18, 2017, final biological opinion regarding the proposed relocation of U.S. Marine Corps personnel

from Japan to Guam after consultation with the Department of the Navy. The Service is committed to working with the Navy to provide the technical assistance and input necessary to ensure successful implementation of the biological opinion and conservation of Guam's imperiled species.

- 2. Given the importance of the USMC relocation (proposed action) for national security, what steps is the Service taking or planning to make additional agency personnel/resources available to DON to support conservation measure implementation?**

**Response:** The Service participates in regular meetings with Department of Defense (DOD) officials to discuss priorities and needs and to ensure our agencies are aligned and deploying resources accordingly. The Service recognizes the collaboration and technical assistance needs of the DOD in the Pacific and strives to meet those needs within allocated funding and staffing levels.

- 3. Is the Service confident that current regional agency resources/personnel are sufficient to meet the Service's obligations to support the DON's implementation of the conservation measures identified in the final biological opinion?**

**Response:** Yes. The Service is confident that given current allocated funding and staffing levels, we will be able to support the Department of the Navy's implementation of the conservation measures identified within the final biological opinion.

- 4. To the maximum extent practicable, will the Service commit to meet all the deadlines and timeframes specified by the final biological opinion, including providing agency responses to DON in a timely manner?**

**Response:** The Service is committed to working with DON to meet timeframes identified within the biological opinion, given current allocated funding and staffing levels. Coordination throughout the consultation process has resulted in improved communication and technical assistance between our agencies, and we expect that will continue.

- 5. What is the Service doing to address concerns about inadequate public access to the Guam National Wildlife Refuge, particularly the Ritidian Unit?**

**Response:** The Ritidian Unit of the Guam National Wildlife Refuge is currently open to the public from 7:30 a.m. to 4:00 p.m., seven days a week, and currently receives about 90,000 visitors a year, hosting 200-300 visitors on the weekends. The Refuge is subject to closure on all major federal holidays or during bad weather, high-surf advisories or other hazardous conditions in the interests of public safety. The Service would welcome the opportunity to work with you and your office to address any concerns regarding public visitation access to the Ritidian Unit.

- 6. Is the Service considering, planning, or willing to examine formal mechanisms for local consultation/input regarding access at the Refuge, including right-of-ways to privately owned land adjacent to the Ritidian Unit?**

**Response:** The Ritidian Unit of the Guam National Wildlife Refuge lies within the designated Surface Danger Zone for the Marine Corps Live Fire Training Range. The Refuge road and unimproved right-of-way is currently used by adjacent landowners. In the future, access to this site will be controlled by the Navy, consistent with public safety concerns and the direction provided by Congress in the National Defense Authorization Act for Fiscal Year 2015. We continue to support an alternate access route that would run outside of the Refuge and Surface Danger Zone. The U.S. Government will continue to work with neighboring landowners on access issues, while taking into account public safety concerns.

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### Questions from Chairman Rob Bishop to Acting Director Sheehan

- 1. Well-funded environmental groups that engage in litigation against the Department have the resources, including taxpayer-funded grant money, to litigate unnecessary matters as a means to increase their attorneys' fees awards and to boost fundraising efforts. Would there be more resources, particularly in terms of staff time and focus, for species conservation efforts if there was a decrease in the amount of unnecessary litigation against the Department?**

**Response:** When the Service dedicates its time and budget to defending prior court decisions, it redirects resources away from our conservation mission, which detracts from the Service's ability to prioritize and align our work with the most important conservation priorities as we see them.

- 2. The Listing Reform Act allows for threatened species designations to be precluded due to economic factors, and allows for reconsideration of precluded threatened species listings only if the Secretary determines that there is a danger of species extinction, or if the Service receives a new petition that includes alternative actions that can be taken to avoid the economic impacts of listing. From your perspective, would the ability to preclude threatened species listings due to economic factors facilitate more comprehensive listing decisions that benefit both species and our nation?**

**Response:** The ESA currently directs the Service to make listing decisions based solely upon the best available scientific and commercial information regarding the status of the species and the threats that it faces, after considering protective efforts. An economic analysis done during the listing determination process would provide a comprehensive assessment of the economic impacts resulting from a potential listing. Should Congress decide to amend the ESA to include economic considerations as part of listing criteria, it would create a more comprehensive review that the Service would then assess and

evaluate petitions accordingly. At this time, without further clarification and definition, it would be difficult for the Service to implement the bill as it is currently written.

3. **State-generated data and management expertise are utilized by states in species management efforts before listing and after delisting. Such state-generated information is a valuable resource for the Federal Government, and use of it could alleviate some pressure upon agency resources and allow for more thorough and improved species decision-making processes. Yet, these resources have not been consistently utilized in the past. Furthermore, the data that the Federal Government does use in species decisions is not shared with the states, nor is it transparent. The State, Tribal, and Local Species Transparency Act would require greater transparency and consideration of state-generated data. How can the consideration of state, tribal, and local data assist the Federal Government in its decision-making?**

**Response:** The Service agrees that state-generated information is a valuable resource. Often, the states are among the best sources of such information, particularly with respect to game and other actively managed species. In many cases, state partners are the only entities with information on certain species. State partners are often monitoring a wider spectrum of species than the Service and often are our first source of information about a species.

The Service recently modified our petition regulations to ensure that states are formally notified of petitions in a timely manner and their data available to the Service to place petitions in proper context as the Service develops our 90 day finding. If we proceed to a status review (which could lead to a listing proposal), the Service actively solicits all available information, including state, tribal, and local data formally through *Federal Register* notices, as well as informally through regular interactions with states, tribes, and other contacts. If a listing proposal is made, public comment and additional data are solicited at that time as well. Additionally, grants through the Cooperative Endangered Species Conservation Fund are provided to states, and the resulting information from those grants assists in our decision-making. Such information is often essential in determining if a species warrants listing or has recovered to the point of delisting or downlisting.

4. **The program in Texas, and similar efforts in other states, have generated high-quality data and successfully kept species off of the list. Such information is valuable for federal decision-making and could demonstrate how best to manage species in specific areas.**

- a. **How will the Federal Government support state efforts to contribute such data at the federal level?**

**Response:** As noted above, we formally and informally solicit information from state partners during our assessment process. As the management authority for most non-Federally listed species, the states are often the primary source of

information on these species. We recognize that better scientific information leads to better decision-making under the ESA and appreciate the significant contributions made by States to improve the quality of data on the species that are under consideration for ESA decisions. Our work to make all petitions publicly available upon receipt, to develop multi-year listing workplans, and to strategically prioritize our petition work so that species for which additional information could affect the petition finding are put later in the queue, are all designed to support state efforts to contribute data to inform our work at the federal level.

**b. How will the Department support state efforts to preserve species and keep them off of the list?**

**Response:** The Department and the Service believe in the strength, effectiveness, and value of collaborative conservation efforts prior to a species considered for listing under the ESA. This collaborative conservation with partners may provide species with a better chance of thriving than regulatory actions and protections. Bringing local government, landowners, and others back to the conservation table can be difficult after a listing action. With that in mind, keeping the species from being listed through collaborative conservation efforts is a model that works. The Service will continue to be proactive in these types of efforts.

For example, collaboration between the Service and the Southeastern Association of Fish and Wildlife Agencies on an at-risk species initiative (SEARS) resulted in petitioners withdrawing 45 species when presented with the data compiled by the partnership. This initiative has helped spur similar efforts across the country, including one led by the Western Association of Fish and Wildlife Agencies and Regions 2 and 6 of the Service for 12 states across the West.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 05 2017

The Honorable Doug LaMalfa  
Chairman  
Subcommittee on Indian, Insular and Alaskan Native Affairs  
Committee on Natural Resources  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the Office of Insular Affairs to the questions for the record submitted following the July 25, 2017, oversight hearing on *Assessing Current Conditions and Challenges at the Lyndon B. Johnson Tropical Medical Center in American Samoa*.

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 Norma Torres  
Ranking Minority Member

**Committee on Natural Resources**  
**Subcommittee on Indian, Insular and Alaska Native Affairs**  
**Oversight Hearing**  
**1324 Longworth House Office Building**  
**July 25, 2017**  
**10:00a.m.**

Oversight Hearing on "Assessing Current Conditions and Challenges at the Lyndon B. Johnson Tropical Medical Center in American Samoa."

Questions from Rep. Sablan for Thomas Bussanich, Director of Budget, Office of Insular Affairs, Department of the Interior

**QUESTION 1.** Director Bussanich, as you know, Section 2005 of the Affordable Care Act provided a total of \$6.3 billion in additional federal funds to the territories. These funds were primarily used to augment the islands already meager Medicaid programs. Unfortunately, because the funding for the ACA was for budgetary reasons, only for a ten-year window, the additional Medicaid funding will expire in 2019.

Has OIA (Office of Insular Affairs) or the IGIA (Interagency Group on Insular Areas) -- to your knowledge -- been working with the Insular Areas and their representatives on a strategy for getting these funds extended? We know that there is a great deal of focus on the impact that the loss of these funds would have on Puerto Rico because of the affect it will have on their ability to successfully address their debt crisis -- but it is no less of a big deal for the other islands as well.

**ANSWER:** Office of Insular Affairs (OIA) officials have regularly discussed the health care challenges facing U.S. territories with the leadership of the insular areas, as well as within the Interagency Group on Insular Areas. OIA is aware of the shortage of resources for health care in the territories and would like to find a workable solution to address the growing health care needs of the territories. OIA continues to reach out and work with our colleagues at the Department of Health and Human Services (HHS), as the lead agency responsible for administering the Medicaid program, and will continue to work with HHS in a cooperative manner to reflect the priorities and needs of the territories.

**QUESTION 2.** According to your statement, the LBJ Medical Center has received almost \$30 million in CIP funding from OIA since 2003. Broadly speaking, can you tell us what these have primarily been used for?

**ANSWER:** Please see the attached listing of Capital Improvement Project grants relating to the LBJ Hospital.



**CIP-Funded Projects at LBJ Tropical Medical Center (FY03-FY16)**

<u>FY</u>	<u>Project</u>	<u>Amount</u>
2003	New Staff Housing	\$ 227,071
2003	Electrical System Upgrade	\$ 80,000
2003	Oxygen Generation Building and Maint. Shop	\$ 2,850
2003	Construct Medical Ward Upgrades including A/C	\$ 297,068
2003	Replacement Fluoroscopy	\$ 367,511
2003	Life Safety Improvements	\$ 650,000
2004	CAT Scan	\$ 600,000
2004	Dialysis Machines	\$ 140,000
2004	New Staff Housing	\$ 480,000
2004	Medical Equipment	\$ 350,000
2004	New Chiller and Cooling Tower	\$ 180,000
2004	Design and Upgrade Electrical System Phase I	\$ 150,000
2005	Old Morgue Renovation	\$ 50,000
2005	Medical Equipment	\$ 200,000
2005	Renovate Medical Ward	\$ 700,000
2005	Renovate Medical Ward	\$ 250,000
2005	New Cooling Tower/Chiller	\$ 250,000
2005	Life Safety Improvements	\$ 300,000
2005	Upgrade Electrical System	\$ 250,000
2005	New Perimeter Road	\$ 300,000
2005	New Staff Housing	\$ 117,750
2006	Renovate Pediatric Ward	\$ 350,000
2006	New Chiller/Cooling Tower Building	\$ 550,000
2006	Life Safety Improvements	\$ 200,000
2006	Medical Equipment	\$ 400,000
2006	Electrical System Upgrade	\$ 210,000
2007	Electrical System Upgrade	\$ 1,400,000
2007	New Phone System	\$ 250,000
2008	Medical Equipment	\$ 407,550
2008	Life Safety Improvements	\$ 400,000
2008	Design & Upgrade of Electrical System	\$ 1,000,000
2009	Electrical System Upgrade	\$ 953,000
2009	Medical Ward Renovation	\$ 247,000
2009	Design Labor Delivery and OR Suite	\$ 200,000
2010	Renovate OB/GYN Ward	\$ 1,445,000
2010	Electrical System Upgrade	\$ 455,000
2011	Forensic Psychiatric Unit	\$ 3,200,000
2011	Design & Renovation of Dialysis Unit	\$ 2,600,000
2011	Electrical System Upgrade	\$ 500,000
2011	Ultrasound/Dialysis Phase II	\$ 199,104
2011	New Dialysis Machines	\$ 400,896
2012	LBJ Labor Delivery and OR Suite	\$ 1,300,000
2013	CAT Scan/Ultrasound Machine	\$ 1,000,000
2013	Forensic Psychiatric Facility	\$ 1,500,000
2014	Labor Delivery and OR Suite	\$ 2,500,000
2015	No CIP projects, just O&M set aside.	\$ -
2016	LBJ Labor Delivery and OR Suite	\$ 1,700,000

Project listing does not include 5% that is set aside each year for LBJ O&M.

It averages around \$100,000 per year for O&M and that is matched by LBJ each year.

<u>Major Projects</u>	<u>Cost</u>
Electrical System Upgrade	\$ 4,998,000
Renovate Medical Ward	\$ 1,494,068
Life Safety Improvements	\$ 1,550,000
New Cat Scan Machines	\$ 1,600,000
Renovate OB/GYN Ward	\$ 1,445,000
Dialysis Unit Expansion	\$ 3,200,000
Forensic Psychiatric Facility	\$ 4,700,000
Labor Delivery and OR Suite	\$ 5,700,000



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 12 2017



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

Dear Mr. Chairman:

Enclosed are responses to follow-up questions from the July 19, 2017, legislative hearing before the Senate Energy and Natural Resources Subcommittee on National Parks. These responses were prepared by the National Park Service.

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

Sincerely,

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

cc: The Honorable Mazie Hirono, Ranking Minority Member, Subcommittee on National Parks

Enclosure

**U.S. Senate Committee on Energy and Natural Resources**  
**Subcommittee on National Parks**  
**July 19, 2017 Hearing: Pending Legislation**  
**Questions for the Record Submitted to Mr. Robert Vogel**

**Questions from Chairman Lisa Murkowski**

**Question 1:** During the hearing, a question was posed regarding S. 355, the “Wounded Veterans Recreation Act of 2017.” Subcommittee Chairman Daines asked if anything would currently prohibit a disabled veteran from obtaining a free Access pass, to which you responded, “nothing now.” Please describe, in detail, the current process for any disabled veteran interested in obtaining an Access pass.

**Answer:**

A disabled veteran may obtain an Access Pass one of two ways: either at a Federal recreation site where entrance or standard amenity fees are charged, or through the mail.

Regardless of whether the pass is obtained on site or by mail, the applicant must have identification to verify that he or she is a U.S. citizen or permanent resident, which could include:

- a U.S. State- or Territory-issued Driver’s License, Identification or Birth Certificate;
- a U.S. Passport or Passport Card; or
- a Permanent Resident Card (Green Card).

The applicant must also have documentation that he or she has a permanent disability, which could include:

- a statement signed by a licensed physician attesting that they have a permanent physical, mental, or sensory impairment that substantially limits one or more major life activities, and stating the nature of the impairment; or,
- a document issued by a Federal agency, such as the Veteran’s Administration, which attests that they have been medically determined to be eligible to receive Federal benefits as a result of blindness or permanent disability. Other acceptable Federal agency documents include proof of receipt of Social Security Disability Income or Supplemental Security Income; or,
- a document issued by a state agency such as the vocational rehabilitation agency, which attests that they have been medically determined to be eligible to receive vocational rehabilitation agency benefits or services as a result of medically determined blindness or permanent disability. Note: a state motor vehicle department disability sticker, license plate or hang tag is not considered acceptable documentation.

To obtain an Access Pass through the mail, the applicant must complete an application, provide a photocopy of proof of citizenship or residency and documentation of disability, and pay a \$10 processing fee.

To obtain an Access Pass at a Federal recreation site, no application form or processing fee is necessary. When the disabled individual arrives at the recreation site, the Federal employee

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selling the pass will verify the individual's documentation of disability and citizenship or legal residency.

If the individual claims eligibility for the Access pass, but cannot produce the documentation outlined above, the applicant must read, sign, and date a Statement of Disability form in the presence of the Federal employee issuing the pass. If the applicant cannot read and/or sign the statement, someone else may read, date, and sign the statement on the applicant's behalf and in presence of the applicant and the Federal employee issuing the pass.

The Federal employee issuing the Interagency Access Pass does not evaluate whether the applicant is permanently disabled; the employee only assesses whether adequate documentation, or a signature on the Statement of Disability form, has been provided by the applicant.

**Question 2:** Regarding S. 391, if the proposed Museum were to become a unit of the National Park Service, what do you project the annual operating costs to be for the NPS? Does the NPS have the funds within its current budget to cover these costs?

**Answer:** Based on the current annual operating budget for the visitor center and the needs of the existing site, we estimate that annual operating costs for the park with the addition of the proposed Museum could range from \$3 million to \$3.5 million per year. The current annual operating budget for the park is \$1.98 million. The NPS does not have funds within its current budget to cover either the one-time establishment cost or the recurring annual costs associated with the proposed Museum.

**Question 3:** Regarding S. 391, do you expect that the expansion and addition of a Museum would add to the NPS deferred maintenance backlog? If so, by how much?

**Answer:** The expansion of the site with the addition of a Museum would not directly add to the NPS deferred maintenance backlog. However, the significant costs to establish the Museum would draw funding away from existing park and regional needs, including deferred maintenance, which would result in an increased maintenance backlog for the NPS.

We are unable to quantify how much the NPS deferred maintenance backlog would increase if funding was directed to establishing and operating the proposed Museum. However, it is evident that establishing the Museum would entail a significant cost due to the lack of available space close to the existing site and the nature of the highly competitive and expensive real estate market in New York City. In addition to the cost of acquiring property, the new structure itself would be expensive to build and operate, and over time it could contribute significantly to the deferred maintenance backlog. Comparable NPS sites that include museums have current replacement values for those museums ranging from \$27 million (Independence National Historical Park), to \$33.4 million (Springfield Armory National Historic Site), to \$37.5 million

**U.S. Senate Committee on Energy and Natural Resources**  
**Subcommittee on National Parks**  
**July 19, 2017 Hearing: Pending Legislation**  
**Questions for the Record Submitted to Mr. Robert Vogel**

(Liberty Island Visitor Center Museum). We anticipate that establishing the proposed Museum, and either relocating or combining the exiting visitor center with the new facility, would be even higher than the cost of replacing these sites, given construction costs in New York City.

**Question 4:** Please provide an estimate of the annual costs associated with the existing “Every Kid in a Park” program. Do you expect the current language in S. 1522 to closely reflect the program costs of “Every Kid in a Park”? Please explain.

**Answer:** The cost for the first year of the “Every Kid in a Park” program (2015-2016 school year) was roughly \$1 million. That figure includes one-time startup costs. The cost of the second and subsequent years is estimated at about \$400,000 a year. These costs include dedicated program support, printing the fourth-grade passes, and website support. The “Every Kid Outdoors” program authorized by S. 1522 closely tracks the current “Every Kid in a Park” program. We would expect the annual operating costs to follow the same trend; however, the Congressional Budget Office (CBO) would provide an official estimate on the bill.

**Questions from Senator Martin Heinrich**

**Question 1:** In your written and oral testimony, you recommended that action on my bill to establish the Every Kid Outdoors program, as well as Sens. McCain’s bill to establish the 21<sup>st</sup> Century Conservation Service Corps be deferred until the Department of the Interior could conduct a review of all the Department’s youth programs. Since both these programs are ongoing programs that are proven successes, why spend department resources on a bureaucratic review? How long will a review take?

**Answer:** The National Park Service is the lead agency for the “Every Kid in a Park” program and it also makes the most use of the authority under the Public Lands Corps Act of any of Interior’s bureaus. Therefore, the Department would like to wait until a new National Park Service Director is on board before determining how these two programs fit into the Department’s strategy for engaging youth and whether new legislation is needed.

**Question 2:** In testimony before the committee, you noted that the Every Kid in a Park program will continue through August. What about the rising class of fourth graders? Will they be able to participate in this program without Congressional action?

**Answer:** The Department plans to continue the “Every Kid in a Park” program for the 2017-2018 school year that began September 1, so the current class of fourth graders will be able to participate in the program. No additional authority is needed from Congress to operate this program.

**U.S. Senate Committee on Energy and Natural Resources  
Subcommittee on National Parks  
July 19, 2017 Hearing: Pending Legislation  
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**Question from Senator Mazie Hirono**

**Question:** As mentioned during the hearing, I request that you provide to the Committee a list of all of the Department's youth programs.

**Answer:** The requested list is attached.

# Department of the Interior Youth Programs

## *Introduction*

Youth programs within the bureaus of the Department of the Interior include a wide range of opportunities and activities. For younger participants, the programs tend to focus on education. For older participants, the programs tend to focus on service projects, internships, and job skills. The list below includes the national or regional youth programs. Programs that are specific to an individual park, refuge or other public land unit are not included.

## **Multiple Bureaus**

### *Programs with internships/employment opportunities:*

Partnership Youth Employment - Public Land Corps (PLC): Using the Public Land Corp Act authority, the National Park Service (NPS), Bureau of Land Management (BLM), Bureau of Reclamation (BOR), and U.S. Fish and Wildlife Service (USFWS) partner with service organizations to provide work opportunities for youth and veterans, ages 16-30. Hundreds of individual projects on public lands involving facilities maintenance, visitor services, and resources management are completed each year through this program.

Youth Conservation Corps (YCC): This is a summer youth employment program that engages young people ages 15-18 in meaningful work experiences in national parks, forests, wildlife refuges, fish hatcheries, and other public lands while developing an ethic of environmental stewardship and civic responsibility. Most YCC opportunities are non-residential programs. YCC members work on a variety of projects including building trails, maintaining fences, cleaning up campgrounds, improving wildlife habitat, environmental education planning and teaching, stream restoration, and historic building preservation.

Intergovernmental Internship Cooperative (IIC) Program: This program involves collaboration among six national parks (Bryce Canyon, Cedar Breaks, Great Basin, Parashant, Pipe Spring and Zion), four national forests and BLM lands in the southern Utah region. Through a partnership with Southern Utah University, young people are hired locally to participate in YCC crews, PLC crews, and in internships ranging from front line visitor services and interpretative programs to complex research projects.

Developing the Next Generation of Conservationists Program: This partnership program leverages funding from BLM, BOR, the National Fish and Wildlife Foundation, and other partners to engage hundreds of youth each year in conservation projects.

Pathways Temporary/Seasonal Youth Employment Programs: Youth fill a variety of positions at all bureaus. The Pathways program is a government-wide hiring authority.

### *Programs focused on education and without internships/employment opportunities:*

Every Kid in a Park (EKIP): Through this program, the NPS, U.S. Forest Service (USFS), Army Corps of Engineers, BLM, USFWS, BOR, and National Oceanic and Atmospheric Administration (NOAA) provide fourth-grade students and their families with free admission to national parks and other federal lands and waters for a full year. The EKIP pass is valid at more than 2,000 federally managed sites.

Hands on the Land (HOL): “America’s largest classroom,” HOL is a national network of field classrooms that connects students, teachers, families, and volunteers to public lands and waterways across America. The program brings classroom learning to life through hands-on experiences in natural, historical, and archaeological settings. Students are also exposed to careers in natural resources. HOL was formed in 1999 by Partners in Resource Education, an alliance of five federal agencies (BLM, USFWS, NPS, USFS, and NOAA) with initial funding from the Environmental Protection Agency. The National Environmental Education Foundation, a nonprofit organization chartered by Congress in 1990, provides the coordination of the agency alliance, with the Environmental Protection Agency continuing to provide technical assistance and advice.

Student Leadership and Environmental Education Partnerships: Land management bureaus partner with organizations to focus on the importance of the outdoors, increase environmental literacy, and offer the opportunity to lead community natural and cultural resource stewardship on public lands. Examples of partnerships between the NPS and youth organization include those with the Girl Scouts of America, the Boy Scouts of America, Boys and Girls Clubs of America, and the YMCA.

## **National Park Service**

### *Programs with internships/employment opportunities:*

The NPS offers internships and other short-term opportunities for students and recent graduates that provide training across many NPS units and offices. These opportunities include:

- Cultural Resources Diversity Internships
- Historic Preservation Training Internships
- Historic American Buildings Survey/Historic American Engineering Record/Historic American Landscapes Survey Summer Employment
- Business Management Plan Internships
- Community Volunteer Ambassadors
- New Leaders in Community Conservation Assistance
- Community Assistance Fellows
- Geoscientists-in-the-Parks
- Mosaics in Science Internships
- Ancestral Lands Conservation Corps
- Historically Black Colleges and Universities Internship Program
- Latino Heritage Internship Program
- National Park Service Academy



- National Scenic and Historic Trails Young Adult Internships
- Wild Scenic River Explorers and Managers
- Historic Preservation Training Center Traditional Trades Apprenticeships
- Northwest Youth Corps American Sign Language Internships
- Hawaiian Youth Ranger Program
- Asian Pacific American Legacy Internships
- Groundwork USA Corps Experience
- Urban Archeology Corps
- ProRanger Program

*Programs focused on education and without internships/employment opportunities:*

Junior Rangers: Many national parks offer young visitors the opportunity to join the National Park Service "family" as Junior Rangers. Interested youth complete a series of activities during a park visit, share their answers with a park ranger, and receive an official Junior Ranger badge and Junior Ranger certificate. Junior Rangers are typically between the ages of 5 to 13, although people of all ages can participate.

Web Rangers: WebRangers offers a fun, free online opportunity for young people to connect with their national parks. This online extension of the Junior Ranger program is designed to give all children, anywhere in the world, access to the National Park System. The program offers more than 70 different games and activities that teach kids interesting facts about everything from various NPS ranger uniforms, signal flags, water quality, animal behaviors, and many different famous Americans.

Outdoor Nation Campus Outdoor Ambassadors: College students increase active outdoor recreation participation among young adults by leading campus outdoor clubs, spearheading social media campaigns, and coordinating six student outings per year each, at least two of which visit NPS units. College outing clubs also nurture the development of high school outdoor clubs in racially diverse communities. These youth-led clubs provide opportunities in skill building, leadership development, service to community, and exposure to the NPS system.

## **Bureau of Land Management**

*Programs with internships/employment opportunities:*

Direct Hiring Authority for Resource Assistant Internship Program: Rigorous summer internship program for current college students or recent graduates, with particular attention to ethnically and racially diverse populations, directed toward hard-to-fill and high-demand occupational series. Conducted in partnership with institutions of higher education and their representative associations and non-profit organizations.

Executive Orders Program: Program to establish and implement partnerships with organizations associated with underrepresented groups (minorities, women, disabled individuals), to perform various work projects and provide employment opportunities on BLM lands.

Project Archaeology: National heritage education program developed in the early 1990s by BLM for educators and their students for three purposes: to develop awareness of our nation's diverse and fragile archaeological sites, to instill a sense of personal responsibility for stewardship of these sites, and to enhance science literacy and cultural understanding through the study of archaeology. Project Archaeology is a joint program of Montana State University and BLM.

*Programs focused on education and without internships/employment opportunities:*

Junior Ranger Education and Engagement: Young people pursue healthy recreational activities, spend time with friends and family, nurture their curiosity about the natural world, discover clues to our country's past, and participate in service projects on millions of acres of BLM public lands. Through the Junior Ranger program, the BLM and local community partners expand on these activities to engage the next generation of conservation stewards and leaders.

## **U.S. Fish and Wildlife Service**

*Programs with internships/employment opportunities:*

Volunteer Service Program: Student volunteers work in nearly all branches of the agency, and extend the USFWS capacity to provide quality experiences to the many millions of visitors to USFWS lands each year.

*Programs focused on education and without internships/employment opportunities:*

Junior Duck Stamp Conservation Program: Teaches wetlands and waterfowl conservation to k-12 students. The educational program concludes with a national art work contest.

Schoolyard Habitat Program: The program establishes schoolyard wildlife habitats in urban and rural communities, which are used as multi-disciplinary outdoor learning classrooms to enhance student environmental stewardship.

Youth Recreation Program: State fish and wildlife agencies receive funds through USFWS to directly engage youth and/or their educators in fishing, stewardship, and hunter safety and ethics related classes and events.

## **U.S. Geological Survey**

*Programs with internships/employment opportunities:*

National Association of Geoscience Teachers (NAGT) Cooperative Summer Field Training Program: Nominated undergraduate students are hired as interns to work on research projects mostly in the field or laboratory, for 12 weeks.

Student Interns in Support of Native American Relations (SISNAR): Provides student interns work opportunities on current USGS projects directly related to, and preferably on, Native American tribal lands, assisting Tribes with natural resource research issues including water,

hazards, fish and wildlife, and climate change. These mutually beneficial projects also serve to build upon or create new relationships with Native American Tribes.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 17 2017

The Honorable Mike Lee  
Chairman  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining  
United States House Senate  
Washington, D.C. 20510

Dear Chairman Lee:

Enclosed are responses prepared by the Bureau of Land Management to the questions for the record submitted following Subcommittee's July 26, 2017, legislative hearing.

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 Ron Wyden, Ranking Member  
Committee on Energy and Natural Resources  
Subcommittee on Public Lands, Forests, and Mining

## Questions from Senator Ron Wyden

**Question 1: Mr. Ruhs, S. 468, the Historic Routes Preservation Act, appears to be a public lands giveaway.**

**This legislation would put in place new policies that would make it easier for states and individuals to build roads across millions of acres of federal land, including through Congressionally protected areas managed by the National Park Service, Fish and Wildlife Service, BLM and Forest Service.**

**Does the Department of the Interior believe the process should be broadened to make it easier for states and private citizens to build roads across National Parks, National Monuments, National Conservation Areas, Wild and Scenic Rivers, and other federal conservation areas?**

S. 468 deals with rights-of-way (ROW) that have potentially been in existence since before 1976, when the Federal Land Policy and Management Act of 1976 (FLPMA) was enacted and R.S. 2477 was repealed. If a route exists in a protected area, the Department of the Interior hopes that a revised version of the legislation will help to address the use and disposition of these routes. As noted in our testimony, we would like to work with the sponsor and Subcommittee on language ensuring consistency, to the extent possible, with protected conservation designations.

**Question 2: Your testimony notes that S. 468 could increase, rather than decrease agency workloads, and the Forest Service testimony makes the same observation.**

**Why then, do you describe a bill that could undermine federal management of federal lands and one that could increase agency workloads as a good starting point for addressing this issue?**

There is considerable uncertainty about the existence of R.S. 2477 ROWs that may have been established on public lands prior to enactment of FLPMA. Adjudication of these ROW claims has resulted in substantial litigation over many years between State and local governments, which generally claim title to R.S. 2477 ROWs, and the Federal land management agencies, particularly the BLM, the National Park Service, and the Forest Service.

We believe that a legislative solution would be helpful and provide the best opportunity to resolve longstanding R.S. 2477 issues to benefit the American public.

The Department recognizes the significant work of the sponsors and the Subcommittee to attempt to reach consensus on R.S. 2477. Our State and local partners are looking for clarity and certainty. As noted in our testimony, we would welcome the opportunity to work with the sponsors on several modifications to the bill that we believe would streamline R.S. 2477 claim resolution and make implementation more effective. These modifications include language that:

- Ensures consistency, to the extent possible, with existing protected conservation designations;
- Clarifies the terminology and definitions;

- Ensures that the BLM can continue to meet its other responsibilities under FLPMA and other laws; and
- Provides the BLM and other Department bureaus with sufficient time to carry out the bill's provisions.

**Question 3: Mr. Ruhs, according to your testimony, you believe the management language for the proposed national recreation areas in the Oregon Wildlands Act is unclear. The management language prohibits permanent roads within the recreation area as well as commercial enterprises.**

**It also prohibits the use of motor vehicles or temporary roads within the recreation area except as necessary for administration or public health or safety. And finally, the bill withdraws the lands from mining or mineral leasing.**

**What part of those management directives do you believe is unclear?**

The Department is committed to increasing public access, expanding outdoor recreational opportunities, and increasing management and harvest of timber and other forest products. We believe that the management language for the proposed recreation areas is unclear as it may impact existing commercial timber production activity that relies on ROWs held by adjacent private forest landowners and existing commercial recreational activity.

For example, it is not clear if the prohibition on permanent roads in the proposed recreation areas applies to building additional permanent roads or using existing permanent roads. As noted in our testimony, we would like to work with the sponsor and Subcommittee to clarify whether the BLM would be able to maintain existing permanent roads under the bill.

Similarly, it is unclear how the commercial enterprises language would affect a significant number of permitted recreational outfitters or adjacent private forest landowners who have permanent ROW agreements for commercial use and timber haul on BLM roads.

As noted in our testimony, we would like to work with the sponsor and Subcommittee to clarify and potentially mitigate the impacts to timber producers and recreational permittees under the bill.

**Question 4: Last Congress, the BLM testified in strong support of the Wild and Scenic River designations made by the Oregon Wildlands Act. This year your testimony states that the Department believes that there "may be alternative approaches" for managing these sensitive resources.**

**This bill would designate exactly the same river segments as were proposed by last year's bill. Since nothing on the ground is different since last year, is your change in position just a reflection of Secretary Zinke's opposition to any new conservation designations?**

Secretary Zinke believes in the responsible stewardship of public lands, which includes conservation designations. The Secretary seeks to restore and enhance trust between the

American people and the Department of the Interior, which includes careful consideration of all changes to land designations. Secretary Zinke, through Secretarial Order 3347, has pledged to expand access to America's public lands and increase hunting, fishing, and recreational opportunities nationwide. While the Department supports the goals of S. 1548 that align with these important priorities, we are concerned that the bill as currently written could ultimately decrease public access, limit outdoor recreational opportunities, and impede management and harvest of timber and other forest products.

As discussed in our testimony, our recommendation for alternative management approaches could conserve sensitive resources while still accommodating a range of other uses and activities permitted on other BLM-managed lands. In our testimony, we noted that we would like the opportunity to work with the sponsor and the Subcommittee to ensure that a Wild and Scenic River designation is the best mechanism for protecting such resources.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

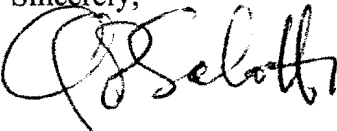
OCT 17 2017

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 August 3, 2017, oversight hearing regarding *Federal and Nonfederal Collaboration, including through the Use of Technology, to Reduce Wildland Fire Risk to Communities and Enhance Firefighting Safety and Effectiveness*.

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  
August 3, 2017 Hearing: Federal and Nonfederal Collaboration,  
including through the Use of Technology, to Reduce Wildland Fire Risk  
to Communities and Enhance Firefighting Safety and Effectiveness*  
**Questions for the Record**

**Questions from Senator John Barrasso**

**Question 1: Understanding that coordinated responses make all the difference in successfully addressing wildfires, can you tell me what functions the Department of Interior's Office of Wildland Fire does that distinguishes it from other interagency coordination groups?**

**Do employees of other agency coordination groups also perform these functions?**

The Office of Wildland Fire (OWF) is the principal office in the Department of the Interior (DOI) that is responsible for developing Wildland Fire Management (WFM) policy and providing management and oversight of the WFM budget. In carrying out these responsibilities, OWF ensures that implementation of the WFM program is done consistently across DOI and adheres to the goals established by Congress, DOI's Strategic Plan, and other wildland fire policies such as the National Cohesive Wildland Fire Management Strategy. No other organization in DOI or interagency coordination group carries out these responsibilities.

OWF supports all facets of the WFM program through the development of policies that ensure efficient and effective emergency preparedness; suppression operations; post fire rehabilitation; fuels management; and the information technology systems that are required for program planning and wildland fire response. In addition, OWF is responsible for developing policies that integrate all aspects of the WFM program, including fuels management, burned area rehabilitation, and fire science into the bureaus' program of work. This is essential to ensuring the incorporation of wildland fire as a resource objective into the management of public lands. All policy-related work is carefully coordinated so as to ensure input and feedback from interagency coordination groups, offices, and bureaus.

OWF is responsible for establishing internal operating policies and processes for all accounting controls to ensure the fiscal integrity of DOI's financial obligations and to maximize the return on investment for WFM funding. As part of its responsibility to ensure proper oversight of the WFM budget, OWF provides ongoing budgetary and financial management direction to bureaus for effective and efficient program implementation; allocates funds to bureaus and offices and develops annual budget plans; prepares the annual budget justifications; establishes performance metrics and tracks program accomplishments; evaluates program accountability consistent with national standards and policies; develops legislative proposals to facilitate program operations; and responds to congressional inquiries and prepares witnesses for congressional hearings. All of this work is completed in a transparent and collaborative manner in close coordination with interagency coordination groups, offices, and bureaus.

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**Question 2: How many people does the Office of Wildland Fire currently employ, and how many employees were in the office when it began? What are the functions of current employees?**

When the office was established in 2001 the staffing plan included a total of 24 full-time staff; today, OWF currently employs a total of 25 full-time staff. OWF staff, in coordinating with interagency coordination groups, offices and bureaus, is responsible for a broad range of responsibilities, including budget management and oversight; the development of WFM policies for all aspects of the WFM program; program development and oversight; and the management of the information technology systems that are required for program planning and wildland fire response. While OWF staff levels have remained relatively constant since the 2001 approved staffing plan, workloads have increased significantly; changing resource conditions throughout the country and their associated challenges on wildland fire have increased the complexity of the WFM program.

**Question 3: How does the Office of Wildland Fire measure success and delivery of services on the ground?**

The WFM program strives to achieve the goals outlined in the National Cohesive Wildland Fire Management Strategy. Accordingly, all programs are geared to making progress towards resilient landscapes, fire-adapted communities, and safe wildfire response. Success at achieving these goals is derived from the collaborative work of our Federal partners, Tribes, state and local governments, stakeholders, and communities. In addition, all OWF program objectives are tied to DOI's Strategic Plan, Mission Area 5: "Protecting Our People and the Border," and includes three wildland fire-related performance measures to demonstrate and evaluate progress towards achieving these goals. Currently, OWF is evaluating these measures and adding to its performance metrics in order to better track program accomplishments and progress towards program goals. OWF plays a key role in managing the WFM program and continually looks for ways to support DOI's efforts to address the challenges associated with escalating fire complexity, longer fire seasons, increased risk to responders, greater home and property losses, and increased threats to communities.

**Question 4: How often do members of your office communicate with other interagency fire coordination groups? Do you share reports or forestry and fire data?**

OWF uses a transparent and collaborative approach in the management and oversight of the WFM program. OWF staff is in daily contact with interagency fire coordination groups, offices, and bureaus throughout DOI. The sharing of reports and forestry- and fire-related data is key to DOI carrying out an integrated WFM program, and OWF ensures that such information is widely

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disseminated throughout DOI, where appropriate. Furthermore, OWF is responsible for the development and oversight of the information technology systems that are used by the wildland fire management community for tracking data, program planning, and responding to wildland fires. OWF ensures the integrity of these systems and the data that is used throughout DOI for WFM program management and by our firefighting partners for daily fire suppression operations.

As a key leader in the Wildland Fire Community, OWF works closely with the U.S. Forest Service, and other Federal, Tribal, state, and local partners to ensure a fully integrated, coordinated, and highly effective domestic wildland fire program. OWF also develops and maintains international partnerships with the Governments of Canada, Mexico, Australia, and New Zealand in support of program management and to enhance wildland fire suppression capabilities.

**Question 5: How do the Department of the Interior and the Department of Agriculture weigh data and recommendations from the Office of Wildland Fire with other interagency coordination groups?**

OWF is the principal office in the DOI that is responsible for developing WFM policy and providing management and oversight of the WFM budget. In carrying out these responsibilities, OWF ensures that implementation of the WFM program is done consistently across DOI. All of this work is completed in a transparent and collaborative manner in close coordination with interagency coordination groups, offices, and bureaus. In addition, OWF communicates with the U.S. Forest Service and other interagency partners to ensure that policies are consistent across all entities to ensure a seamless and integrated wildland firefighting organization. OWF is also responsible for ensuring the integrity of the information technology systems and the data that is used throughout DOI for WFM program management and by our firefighting partners for daily fire suppression operations.

**Questions from Senator Joe Manchin III**

**Question 1: The United State Geological Survey recently visited my office to discuss the work they do at the National Civil Applications Center. One of the benefits of the land remote sensing work they do is that wildfire monitoring has been increasingly more accurate. That means that when firefighters and first responders are being deployed to fight these fires, it can be done in a safer and more accurate manner. In fact, the USGS's mapping abilities allow for timely reporting of wildland fires, fire perimeter mapping, and restoration. The increased accuracy in detection and response actually helps in a variety of emergency scenarios including volcanoes, earthquakes, landslides, floods and hurricanes.**

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**Fortunately wildfires aren't as prevalent in West Virginia as many western states, we have certainly had our fair share of disastrous floods in the past two years. So, essentially, it's my understanding that the Department of the Interior uses these USGS imaging capabilities to save lives. I believe the Presidents' budget actually made cuts to this program which are concerning in light of the value it brings to emergency response and saving lives.**

**What can Congress do to support the expanded use of this USGS technology for your agency's purposes?**

USGS remote sensing work has wide applications and benefits for wildland fire activities across DOI. The continued use of these wildland fire tools is reflected in the President's budget request for Fiscal Year 2018, and they are highly valued by Department users, our partners and stakeholders, and by the public. Any new technologies either would replace existing tools, or be funded within the base budget.

The Office uses USGS's systems and technologies in a variety of WFM program-related areas, including prioritizing fuels treatments to prevent fires, fire mapping to inform response actions, developing fire rehabilitation projects, and creating fire management plans. Specifically, USGS remote sensing technologies supports the wildland fire mapping system (GeoMAC), the wildland fire risk and vegetation modeling system (LANDFIRE) with Landsat as a foundation, compiling fire maps from classified satellite images, wildland fire burn severity mapping to help determine emergency restoration needs, and, more broadly, through USGS participation in the Joint Fire Science Program, which provides leadership to the fire science community by identifying and funding high-priority fire science research. In addition, USGS remote sensing technology has specific applications to the DOI unmanned aircraft system program. This technology provides higher resolution data that improves firefighter situational awareness, particularly at times when manned assets are unable to fly. DOI bureaus also make routine use of this technology for natural and cultural resource needs pertinent to wildfire activity.

**Questions from Senator Mazie Hirono**

**Question 1: In your testimony you note the importance of hazardous fuels management and specifically identify work to control invasive weeds. As you know, in Hawaii our native forests are not adapted to fire. When a fire burns within our native forests, nonnative fire-prone grasses invade the recently burned area, creating a positive feedback loop for future wildfire events.**

**Can you discuss the Department's use of technology for identifying fire-prone nonnative species for wildfire prevention in Hawaii? Also, is there a process that DOI utilizes to prioritize areas most critical for hazardous fuels removal in Hawaii?**

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Beginning in the 1970s, the National Park Service (NPS) identified fire-prone nonnative species and their impacts through direct observations of wildland fires, research burns, and vegetation/fuel maps. The NPS has collaborated with United States Department of Agriculture (USDA) fire scientists to characterize nonnative fuels in vulnerable native plant communities. Based on these observations, and post-burn studies conducted by NPS staff, academics, and USDA scientists, the NPS has prioritized areas most critical for hazardous fuels removal within the Hawaiian Island parks. The results of these studies have contributed to the development of Islandwide Vegetation Fire Risk Maps. Information is further shared by NPS staff at interagency workshops, conferences and public presentations. NPS staff serve as technical consultants to land managers and state and federal agencies regarding fuels treatments, fire prevention, suppression and post-fire rehabilitation strategies. They also serve as members of the Hawai'i Island Fire Restoration Working Group.

The Pacific Fire Exchange, one of 15 regional Fire Science Exchanges funded through the Joint Fire Science Program, facilitates access to information, technical assistance, and tools by Hawaiian stakeholders. DOI uses LANDFIRE, a landscape fire and resource management planning tool, which provides landscape scale geo-spatial products and data (e.g., fire behavior fuel model, vegetation cover characteristics, disturbance history, etc.), satellite imagery, and localized research to support cross-boundary planning. Recently, the U.S. Geological Survey (USGS), U.S. Forest Service (USFS) and the University of Hawaii - Manoa collaborated to complete of a peer-reviewed publication which updates LANDFIRE model parameters for the Hawaiian Islands. In addition, the U.S. Fish and Wildlife Service (FWS) and National Park Service (NPS) have partnered with the USFS Fire Sciences Laboratory to identify and prioritize areas at greatest risk from wildfire including the locations and best management practices to manage fire-prone non-native species.

In Hawaii, FWS and NPS use satellite imagery, wildland fire risk and hazard analysis, and vegetation mapping in setting priorities for fuel reduction projects and suppression activities in an interdisciplinary forum. Prioritization of fuels reduction projects is based on the individual project's ability to meet the strategic goals of the National Cohesive Wildland Fire Management Strategy, which are to make progress towards achieving resilient landscapes, fire adapted communities, and safe and effective wildfire response. Project selection incorporates return on investment and probability of success into the prioritization process.

**Question 2: The Department of Defense has a significant presence in Hawaii. Since 1975 the USDA and DOI have had an interagency agreement with DOD, which allows DOD to provide firefighting support to the wildland fire management agencies when needed.**

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**Does DOI partner with the DOD in fire prevention activities, such as removing nonnative species, or post-fire restoration, such as controlling erosion in forests? Along the same lines, does DOI partner with the DOD to use or implement innovative technologies to better prevent, respond to, or remediate wildfire events?**

**Likewise, does DOI partner with NOAA in post-fire restoration to control sedimentation and runoff into the surrounding ocean?**

The NPS and FWS have interagency agreements with DOD which facilitate coordination of wildfire response across boundaries. Both agencies work with the DOD as core members of the Big Island Wildfire Coordinating Group (BIWCG). BIWCG is a leadership forum where Federal, state, and local fire agencies and nongovernmental organizations exchange information and coordinate fire-related programs for more proactive and collaborative wildfire-related education, outreach and technical assistance, project implementation, and research. Activities of BIWCG include, but are not limited to the prevention of human-caused fires, training of personnel to common wildland fire standards, fire prevention messaging, pre-suppression activities, suppression of fires, rehabilitation of areas burned by wildfire, exchange of technologies, fire research, and response to all-risk incidents (earthquakes, hurricanes, and volcanic eruptions). BIWCF furthers inter-agency cooperation through the implementation of directions and standards for various incident management activities. Pooling these resources affords the people of the Island of Hawaii more extensive and effective protection of lives, property, and natural and cultural resources. In other on-going work, DOD plans to continue working with the FWS on the development of Fire Danger Operating Plans.

Furthermore, the FWS and NPS collaborate with NOAA on sediment control and post fire restoration concerns to identify optimal climate conditions conducive to successful fire rehabilitation. DOD plans to continue working with the FWS on the development of Fire Danger Operating Plans. The National Park Service works with NOAA on sediment control and post fire restoration concerns as members of the South Kohala Coastal Partnership. NOAA and the NPS each collaborate with the Hawaii Wildfire Management Organization on coral reef protection through fire prevention efforts. The Pacific Fire Exchange provides a mechanism for sharing information through the Pacific Islands wildfire community.

Nationally, DOI partners with the military to provide additional support for wildland fire suppression operations. Currently, 245 soldiers from the 23<sup>rd</sup> Brigade Engineer Battalion based out of Fort Lewis, Washington are deployed to the Umpqua North Complex fire in Oregon. A number of military aerial assets are also supporting wildland firefighting efforts, including 2 C-130 airtankers and personnel that are deployed to fires in California, and two RC-26 fixed wing aircraft that are deployed to fires in Washington and California. The National Guard has also been deployed in Oregon, Washington, California, and Montana to provide additional firefighting support.



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

OCT 25 2017

The Honorable Doug LaMalfa  
Chairman, Subcommittee on Indian, Insular  
and Alaska Native Affairs  
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses to the questions received by Mr. James Cason, Associate Deputy Secretary, following his July 13, 2017, appearance before your Subcommittee at a hearing "*Comparing 21<sup>st</sup> Century Trust Land Acquisition with the Intent of the 73<sup>rd</sup> Congress in Section 5 of the Indian Reorganization Act.*" We apologize for the delay in our response.

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 Norma Torres  
Ranking Member

**Committee on Natural Resources  
Subcommittee on Indian, Insular, and Alaska Native Affairs  
Hearing on Trust Land Acquisition  
July 13, 2017**

**Questions from Chairman Bishop**

- 1. Based on the Department's actions in the Mashpee Tribe matter, it is clear that the current Administration has problems with the approach used by the Obama Administration in using section 5 of the IRA, as interpreted by the Supreme Court in the Carcieri decision, to acquire land in trust for the Mashpee Tribe. What steps will you take to bring the principles that govern trust land acquisition into line with that decision, including for decisions made under the previous Administration?**

**Response:** The Department continues to review these principles and welcomes the opportunity to work with Congress on this matter, if they so choose.

- 2. Would you like Congress to establish clear standards on how the Secretary's authority under section 5 of the IRA should be applied?**

**Response:** Yes.

- 3. Does the Department plan to revise the Department's trust land regulations under 25 CFR Part 151? If so, what type of revisions does the Department plan to make?**

**Response:** The Department is in the process of considering changes to our land-into-trust process [25 CFR Part 151] to provide feedback earlier in the process. In the case of off-reservation land into trust efforts, the commitment of time and resources required can be exorbitant. Therefore, rather than unnecessarily require tribes to expend much needed resources pursuing a parcel unlikely to be approved, we believe it is important to be upfront about proposals that may not be acceptable.

Additionally, the Department is considering reinstating the 30-day delay for taking land into trust once a decision is final to avoid unnecessary expenditure of tribal resources from developing trust lands that face protracted litigation and the possibility of a court order taking them out of trust. The revision expressly states that the Department will comply with court orders to take land out of trust.

- 4. What criteria does the Department use to determine a tribe's need for additional trust land? Please provide examples of Departmental findings of insufficient need. What criteria does the Department use to determine that tax and jurisdictional impacts to local governments are too great to justify a trust acquisition? Please provide examples.**

**Response:** The Department's current regulations do not require anything more than the Secretary's consideration of the tribe's need, impact on the State and its political



subdivisions resulting from the removal of the land from tax rolls, and jurisdictional problems and potential conflicts of land use which may arise from a trust acquisition. The Bureau of Indian Affairs defers to the tribe's own determination of its need. There is no listing of criteria to be used. Each case is individually reviewed on the facts in its own application.

- 5. In what ways is Solicitor's M-Opinion numbered M-37029 deficient, given your testimony that its criteria are too "loose," it does not respond to the Carcieri decision, and it has no distinguishing effect among tribes? Given this testimony, does the Department intend to replace the M-Opinion?**

**Response:** The Department is considering options for clarifying the guidance provided by the M-Opinion.

- 6. What is the Department's authority to take land out of trust to correct an error in the decision to acquire land in trust? What is the mechanism or instrument to do so?**

**Response:** The Department will comply with any final court orders determining that there was an error in a trust acquisition decision, including taking that land out of trust. Congress also has authority to take lands out of trust status.

- 7. Given your testimony that the Department may address "dual taxation" in revisions to the Indian Trader regulations, what is the Secretary's authority to preempt state and local taxation of non-Indian economic activities on Indian lands by regulation? Can the Secretary by regulation define which government (tribal or non-tribal) may exercise authority over anyone engaged in economic activities on Indian lands?**

**Response:** As you know, the Constitution gives Congress the exclusive authority to regulate commerce in Indian Country. Congress subsequently passed several statutes regarding trade and commerce in Indian Country, and we are currently reviewing the authority of the Secretary under those statutes regarding regulation of commerce on trust and restricted fee land.

The Secretary is committed to reducing or eliminating job-killing regulations in Indian Country and helping tribes develop robust, self-sustaining economies while promoting job creation and economic prosperity not only for reservation residents but also for citizens of the surrounding communities. At present, significant uncertainty often exists for outside capital looking to invest in Indian Country projects, and as part of regulatory reform, we are working on reducing the that uncertainty. As part of that effort, the Deputy Assistant Secretary for Policy and Economic Development -- Indian Affairs is currently gathering data on the economic impact of that uncertainty, including the issue of dual-taxation.