



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 6 2022

The Honorable Brian Schatz
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Schatz:

Enclosed are responses prepared by Indian Affairs to the questions for the record submitted to the Department's witness, Kathryn Isom-Clause, Deputy Assistant Secretary of Indian Affairs for Policy and Development, following her appearance before the Committee at the February 16, 2022, legislative hearing on S. 3123, S. 3126, S. 3273, and S. 3381. We apologize for the delay in our response.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure

cc: The Honorable Lisa Murkowski
Vice Chairman

Questions from Chairman Schatz

Question 1: This Committee has heard that BIA's realty systems contribute to the lag in mortgage approvals for residences and businesses on Tribal lands. Please describe in detail the source of the delay and any internal reforms BIA has developed/is developing to address it.

Response: Several factors could cause delays in processing mortgage applications, as each application is unique. Delay can stem from incomplete applications or faulty paperwork included in the incoming application to the inability to gain consent from co-owners.

For second mortgage applications, the delay often stems from the lack of satisfaction and release documents for former mortgages. However, the Bureau of Indian Affairs (BIA) can provide information to the applicant to facilitate timely receipt of needed documentation.

In cases where lenders provide BIA loans without approved mortgages, BIA Regional Offices need to perfect the mortgage to be approved. These cases still need to go through the review process and, if they legally cannot be approved, the cases may need to be marked as Incomplete and returned to the lender for mitigation. To address these delays, the BIA is working to ensure that lenders are fully aware of all BIA requirements. We recognize that we must continue to ramp up our education efforts to ensure lenders are comfortable working in Indian country.

Lenders and Tribes have been unclear as to where the approval authority for leasehold mortgages is under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) lease. Under an approved Tribal HEARTH Act ordinance, which includes provisions for leasehold mortgages, the Tribe has the authority to approve leasehold mortgages. Thus, eliminating the need for Secretarial approval. Tribal approval can significantly decrease the time it takes to process a leasehold mortgage. To address these misunderstandings, BIA is working to educate HEARTH Act Tribes and lenders on the lease and leasehold mortgage approval process.

The BIA is taking steps to expedite the processing of mortgage applications and issued policies and provided training to agency staff and Tribal contract or compact employees regarding BIA mortgage approval requirements and timelines. The BIA plans to conduct additional procedural and system trainings to ensure timeliness. Furthermore, the BIA is looking to implement a new mortgage system within the next six months that will aid in a more convenient application process, which we anticipate will lead to more timely approvals. The system will include enhanced quality control, monitoring, and reporting for BIA.

Questions for the Record
Senate Committee on Indian Affairs
Legislative Hearing on S. 3123, S. 3126, S. 3273, and S. 3381
February 16, 2022

Question 2: Would the addition of a realty ombudsman help expedite processing Tribal mortgage applications? What, if any, authority would the ombudsman have to ensure the Bureau is responsive or in compliance with the deadlines reflected in S. 3381?

Response: A realty ombudsman could help expedite the processing of Tribal mortgage applications. Specifically, a realty ombudsman could help Tribal contracted and compacted programs and lenders compile documents needed for complete mortgage applications.

As currently drafted, S. 3381 creates a realty ombudsman who has a primary responsibility of ensuring deadlines related to the mortgage application process are met. That position, along with the already effective Indian Affairs Mortgage Handbook, 52 IAM 4-H, could assist the Bureau of Indian Affairs in the timely processing of mortgage applications.

Questions from Senator Luján

Question 1: Ms. Isom-Clause, what is the average time the Bureau and the Division of Land Titles and Records take to finalize Title Status Reports and loan packages? What is the average time that each Bureau of Indian Affairs Regional Office takes to finalize Title Status Report and loan packages?

Response: Certified Title Status Reports (CTSRs) are normally completed within two business days of the request being submitted into the Trust Asset and Accounting Management System (TAAMS) TSR Request module. The BIA's Land Titles and Records Office (LTRO) does not have a role with incoming mortgage applications. However, once a finalized mortgage is scanned into TAAMS, LTRO will encode and record (apply to title) the document. An Agency must request the final CTSR through the TSR Request module and LTRO will certify that within two business days and send it to the Agency and/or lender.

Pursuant to Title 25 of the Code of Federal Regulations (CFR), Part 162 and the Indian Affairs Manual (IAM) at 52 IAM 4, there are regulatory timeframes for BIA approval of mortgages. The average time for BIA to approve a leasehold mortgage is 37 days and a land mortgage is 106 days.

Question 2: Ms. Isom-Clause, what barriers currently exist to more expedient processing and certification of Title Status Reports and mortgages?

Response: Barriers to expedient processing of CTSRs and mortgages originate from both internal processes and external parties.

BIA Region and Agency offices function as the office of record for mortgages. While the number varies from year to year, on average they process approximately 500 mortgages each year. Agency offices must scan the mortgage documents into TAAMS and submit the request(s) for a CTSR to trigger review and recordation. In the past two fiscal years, LTRO completed over 1,000 TSRs each year (1,225 in FY21, and 1,096 in FY22). In FY22, completion date averages range from 5.3-7.6 days depending on if we use the create or assigned date. This does not consider the Agency Realty Office notifying or sending the CTSR to the lender, only the certification time frame as reported through the module and a Qlik query. Understaffing due to difficulties in filling relevant positions contributes to delays.

External barriers are also numerous. One of the larger barriers is lender understanding of the process and required documents. The lender/applicant is responsible for assembling required documents to support the Bureau's approval of a mortgage. Lenders enter into mortgages with landowners that are not yet approved or recorded by the BIA. Some lenders expect a final CTSR for a transaction that had not yet been requested nor approved.

Coordination of information is another barrier to more expedient processing. For example, lenders will send periodic and duplicative status requests for two to three hundred mortgages at a time. It is a time-consuming exercise for the BIA to repeatedly provide and validate lenders' data.

In many instances, the BIA has provided TSRs back to the lender and the lender has not provided this information to entities such as the United States Department of Housing and Urban Development (HUD). This requires the BIA to duplicate case review and provide the dates the TSR was provided to the lender. Lenders also delay the process by requesting certain information to be on TSR's as there is no standard TSR format.

The BIA is committed to supporting Tribes through lender education efforts, and is striving to increase these efforts to ensure lenders are aware of the process, timeline, and information required.

Question 3: Ms. Isom-Clause, what actions has the Bureau taken to expedite Title Status Reports and processing of mortgage-related documents? What is the status of these actions?

The Bureau has developed the following guidance and tools to enhance mortgage application processing:

- In May 2018, the BIA issued the TAAMS Title Status Report Reformat Enhancement and Encoding Guidance.
- On May 23, 2018, the BIA implemented and provided guidance on the TAAMS TSR Module.
- On June 14, 2018, the BIA developed the Mortgage Tracker.
 - This tool tracks mortgage packages from receipt to the final CTSR.
- On October 17, 2018, the BIA issued 52 IAM 4, Processing Mortgages of Trust Properties.
 - This establishes the BIA's policy, responsibilities, and procedures for the management and processing of leasehold and land mortgages of trust property.
- On July 15, 2019, the BIA issued the Indian Affairs Mortgage Handbook.
 - This handbook provides instructions to the BIA and guidance for other agencies and lenders.
 - It also includes a process checklist, form and letter templates, and timeframes for the review and approval of mortgages, including the generation of TRSs.
- On October 4, 2019, the Director, BIA issued a memorandum entitled Mortgages Top Priority which established the processing of mortgages as a top priority.
- On August 25, 2020, the BIA provided training to regional and agency staff on the Mortgage Handbook, with an emphasis on timeliness with regard to TSRs and processing mortgage applications within regulatory deadlines.

- In October 2020, the Lender Loan Portal went live.
 - The Lender Loan Portal is to be utilized by the U.S. Department of Housing and Urban Development (HUD) and lenders to inquire on the status of a mortgage.

Question 4: Ms. Isom-Clause, currently the Bureau of Indian Affairs does not initiate a National Environmental Policy Act (NEPA) review until after the Title Status Report is complete. To expedite loan packages, why does the Bureau not initiate the processing of both these processes at the same time?

Response: With regard to NEPA, the approval of a mortgage by the BIA is normally categorically excluded (CatEx) from the preparation of an environmental assessment or environmental impact statement. The CatEx is documented in a checklist prepared by BIA non-realty staff shortly after receipt of a mortgage for approval and does not add to the overall time for approval.

The purpose of the initial TSR is to demonstrate to the lender that the potential mortgagee has a leasehold interest recorded on Indian title. This TSR issuance is an administrative action and not a federal decision that triggers a NEPA review.

If an applicant is using the Section 184 Indian Home Loan Guarantee program, the Office of Loan Guarantee works to educate program participants that the BIA is not responsible for conducting or completing HUD environmental reviews required by the program. HUD environmental reviews are completed by Tribes pursuant to 24 CFR Part 58. In cases where the Tribe is unable to or declines to perform the environmental review, the Tribe may request that HUD perform an environmental review pursuant to 24 CFR Part 50.

Question 5: Ms. Isom-Clause, how often does the Bureau meet the deadlines reflected in the Bureau's existing handbooks and policy? How often do Bureau Regional Offices meet these deadlines? Please specify which regional offices meet these deadlines and the frequency with which they do so over the course of recent years.

Response: Below is a snapshot of the percent of mortgages approved within the identified timeframes in fiscal years (FY) 2020, 2021, and 2022. This data is retrieved from data encoded into the Mortgage Tracking System. This data consists of dates and timelines from a coordinated effort between applicants, lenders, and BIA throughout the life of a mortgage application. We recognize that this data shows a need for concerted effort to improve processing times to approve mortgages within identified timelines. We are committed to making internal improvements and external education efforts to ensure that these timeframes are met.

Percent of Mortgages Approved within Identified Timeframes			
	FY2020	FY2021	FY2022
Land Mortgage	71%	75%	75%
Leasehold Mortgage	55%	46%	56%

Below is a breakdown of the BIA Regional Offices with percent of mortgages approved within the identified timeframes in FY2020-FY2022. This data is retrieved from data encoded into the Mortgage Tracker System. This data consists of dates and timelines from a coordinated effort between applicants, lenders, and BIA throughout the life of a mortgage application. Not every BIA Region is identified in a fiscal year if no mortgage packages were completed. Please note that the number of mortgages received by each Region varies widely. We are using increased data analysis on mortgage processing to help to focus our efforts to improve processing times.

Region	FY2020	FY2021	FY2022
A – Great Plains	100%	98%	85%
B – Southern Plains	N/A	N/A	N/A
C – Rocky Mountain	33%	42%	14%
E – Alaska	N/A	N/A	N/A
F – Midwest	81%	74%	83%
G – Eastern Oklahoma	N/A	N/A	N/A
H – Western	27%	17%	0%
J – Pacific	88%	60%	51%
M – Southwest	100%	100%	75%
N – Navajo	70%	50%	100%
P – Northwest	70%	63%	76%
S – Eastern	25%	100%	20%

Question 6: Ms. Isom-Clause, how would implementing statutory mortgage review and processing timelines change the Bureau’s internal practices?

Currently, mortgages involving property on trust lands must be reviewed and approved by the BIA in order for the mortgage to be finalized. This pertains to residential, commercial, and right-of-way mortgages, among others. The 2019 Indian Affairs Mortgage Handbook established timelines for BIA offices to process mortgage applications. However, the timelines are not always met. Placing these timelines into statute would strengthen the authority for improving the timeliness of mortgage application processing and ensure applicants are provided homeownership opportunities on trust land.

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February 16, 2022

Question 7: Ms. Isom-Clause, how would creating a Realty Ombudsman position in the Bureau change the Bureau's internal practices and help the Bureau meet the timeframes outlined in the Bureau's 2019 Mortgage Handbook?

Response: A realty ombudsman could help expedite the processing of Tribal mortgage applications. Specifically, a realty ombudsman could help Tribal contracted and compacted programs and lenders compile documents needed for complete mortgage applications. A realty ombudsman could also serve as a liaison and facilitate communications between the BIA, Tribes, applicants, lenders, and other Federal agencies. An ombudsman could work to improve tracking, reporting and lender education with federal lending partners. All of these functions would help ensure the timeframes in the 2019 Indian Affairs Mortgage Handbook are met.



United States Department of the Interior

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Washington, DC 20240

DEC - 6 2022

The Honorable Brian Schatz
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Schatz:

Enclosed are responses prepared by Indian Affairs to the questions for the record submitted to the Department of the Interior's witness, Jason Freihage, Deputy Assistant Secretary of Indian Affairs for Management, following his appearance at the July 20, 2022, legislative hearing on S. 4104, S. 4439, and H.R. 5221. We apologize for the delay in our response.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure

cc: The Honorable Lisa Murkowski
Vice Chairman

Questions from Chairman Schatz

Question 1: From the Department's perspective, how have co-management MOUs and MOAs between Tribal governments and federal agencies facilitated mutually beneficial stewardship practices over sacred sites?

Response: Sites sacred to Indian Tribes often occur within a larger landform or are connected through physical features or ceremonies to other sites or a larger sacred landscape. The connection to place is essential to the spiritual practice and existence of Indian Tribes. MOUs and MOAs represent one of the Department's most successful tools to facilitate collaborative and cooperative stewardship for sacred sites.

For example, the Rappahannock Tribe re-acquired 465 acres at Fones Cliffs, a sacred site to the Rappahannock Tribe located on the eastern side of the Rappahannock River in Virginia. The Rappahannock Tribe will own the land, however, it will be publicly accessible and held with a permanent conservation easement conveyed to U.S. Fish and Wildlife Service. This collaborative stewardship arrangement ensures that the Rappahannock Tribe owns its ancestral homeland containing a Tribal sacred site while allowing the Department to conserve a globally significant Important Bird Area.

In keeping with Executive Order 13007 (Indian Sacred Sites), the Department, to the greatest extent practicable, accommodates access to and ceremonial use of Indian sacred sites by Indian religious practitioners from Indian Tribes and avoids adversely affecting the physical and spiritual integrity of such sacred sites. During consultation with the Department, Indian Tribes may identify sacred sites and may also identify preferred treatments of such places. Co-stewardship MOUs and MOAs alert planners and resource managers to the potential presence of sensitive areas and are kept confidential to the extent permitted by law.

Question 2: Have Tribal co-management agreements contributed to building Tribal capacity for cultural education opportunities, language revitalization, and land management across the Department? If so, how?

Response: Co-stewardship MOUs and MOAs actively contribute to building Tribal capacity for cultural education, language revitalization, and land management. Multiple Tribes have arrangements in place with the Department to implement or provide cultural interpretation and/or educational programming at Departmental units located on or near Tribal homelands across multiple land management bureaus. For example, an Alaska Native group has an agreement in place to offer seasonal interpretive programming. Many Indian Tribes in the lower 48 states have similar MOUs or MOAs in place. Several Tribes also have arrangements that support language revitalization, including a Montana Tribe with an agreement in place with the Department for creation of trilingual entrance signs for units including indigenous names/language and land ownership and designation information on signs.

Multiple Tribes have agreements in place to coordinate and cooperatively manage Federal and Tribal lands and waters. A Tribe in the Pacific Northwest has received transfer and conducts full management of a federal fishery under a co-stewardship agreement. These are broad examples, and the Department is proud of the benefits to Tribal capacity for cultural education, language revitalization, and land management that result from co-stewardship MOUs and MOAs.

Question 3: From the Department’s perspective, what are some barriers to facilitating efficient and effective co-management policies between Indian Tribes and the federal government?

Response: Collaborative and cooperative co-stewardship agreements have been a component of the Department’s engagement with Indian Tribes for many years. Following Joint Secretarial Order 3403 in November 2021, the Department is evaluating future policies and practices to streamline co-stewardship MOUs and MOAs. These may include, for example, broader sharing of data with Indian Tribes about co-stewardship requests and disposition of those requests, clearer information about points of contact regarding co-stewardship MOUs and MOAs, and a uniform interpretation of the Indian Self-Determination and Education Assistance Act’s (ISDEAA) “programs, services, functions, and activities” for use by BIA and all non-BIA bureaus in determining eligible activities for self-governance co-stewardship activities. Specifically, broadening the use of ISDEAA 638 contracting and self-governance compacts by land management agencies would facilitate cooperation with Tribes necessary to advance co-stewardship.

One example of a barrier to co-stewardship is need for a Tribal land base to make use of the Good Neighbor Authority with Federal land management agencies. Many Tribes have very limited acreage or no land holdings which can be managed in ways that are complementary to Federal land holdings, as appropriate through existing Good Neighbor Authority agreements. To address this challenge, the President’s Budget proposes \$14.8 million for Tribal land acquisition. Accompanying this budget request, is a request to increase the annual statutory cap on land acquisition funding from \$2 million to \$10 million. The cap on land acquisition dates back to the original language enacted in the 1934 Indian Reorganization Act. In today’s dollars, \$2 million in 1934 would equal over \$40 million now. Lifting this cap is necessary for additional appropriations to be provided to advance self-determination and collaborative and cooperative stewardship. Additional funding to support increased land acquisition would eliminate one barrier to co-stewardship. Expanding the reach of Good Neighbor Authority for Indian Tribes would eliminate another barrier to co-stewardship for Indian Tribes.

Questions for the Record
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July 20, 2022

Question 4: How can co-management policies and practices be integrated into the Department's efforts to facilitate Tribal climate resilience, adaptation, and mitigation?

Response: The Department has already integrated collaborative and cooperative stewardship agreements into our operations to facilitate Tribal climate resilience, adaptation, and mitigation efforts. For example, the Department uses prescribed burning for vegetation management and to restore cultural landscapes. In 2017, a land management unit collaborated with Great Lakes Indian Fish and Wildlife Commission member Tribes to conduct the first cultural burn in many generations. The Department looks forward to more collaboration with Indian Tribes to further facilitate Tribal climate resilience, adaptation, and mitigation through co-stewardship agreements.



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DEC - 6 2022

The Honorable Brian Schatz
Chairman, Committee on Indian Affairs
United States Senate
Washington, DC 20510

Dear Chairman Schatz:

Enclosed are responses prepared by Indian Affairs to the questions for the record submitted to Assistant Secretary – Indian Affairs Bryan Newland following his appearance before the Committee at the July 27, 2022, oversight hearing entitled, “Select Provisions of the 1866 Reconstruction Treaties Between the United States and Oklahoma Tribes”. We apologize for the delay in our response.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure

cc: The Honorable Lisa Murkowski
Vice Chairman

Questions for the Record
Senate Committee on Indian Affairs
Oversight Hearing: “Select Provisions of the 1866 Reconstruction
Treaties Between the United States and Oklahoma Tribes”
July 27, 2022

Questions from Chairman Schatz

Question 1: In addition to working with the Committee on defining the scope of a potential GAO report, what actions can DOI, and the overall federal government, take to help resolve this issue that doesn’t depend on the resolution of each individual Tribal membership concern? Is DOI or other agencies currently taking any action in this regard?

Response: The Department of the Interior (Department) continues to evaluate actions to engage with this issue, specifically, membership of people who were enslaved and later released from slavery by citizens of the Cherokee, Choctaw, Chickasaw, Muscogee (Creek), and Seminole nations. We believe detailed evaluation is necessary because the Department does not verify or determine who is a descendent of the Freedmen, and the Department generally defers to Tribes to determine who is and is not a Tribal citizen.

The Department also continues to review whether to admit certain Freedmen descendants as students at Haskell Indian Nations University and Southwestern Indian Polytechnic Institute. And the Department reaffirms its encouragement to other Tribes to take steps to meet their moral and legal obligations to the Freedmen.

While the Department respectfully defers to other cabinet secretaries regarding their course of action, the Department welcomes support from the overall federal government in encouraging Tribes to meet their moral and legal obligations to the Freedmen.

Question 2: In light of the work Interior is currently doing with respect to Freedmen issues, what actions could Congress take to help facilitate resolution on a parallel track?

Response: The Department generally defers to Tribes to determine who is and is not a Tribal citizen, in keeping with the United States Supreme Court’s recognition that the right to define Tribal membership is “central to [a Tribe’s] existence as an independent political community.” See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978).

The Department welcomes the chance to offer technical assistance on specific legislative proposals on related issues.

Questions from Vice Chairman Murkowski

Question 1: If a Tribe’s treaty does not specifically require it to extend membership to Freedmen and their descendants, what federal obligations does the federal government have to Freedmen and their descendants?

Response: Such individuals may benefit from services provided by other cabinet agencies, and the Department is evaluating whether direct services like higher education are available to certain Freedmen. Additionally, congressional legislation could be an additional source of federal obligations, although the Department is not aware of any existing statutes that continue to impose obligations as to Freedmen or their descendants.

Question 2: In your written testimony you state that, “as sovereign parties to treaties, Tribes also have an important role in interpreting the meaning of those treaties.” The United States is the other sovereign party to the 1866 treaties signed by the Five Tribes. As the other signatory to the 1866 treaties, what role does the United States, acting through the Interior Department, have to interpret and enforce the terms of these treaties?

Response: Treaties with Indian Tribes, including the 1866 Treaties, are the supreme law of the land. Interpretation of treaties can be complex and must consider the Treaty’s terms, the historical and negotiation context, and interpretive principles set forth in numerous Supreme Court opinions, among other considerations. Questions of enforcement would be subject to these interpretations and would depend on the context.

Question 3: Please provide a comprehensive list of federal programs that Freedmen who are citizens of one of the Five Tribes should be eligible for?

Response: The Department is not in a position to provide comprehensive information on all federal programs at agencies other than the Department of the Interior. Within the Department of the Interior, Indian Affairs programs support and assist federally recognized Tribes in the development of Tribal governments, strong economies, and quality programs. The scope of Indian Affairs programs is extensive and includes a range of services comparable to the programs of state and local government, including education, social services, law enforcement, courts, real estate services, agriculture and range management, and resource protection. Freedmen who are citizens of a federally recognized Tribe are eligible for Department programs that provide services to Tribal citizens. General information is available at doi.gov/tribes/benefits.

Questions for the Record
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July 27, 2022

Question 4: Are there Bureau of Indian Affairs programs where Freedmen may be citizens of one of the Five Tribes and eligible for Tribal services, but are excluded from BIA programs due to a Certificate Degrees of Indian Blood (CDIB) requirement? If so, please specify the programs.

Response: In most cases, a tribal citizenship card is sufficient to establish eligibility for Federal programs and services. Certificates of Degree of Indian Blood should not be required to establish Federal program or service eligibility unless a minimum degree of blood is a statutory prerequisite.

Question 5: In 1941, the Department of the Interior Solicitor addressed the question of whether "it be admissible under the Oklahoma Welfare Act to adopt a constitution containing provisions whereby Freedmen who might be on the rolls would and could be eliminated." In Opinion 1077, the Solicitor said the "Act constitutes the basis for complete reorganization of the Oklahoma tribes" and "the Five Civilized Tribes have full authority to reorganize their membership on a new basis excluding the Freedmen." What is the status of this 1941 Solicitor's opinion?

Response: This Solicitor's Opinion, 1 Op. Sol. 1076 (Oct. 1, 1941) (M-Opinion), has never been withdrawn. The Department is cognizant, however, that this Opinion is nearly 80 years old. Since then, there have been subsequent developments in Federal Indian law, both statutes passed by Congress and decisions of federal courts, including the U.S. Supreme Court, that may affect the analysis of that Opinion.

Questions for the Record
Senate Committee on Indian Affairs
Oversight Hearing: “Select Provisions of the 1866 Reconstruction
Treaties Between the United States and Oklahoma Tribes”
July 27, 2022

Questions from Senator Hoeven

Question 1: In your view, is this issue one that is now most appropriately left to the courts, or is there a role for Congress to play as well?

a. If there is a role for Congress, what would that look like?

Response: As the Supreme Court has recognized, “a tribe’s right to define its own membership for tribal purposes has long been recognized as central to its existence as an independent political community.” *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978). The Department respects this important principle, within the bounds of federal law. Should Congress choose to address Tribal membership issues, the Department welcomes the chance to offer technical assistance on specific legislative proposals.

Question 2. What is the Department’s view on tribal sovereignty as it pertains to a Tribe’s ability to choose its membership?

Response: The Department generally defers to Tribes to determine who is and is not a Tribal citizen, in keeping with the United States Supreme Court’s recognition that the right to define Tribal membership is “central to [a Tribe’s] existence as an independent political community.” *See Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978). The Department respects Tribal sovereignty to establish criteria for citizenship; however, the Department and Tribes are also bound by federal law.

Question 3. Does the Department view the Tribe’s treaty obligations as overriding their ability to choose their membership?

Response: Treaties have the full force of federal law, and are “essentially a contract between two sovereign nations.” *Washington v. Washington State Commercial Passenger Fishing Vessel Association*, 443 U.S. 658, 675 (1979). The interpretation of an Indian Treaty can be complex, and is guided by the Treaty’s plain language and its historical context, and by various interpretive principles, among other considerations. The Department is continuing to work to understand the scope of obligations under each of the 1866 Treaties. The Department encourages Tribes to take steps to meet their moral and legal obligations to the Freedmen.

Questions for the Record
Senate Committee on Indian Affairs
Oversight Hearing: “Select Provisions of the 1866 Reconstruction
Treaties Between the United States and Oklahoma Tribes”
July 27, 2022

Questions from Senator Lujan:

Question 1: Assistant Secretary Newland, you mention in your testimony that the Department has considered whether certain Freedmen are eligible for some direct federal services and the Department conducted consultations in February on whether to admit certain Freedmen descendants as students to two colleges operated by the Bureau of Indian Education. What is the status of the Department’s investigation into this matter?

Response: At this time, the Department continues to review whether to admit certain Freedmen descendants as students at Haskell Indian Nations University and Southwestern Indian Polytechnic Institute.

Question 2: Assistant Secretary Newland, has the Department investigated which direct federal services, laws or criminal jurisdiction decisions are contingent on an individual having proof of Indian blood? If so, are the descendants of Freedmen ineligible to receive this category of direct federal services? Please differentiate by whether these services exclude descendants of Freedmen with Tribal membership or those who currently lack Tribal membership.

Response: In general, individuals who can show proof of Tribal membership do not need a Certificate of Degree of Indian or Alaska Native Blood (CDIB) to demonstrate eligibility for services. The Department generally defers to Tribes to determine who is and is not a Tribal citizen, in keeping with the United States Supreme Court’s recognition that the right to define Tribal membership is “central to [a Tribe’s] existence as an independent political community.” See *Santa Clara Pueblo v. Martinez*, 436 U.S. 49, 72 n.32 (1978).



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 23 2022

The Honorable Teresa Leger Fernandez
Chair, Subcommittee for Indigenous Peoples
of the United States
Natural Resources Committee
United States House of Representatives
Washington, DC 20515

Dear Chair Leger Fernandez:

Enclosed are responses prepared by Indian Affairs to the questions for the record submitted following the September 20, 2022, oversight hearing on “Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court’s Ruling on Tribal Sovereignty.”

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure
cc: The Honorable Jay Obernolte
Acting Ranking Member

Questions for the Record
Subcommittee for Indigenous Peoples of the U.S.
House Natural Resources Committee
Oversight Hearing on “Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court’s Ruling on Tribal Sovereignty”
September 20, 2022

Question from Chair Leger Fernández

Question 1: As Assistant Secretary for Indian Affairs, what is the agency’s view of the *Castro-Huerta* ruling?

- a. In addition to the listening sessions referenced in your testimony, how is the Department working to communicate with and assist tribal governments in the aftermath of the *Castro-Huerta* ruling?**

Response: In holding that states have concurrent jurisdiction over crimes that non-Indians commit against Indians in Indian country, the Supreme Court’s decision in *Castro-Huerta* upended two centuries of settled law and created uncertainty when it comes to jurisdiction and public safety in Indian country. That ruling runs counter to the public policy adopted by Congress, and implemented by the Executive Branch, over the past half century. The uncertainty created in the wake of this decision will invite conflict over the exercise of jurisdiction in Indian country, complicating the important task of improving law enforcement in Indian country and protecting Tribal communities.

The Bureau of Indian Affairs Office of Justice Services (BIA-OJS) staff are always available to provide assistance to Tribes in navigating public safety and justice issues. In the wake of *Castro-Huerta* and in line with the federal government’s trust responsibility, BIA-OJS will continue to provide law enforcement support and resources to Tribal governments, including training and technical assistance for Tribal courts. For example, on September 28, 2022, OJS Tribal Justice Support held the second session in a three-part roundtable series bringing together Tribal prosecutors, judges, and court staff with the United States Marshals Services, the Department of Justice (DOJ), and BIA-OJS to discuss implementation of special Tribal criminal jurisdiction under the Violence Against Women Act of 2022 (VAWA). During the roundtable series and during the recent listening sessions, Tribes voiced concerns regarding potential state encroachment on Tribal criminal jurisdiction authorized under VAWA following *Castro-Huerta*. Following our listening sessions, we are working with DOJ to address immediate concerns raised in the sessions and work on a path forward that is protective of Tribal jurisdiction.

Questions for the Record
Subcommittee for Indigenous Peoples of the U.S.
House Natural Resources Committee
Oversight Hearing on “Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court’s Ruling on Tribal Sovereignty”
September 20, 2022

Question from Chair Grijalva

Question 1: Can you elaborate on how the Department of Interior is working with the Department of Justice to address the concerns of tribal leaders regarding the Castro-Huerta ruling?

Response: The Department of the Interior and the Department of Justice (Departments) co-hosted two listening sessions on *Castro-Huerta* on September 26 and September 27, 2022, to hear from Tribal leaders, practitioners, academics, and others on the impacts of the *Castro-Huerta* ruling. The Departments published a report that summarizes the comments received during the listening sessions. The report can be found on the BIA’s website here: <https://www.bia.gov/service/tribal-consultations/oklahoma-v-castro-huerta>. Both Departments are working together to ensure that we continue to fulfill our federal trust responsibility to protect Tribal communities through policing, prosecutions, and coordination with other agencies on crime prevention strategies. The *Castro-Huerta* decision does not limit that responsibility.

Additionally, the Department coordinates in numerous avenues with the DOJ, including as co-leads of the White House Council on Native American Affairs Committee on Public Safety and Justice, which focuses on many public safety issues, including jurisdictional concerns in Indian country. Senior leadership from the Indian Affairs office meets weekly with DOJ’s Office of Tribal Justice to coordinate on all public safety and justice matters and this includes any on-the-ground issues arising in the wake of *Castro-Huerta*. In addition, BIA-OJS and the Federal Bureau of Investigation are in regular communication on emergent issues related to the decision. Finally, the Assistant Secretary for Indian Affairs meets regularly with senior political leadership in the Deputy Attorney General’s Office to coordinate work across tribal communities.

Questions for the Record
Subcommittee for Indigenous Peoples of the U.S.
House Natural Resources Committee
Oversight Hearing on “Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court’s Ruling on Tribal Sovereignty”
September 20, 2022

Questions from Ranking Member Westerman

Lead Up for Questions 1 and 2: In your recent testimony before the Senate Committee on Indian Affairs, you mentioned that the Department was providing Technical Assistance on legislative efforts related to the *Castro-Huerta* decision.

Question 1: Does the Department of the Interior support a legislative efforts that would alter the current criminal jurisdiction states possess in Indian country post-*Castro-Huerta*?

Response: More than fifty years ago, Congress adopted legislation to ensure that Tribes would have the ability to consent to States exercising criminal jurisdiction within their reservations over crimes involving either Indian victims or Indian perpetrators. The Department would support legislation that clarifies and affirms this principle, as it is consistent with federal policies to protect tribal sovereignty and self-determination.

Question 2: What specific actions has the Department of the Interior taken since the *Castro-Huerta* decision was handed down in regard to public safety in Indian country and what other actions are being contemplated for the future?

Response: The Department coordinated with the Department of Justice (together Departments) to host two listening sessions on September 26 and September 27, 2022, to hear from Tribal leaders, practitioners, academics, and others on the impacts of the *Castro-Huerta* ruling. The Departments are reviewing comments from the listening sessions to inform any future actions in response to the *Castro-Huerta* decision. The Departments also published a summary report of all comments received during the listening sessions as we continue to consider how best to assist Tribes and fulfill our trust responsibility to ensure public safety in Tribal communities. The report can be found on the BIA’s website here: <https://www.bia.gov/service/tribal-consultations/oklahoma-v-castro-huerta>.

Question 3: How is the Department of the Interior coordinating with the Department of Justice on future actions that may be taken and any policy recommendations for Congress to consider?

Response: As noted above, the Departments co-hosted two listening sessions on *Castro-Huerta* and published a report that summarizes the comments received during the listening sessions. Both Departments are working together to ensure that we continue to fulfill our federal trust responsibility to protect Tribal communities through policing, prosecutions, and coordination with other agencies on crime prevention strategies. The *Castro-Huerta* decision does not limit that responsibility.

Additionally, the Department coordinates in numerous avenues with the DOJ, including as co-leads of the White House Council on Native American Affairs Committee on Public Safety and Justice, which focuses on many public safety issues, including jurisdictional concerns in Indian country. Senior leadership from the Indian Affairs office meets weekly with DOJ’s Office of

Questions for the Record

Subcommittee for Indigenous Peoples of the U.S.

House Natural Resources Committee

Oversight Hearing on “Examining Oklahoma v. Castro-Huerta: The Implications of the Supreme Court’s Ruling on Tribal Sovereignty”

September 20, 2022

Tribal Justice to coordinate on all public safety and justice matters, including any on-the-ground issues arising in the wake of *Castro-Huerta*. The Assistant Secretary for Indian Affairs also meets regularly with senior political leadership in the Deputy Attorney General’s Office to coordinate work across tribal communities.

As detailed above, the Department will continue to coordinate with the DOJ, including reviewing comments received from Tribal leaders and advocates during the listening sessions as well as continuing to listen to Tribal leaders on how to best respond to the *Castro-Huerta* impacts, which will inform any future policy recommendations for Congress to consider.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 2 2022

The Honorable Joe Manchin
Chairman, Senate Committee
on Energy and Natural Resources
United States Senate
Washington, DC 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted to the Department's witness, Jeffery Rupert, Director, Office of Wildland Fire, following his appearance at the September 29, 2022 hearing on pending legislation.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

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

Enclosure

cc: The Honorable John Barrasso
Ranking Member

Questions from Senator Ron Wyden

Question 1: My bill, S. 4837, aims to uphold our trust and treaty responsibilities to Tribes. I know the office of Wildland Fire works closely with Indian Tribes across the country on fire management. As you know, particularly in the West, fires do not stop or follow artificial boundaries and at risk communities and Tribes need the resources to respond.

How has the Department of the Interior and your office worked with Tribes on fire prevention and do you think bringing tribal expertise to the table will be beneficial to hazardous fuels reduction and vegetation management?

Response: Tribal engagement and expertise are essential for the Department of the Interior (Department) to effectively carry out hazardous fuels and vegetation management. In November 2021, the Secretaries of the Interior and Agriculture issued joint Secretarial Order 3403 that directs offices and agencies to ensure that all decisions relating to federal stewardship of lands, waters, wildlife and habitat consider how to safeguard the interest of Tribes and Hawaiian Communities through co-stewardship. This past September, the Bureau of Land Management, U.S. Fish and Wildlife Service, and National Park Service issued separate policies implementing Secretarial Order 3403. These policies establish a framework for effective consultation with Tribes and Native Hawaiian Communities; incorporating tribal interests into planning and resource management activities; and engaging in the co-stewardship of lands, waters, wildlife, and habitat. These commitments are intended to further the Department's trust responsibility and the interests of Tribes and Hawaiian Communities in management activities. Indigenous knowledge will benefit the Department's efforts to bolster resilience through wildfire mitigation and other actions that protect all communities.

It should be noted that S. 4837, To Amend the Omnibus Public Land Management Act of 2009 to Establish with the Mount Hood National Forest in the State of Oregon Indian Treaty Resources Emphasis Zones, applies only to lands managed by the U.S. Department of Agriculture (USDA) Forest Service (Forest Service) in the Mount Hood National Forest in Oregon.

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Hearing to Consider Pending Legislation
September 29, 2022

Question 2: Congress and the Administration have taken bold actions to improve pay for federal wildland firefighters through the Bipartisan Infrastructure Law (BIL). Many tribes contract firefighting through well-established procedures with the Department. However, the Department is not treating these tribal firefighters as federal employees for the purposes of the BIL. As a result, there is inequitable pay for these firefighters.

When will the department have a recommended short and long-term solution that includes an agreed-upon methodology for counting tribal firefighter Full Time Employees? Will the department consider using discretionary funds to cover the gap in pay for tribal firefighters in 2023?

Response: Tribal firefighting personnel are essential to interagency wildfire response efforts. The BIL authority for base salary increases narrowly applies to federal wildland firefighters. The Department is developing a long-term strategy to address tribal firefighter pay.

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Hearing to Consider Pending Legislation
September 29, 2022

Question from Senator Mike Lee

Question: In a recent study, titled *Operational Resilience in Western US Frequent-Fire Forests*, researchers identified ‘competition’ in Southwestern forests can negatively impact forest resilience. What positive impacts does the forest service believe could be achieved by using an stand density index (SDI) which approaches naturally balanced ecological conditions as a benchmark for forest treatments or management objectives:

How could this impact the potential for catastrophic wildfire?

Could such management objectives lower the intensity of western fires?

Response: The Department defers to the U.S. Forest Service to respond to these questions.

Questions from Senator Lisa Murkowski

Question 1: Congress in the Infrastructure Investment and Jobs Act provided DOI and USFS \$600,000,000 to be made available for salaries and expenses of federal wildland firefighters between FY22 and FY26. How much of these funds are still available?

Response: Of the \$600,000,000 included in the Infrastructure Investment and Jobs Act (IIJA), \$120,000,000 was made available to the Department to increase the base salaries of federal wildland firefighters. In fiscal year 2022, the Department spent close to \$60 million to increase the base salaries of 3,800 federal wildland firefighters. The balance of the funds will be used to increase the base salary of federal wildland firefighters in fiscal year 2023.

- a. What is the long-term strategy for your departments on ensuring that we do not face a funding cliff regarding wildland firefighters' salaries once the extra funds from IIJA run dry?**

Response: The Department will have IIJA funding available in fiscal year 2023 to continue to provide base salary increases for federal wildland firefighters. We continue to work closely with the Forest Service, the Office of Personnel Management, and others on a long-term strategy for increasing compensation for tribal and federal wildland firefighters, including the potential development of a special salary table.

- b. Does DOI have any information on how these funds have assisted in the retention or recruitment of wildland firefighters?**

Response: It is too soon to say whether or not the base salary increases provided for in IIJA have substantially assisted in the retention or recruitment of federal wildland firefighters. However, we have received positive feedback and appreciation from federal wildland firefighters for efforts to increase their base pay.

- c. Other than salary, what are the limiting factors that contribute to your departments' ability to recruit and retain qualified wildland firefighters?**

Response: Salary is a major limiting factor that contributes to the federal government's ability to attract and retain qualified wildland firefighters. However, other significant institutional barriers, such as work-life balance, including women in wildland fire that want a career and raise a family; mental health challenges; remote duty stations; expensive duty stations with limited affordable housing options; and limited career advancement opportunities pose additional challenges to hiring and retaining federal wildland firefighters. Many of these factors are compounded by an increase in the number and severity of wildfires and longer wildfire seasons.

d. Can you please provide some insight in how your agency is working to modernize the firefighting workforce?

Response: The Department's efforts to modernize the wildland firefighting workforce were initiated in fiscal year 2021 when the Congress provided the Department \$29 million to convert more wildland firefighters to permanent positions and increase wildland firefighter hiring. In 2022, the Department completed a wildland firefighter workforce assessment to help inform a broader workforce strategy. Currently, the Department—in coordination with the USDA and OPM—is developing a long-term, comprehensive wildland firefighter workforce reform strategy that will address acute workforce needs. Items being considered are compensation; workforce capacity; training and professional development; mental health, safety, and well-being; access to affordable housing; and improvements to wildland fire facilities, critical infrastructure, technology and equipment.

Question 2: Both DOI and USDA received \$50 million to assist in workforce training for non-federal firefighters and Native Village fire crews. Can you please provide some insight on how much of that \$50 million is still available and what have your departments done with this funding?

Response: To date, the Department has allocated \$5.4 million that was made available through the Bipartisan Infrastructure Law to begin initial training efforts to increase the pace and scale of fuels treatments. This investment includes implementing recommendations of the National Wildfire Coordinating Group to develop a performance-based training system that assesses training regimens and improves position-specific standards for training and qualifications. In fiscal years 2023-2026, the Department—in cooperation with the Forest Service—plans to build on these efforts by hiring additional staff and establishing a National Workforce Development Program to continue to advance training and career development across the Wildland Fire Management program. This investment also includes funding for staff positions that will perform additional analysis and training development, including a study of future workforce training requirements that are needed to carry out large landscape treatments.

a. What are some of the limiting factors that have impeded the recruitment of native firefighters?

Response: The Alaska Fire Service saw a drastic decrease in Alaska Native firefighters when the Federal Interagency Wildland Firefighter Medical Standards were implemented in 2020. Employing firefighters that meet the Interagency Medical Standards helps to ensure that firefighters can perform the full range of duties without endangering the health and safety of the individual and others. Despite efforts to make available firefighter physicals in local communities or regionally, interest in many communities continued to decrease dramatically. Additionally, mandatory background check requirements were put in place for access onto Fort Wainwright, and they became a deterrent for some Alaska Natives to serve as wildland firefighters. Finally, there is also evidence that competing employment opportunities have drawn previous firefighters and potential new hires away from federal firefighting, including contracted

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
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firefighting crews. The Department is committed to working with Alaska Native partners and stakeholders to consider how to improve the recruitment and retention of Alaska Native firefighters.

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Hearing to Consider Pending Legislation
September 29, 2022

Question from Senator Angus S. King, Jr.

Question: In your testimony on my bill, the Small Diameter Timber and Underutilized Materials Act, you expressed the Department has concerns about impacts on C&O land and CBWR lands and that allowing removal of small diameter timber at no cost might have on those communities that receive payments based on timber sales.

If those lands were exempted, would the Department be able to support this bill otherwise?

Response: Removal of small-diameter trees to mitigate wildfire risk is currently successfully implemented by the Department to reduce fuels in high-risk areas. The Department supports expanding upon the existing authorities to increase our ability remove small-diameter trees and recommends additional dialog with the both the Forest Service and the Department to provide technical assistance on the bill.

Questions from Senator John Hoeven

Question: Local stakeholders know best how to take care of our public lands. Maintaining workforce continuity in local Bureau of Land Management offices is key to developing a collaborative relationship between the agency and our communities, in line with the multiple use mandate for public lands.

What steps are you taking to address staffing challenges in your regional and field offices, including the retention of local staff?

Response: The BLM has developed hiring strategies to attract the most qualified applicants, increase diversity and fill skill gaps. We have also embarked on a workforce assessment to help us identify the skillsets we don't have but that we need to rise to the challenges public lands will face in the coming years. In addition, the BLM has streamlined hiring and onboarding processes and embraced flexible work strategies to improve recruitment. Within the last fiscal year, the BLM has reduced the time it takes to onboard new employees by half.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 16 2022

The Honorable Joe Neguse
Chairman, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses to the Questions for the Record from the April 28, 2022, legislative hearing before the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. These responses were prepared by the National Park Service. We apologize for the delay in our response.

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

Enclosure
cc: The Honorable Russ Fulcher
Ranking Member

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Legislative Hearing
April 28, 2022

Questions from Ranking Member Westerman

Question 1: Ms. Beasley, several conservation programs depend on onshore and offshore oil and gas revenues, including the Land and Water Conservation Fund and Historic Preservation Fund.

- A. If the energy policy under the Biden administration continues indefinitely and no new leases are ever issued for onshore and offshore oil and gas, what is the Department of the Interior's projection on when deposits into conservation funds will be affected and when will they run out entirely?**

Response: The Biden Administration, including Secretary Haaland, acknowledge that oil and gas development will continue to play a role in our energy future for many years into the future. Although questions on the subject of energy development are not within the purview of the NPS, we understand that the Administration is moving forward with implementing the provisions of the Inflation Reduction Act of 2022, as well as onshore and offshore oil and gas leasing efforts. The NPS defers to the Office of Natural Resource Revenue, the Bureau of Offshore Energy Management, and the Bureau of Land Management for questions about the Department's energy programs and revenue projections.

- B. Has the Department of the Interior done any type of actuarial assessment of the solvency of these funds if no new onshore and offshore oil and gas leases are issued?**

Response: As noted above, the Department continues to facilitate responsible production of our domestic oil and gas resources, both onshore and offshore. Questions regarding the Department's energy development programs, including actuarial assessments, are not within the purview of the NPS, and the NPS would defer on this question to the Office of Natural Resource Revenue, the Bureau of Offshore Energy Management or the Bureau of Land Management.

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Legislative Hearing
April 28, 2022

Questions from Ranking Member Fulcher

Question 1: Ms. Beasley, I, like many other Members of our dais, did not think that the answers you provided were adequate or responsive to the questions asked during last week's hearing.

Please respond in writing to the questions I asked of you last week:

Ms. Beasley, the Biden administration has not issued a single new offshore oil and gas lease since President Biden took office. The one lease sale that you did hold was later thrown out by the courts and bewilderingly, the administration chose not to defend its own work in appealing that decision.

A. Do you know how much money that lease sale was projected to generate in terms of bids?

Response: While questions regarding the subject of the Department's energy programs are not within the purview of the NPS, the Department is currently working to implement provisions of the Inflation Reduction Act. In this regard, we understand that the Bureau of Ocean Energy Management accepted bids from Lease Sale 257, which was held in November of 2021, totaling approximately \$189 million.

B. How much revenue does the Historic Preservation Fund receive annually?

Response: Under current law, the Historic Preservation Fund is authorized to receive \$150,000,000 annually.

C. If the Biden administration truly supports the Historic Preservation Fund, how do you explain refusing to go forward with a lease sale that would have generated enough money to fund 127 percent of the annual deposits into the HPF?

Response: While questions regarding the subject of the Department's energy programs are not within the purview of the NPS, we understand that conflicting litigation has been a complicating factor for the leasing program. However, as noted in the previous response, the Department is currently working to implement provisions of the Inflation Reduction Act.

Question 2: Ms. Beasley, as I mentioned in my opening statement, the average American is paying \$4.12 for a gallon of gas at the pump.

A. Do you know how much they were paying last year?

Response: We are aware that the impacts of the COVID pandemic and Russia's war in Ukraine have had a significant impact on industry and the price of oil, and that many are feeling the crunch that these events have caused. While the price of gasoline is significantly reduced since this

Questions for the Record
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April 28, 2022

Spring, questions relating to gasoline pricing is not within the purview of the NPS, and we would defer to the United States Energy Information Administration for the information you are requesting.

- B. Given the Bureau of Labor Statistics' report earlier this month that inflation reached a 40-year high, does the Biden administration really believe now is the appropriate time to make those inflation issues even worse and add an additional \$300 million to our debt every year?**

Response: While the NPS must defer to other Departments and agencies with expertise in inflation related questions, the programs funded by the Historic Preservation Fund represent an important investment in our nation's shared heritage, with a portion of each annual appropriation supporting 59 State Historic Preservation Offices, 208 Tribal Historic Preservation Offices, and over 2,080 Certified Local Governments. As stated in our testimony on H.R. 6589, these partners in the Federal Preservation Program help to administer the Federal Historic Preservation Tax Credit and the National Register of Historic Places, review and compliance under Section 106, survey and inventory of historic resources, provide preservation planning for their state or tribe, assist with physical preservation projects, management of covenants and easements, lead their state's Certified Local Government program, and administer of the federal grant funds allotted to them. Tribal Historic Preservation Offices, which assume selected State Historic Preservation Office responsibilities on tribal land, use this annual funding to protect tribal cultural resources and support the review of federal projects. In addition to annual funding to legislated partners, the Historic Preservation Fund also supports several Congressionally created competitive grant programs, including the African American Civil Rights, Historically Black Colleges and Universities, History of Equal Rights, Paul Bruhn Historic Revitalization, Semiquincentennial, Save America's Treasures, Tribal Heritage, and Underrepresented Communities grant programs.

The Department supports an increase in the annual authorization to the Historic Preservation Fund from \$150 million – an amount that has not changed since 1980 – to \$300 million. Over the last four decades, the scope of the preservation partnership program has grown substantially through amendments to the National Historic Preservation Act. Ultimately, however, Congressional action is necessary both to increase the authorization and to appropriate the funds.

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Legislative Hearing
April 28, 2022

Question 3: Representative Leger Fernandez’s bill contains a provision providing that if the \$300 million derived from offshore oil and gas revenue is not available for deposit, that money will be taken from taxpayer dollars to cover the difference. This runs counter to the original concept of the Historic Preservation Fund, which was intended to not rely on any taxpayer money for support. Ms. Beasley, given this administration’s hostility to oil and gas development, what are your suggestions for alternative financing for the Historic Preservation Fund that don’t involve making taxpayers foot the bill?

Response: As noted above, the Administration continues to facilitate responsible production of our domestic oil and gas resources, both onshore and offshore. Our historic resources are a national treasure, and Congress has demonstrated its support for our cultural heritage by appropriating moneys to the Historic Preservation Fund since its establishment. We look forward to work with Congress on this important program.

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Legislative Hearing
April 28, 2022

Questions from Rep. Rosendale

Question 1: What is the primary source of funding for the Historic Preservation Fund?

Response: Amounts deposited in the Historic Preservation Fund are derived from revenues due to the United States under the Outer Continental Shelf Land Act.

Question 2: As of 4/28/2022, would declining revenues from oil and gas leases have a negative impact on the Historic Preservation Fund?

Response: While the NPS would defer to the appropriate bureaus with regard to management of the Department's energy programs, we are aware that the Administration continues to facilitate responsible production of our domestic oil and gas resources, both onshore and offshore and that production will continue for some time into the future. We note that in both FY 2021 and FY 2022, there were sufficient revenues to deposit moneys into the Historic Preservation Fund, in addition to the other programs authorized by Congress to receive deposits from energy development revenues.

Question 3: Would an increase in Historic Preservation Fund funding affect the Land and Water Conservation Fund or other programs if there is limited capital available resulting from decreased oil and gas lease revenues?

Response: As noted above, while the NPS would defer to the appropriate bureaus with regard to management of the Department's energy programs, we are aware that the Administration continues to facilitate responsible production of our domestic oil and gas resources, both onshore and offshore. Also as noted above, in both FY 2021 and FY 2022, there were sufficient revenues to deposit moneys into all of the programs authorized by Congress to receive deposits from energy development revenues.

Question 4: If the Historic Preservation Fund competes with the Land and Water Conservation Fund for funding, how would this affect the maintenance backlog in National Parks?

Response: As noted above, in both FY 2021 and FY 2022, there were sufficient revenues to deposit moneys into the Historic Preservation Fund and the Land and Water Conservation Fund, in addition to the other programs authorized by Congress to receive deposits from energy development revenues, such as the Legacy Restoration Fund. And as we have noted, while the NPS would defer to the appropriate bureaus with regard to management of the Department's energy programs, we are aware that the Administration continues to facilitate responsible production of our domestic oil and gas resources, both onshore and offshore, which will continue for some time into the future.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 9 2022

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

Dear Mr. Chairman:

Enclosed is the response to the Question for the Record received after the September 21, 2022, legislative hearing before the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. The response was 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

Enclosure
cc: The Honorable Steve Daines
Ranking Member

Question for the Record
Senate Energy and Natural Resources
Subcommittee on National Parks
Hearing on *Pending Legislation*
September 21, 2022

Question from Senator Hoeven

Question: We've been working closely with the National Park Service (NPS) and the Federal Highway Administration (FHWA) on efforts to repair the Scenic Loop Drive at Theodore Roosevelt National Park. NPS completed the environmental review process this past spring, and the project is currently out for bid from contractors. Up to 700,000 visitors make their way to Theodore Roosevelt National Park each year, and completion of the road is key to supporting North Dakota's largest tourist attraction. Will you work to ensure that a contractor is promptly awarded so work can begin prior to the end of this year's construction season?

Response: The project to repair the Scenic Loop Drive at Theodore Roosevelt National Park is a priority for the National Park Service and the Department of the Interior. The FHWA Central Federal Lands Highway Division's (CFLHD) solicitation for bids on the project was posted on August 19, 2022, with a bid opening scheduled for October 4, 2022.

However, on September 6, 2022, an additional failure occurred along a closed section of the loop road creating a significant change in site conditions. In response, CFLHD in coordination with the NPS made the decision to extend the solicitation period to November 15, 2022, to allow for an assessment of the impacts of the additional failure and amend the solicitation package so bid documents will accurately reflect the current conditions of the project.

Given the present situation, no construction work will be possible in the 2022 construction season, but the NPS anticipates contract award on a timeframe that will allow the selected contractor to utilize the full construction season in 2023.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 16 2022

The Honorable Joe Neguse
Chairman, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses to the Questions for the Record from the July 14, 2022, legislative hearing before the House Natural Resources Subcommittee on National Parks, Forests, and Public Lands. These responses were prepared by the National Park Service. We apologize for the delay in our response.

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

Enclosure
cc: The Honorable Russ Fulcher
Ranking Member

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Hearing on *Pending Legislation*
July 14, 2022

Questions from Chairman Neguse

Question 1: Please explain the purpose and need for commercial filming permits in National Park units.

Response: Commercial filming permits are required in National Park System units under 54 U.S.C. § 100905. As stated in that section, the permit system provides for the protection of resources and avoids unreasonable disruptions and health and safety risks to visitors. It also provides for fees to provide a fair return to the United States, and allows the recovery of the costs incurred by the National Park Service due to the activity. Enforcement of that section had been enjoined by a court order, but a recent decision from the U.S. Court of Appeals for the D.C. Circuit in *Price v. Garland*, has removed that injunction.

Question 2: The FILM Act establishes exceptions from permitting and fee requirements for a wide variety of film and audio productions. This assumes that small productions don't make significant income from these productions. Why is cost recovery and the fee authority – even for small productions – important?

Response: Cost recovery allows the NPS to recoup costs that are incurred for services which provide special benefits or privileges above and beyond those which accrue to the public at large. This includes managing, facilitating or supporting the special use. Even small filming and audio productions may impose such costs on the NPS.

Question 3: How do permits help the NPS plan for resource protection and visitation? The NPS issues permits for a wide range of activities on National Park Service lands.

Response: In general, all special use permit applications received by the NPS are reviewed and evaluated by the superintendent according to applicable legislation, regulations, and policies. When a special use permit is issued, it contains terms and conditions that ensure compliance with applicable laws and regulations, resource protection, and mitigation of visitor conflicts. Permits may not be issued if impacts of the proposed activity cannot be mitigated through the terms and conditions of the permit.

Questions for the Record
House Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Hearing on *Pending Legislation*
July 14, 2022

Question 4: How does the FILM Act impact the NPS's ability to accomplish its mission of protecting the resource for future generations while providing for the enjoyment of the visitors?

Response: The Department of the Interior is currently reviewing the FILM Act to determine how it meets these needs.

Question 5: Every concessionaire, large and small, that operates in the park is required to have a permit. Why should commercial film, audio and photography activities be treated any differently?

Response: Concessions in National Park System units are authorized under concession contracts, which are governed by their own statutory authority found in 54 U.S.C. chapter 1019. Under those authorities, contracts (or commercial use authorizations) are issued for visitor services that are found to be necessary and appropriate for the use and enjoyment of park visitors. Those authorities do not apply to commercial and other filming.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC 14 2022

The Honorable Angus King
Chairman, Energy and Natural Resources
Subcommittee on National Parks
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

Enclosed are responses to the Questions for the Record from the May 11, 2022, legislative hearing before the Senate Energy and Natural Resources Committee's Subcommittee on National Parks. These responses were prepared by the National Park Service. We apologize for the delay in our response.

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

Enclosure
cc: The Honorable Steve Daines
Ranking Member

Questions from Senator John Hoeven

Question 1: How would the *Gateway Community Recreation Enhancement Act* improve partnerships between the National Parks and associated gateway communities, particularly in light of increased visitorship?

RESPONSE: Generally, the more that national parks and their associated gateway communities are able to work from the same set of facts and analyses about visitation, the better they are at cooperatively addressing issues such as housing, overcrowding, and management of sustainable visitation. If enacted, national parks chosen for the pilot program under S. 3551 would have a more systematic process for sharing information about visitation with gateway communities than currently exists, which will provide additional data on the effectiveness of local partnerships. Community engagement continues to be an important element in responding to changing needs and evolving challenges in a time of increased visitation to our public lands, and we welcome the opportunity to work with Congress to address these issues.

Question 2: The *National Scenic Trails Parity Act* would convert three National Scenic Trails to “units” of the National Park System, including the North Country Scenic Trail, which spans over 4,000 miles from North Dakota through New York and Vermont.

- a. If this bill were to be enacted, how would future rights of way applications be treated for pipelines, transmission lines, or other infrastructure needed to cross these trails?**
- b. What additional reviews and federal approvals would be required for these crossings, and how does that compare to the trails’ current status?**
- c. Has NPS undertaken an analysis as to what additional resources it may need, from a workforce and funding perspective, to convert these trails to NPS units?**
- d. Does NPS believe it currently has adequate resources to cover any additional costs associated with such a conversion?**

Response: The designation of certain National Scenic Trails as units of the National Park System would not have any impact on the treatment of right-of-way applications for trail crossings; the processes would remain the same whether the trails are units or not. Unit status would also not have any effect on funding or staffing levels for the trails.

Questions for the Record
Senate Energy and Natural Resources
Subcommittee on National Parks
Hearing on *Pending Legislation*
May 11, 2022

Questions from Senator James Lankford

Questions: Mr. Caldwell, I have a couple questions regarding one of the bills, S.3519, the Butterfield Overland National Historic Trail Designation Act, considered at the recent National Parks Subcommittee legislative hearing. This bill would designate a national historic trail that runs from California into Missouri and Tennessee. One segment of the trail runs through southeast Oklahoma, so I want to be sure my constituents in that region have clarity on the implications of the designation.

- **Would this trail have any impact on development projects in the area, both with regard to whether a project can be pursued at all, and what permits would be required?**
 - **More specifically, would this designation change whether a pipeline could get an easement to cross the path of the trail?**
 - **Would the designation change the process for siting transmission lines in the area?**
 - **Would any new permits be required for any energy infrastructure, be it a pipeline, a transmission line, an oil well, or a wind turbine?**
 - **Would the designation change the feasibility and required permitting for building houses, manufacturing facilities, or any other physical structure in the area?**

Response: National Historic Trail designation would not impact existing land ownership or land management actions, including actions related to energy development and transmission on lands that are not owned by the National Park Service. The landowner would be responsible for determining their own approach to any development proposals.

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
The U.S. Department of the Interior FY 2023 Budget Request Hearing
April 28, 2022

Questions for the Record – Department of the Interior

Questions from Chair DeLauro

Species Conservation and Habitat Restoration

The fiscal year 2022 Interior bill provided significant increases to address tackling climate change, habitat loss and restoration, and protecting biodiversity. For example, we were able to provide a 44% increase in the Bureau of Land Management for Threatened and Endangered Species over the fiscal year 2021 enacted level.

As I am sure other Members of this Committee can also attest to, we are seeing the benefits of our focus on climate change and conservation in our states and districts. In Connecticut, the U.S. Fish and Wildlife Service has been working for more than a decade to conserve the Saltmarsh Sparrow. Ensuring we have healthy coastal marshes are important for the viability of the Saltmarsh Sparrow, Black Duck and Black Rail, as well as protecting coastal areas from flooding and preserving clean water.

The devastation from Hurricane Sandy illustrated the importance of the Stewart B. McKinney National Wildlife Refuge, one of the largest coastal wetlands in Connecticut and home to hundreds of migratory bird species. I am pleased the fiscal year 2022 Interior bill was able to provide an increase for Migratory Bird Joint Ventures because I know how important the work being done by the Atlantic Coast Joint Venture to restore this great and important coastal wetland is.

I am also proud that we continue to fund efforts to combat devastating wildlife diseases such as White Nose Syndrome that threatens bats, such as the northern long-eared bat found in Connecticut, and much of the eastern and north central United States and in Canada. We all rely on crops pollinated by animals, and they are essential for healthy ecosystems.

Since taking over the majority in 2020, we have established a foundation of annual increases for species conservation and habitat restoration, for example providing a 33% increase for the Multinational Species Conservation Fund since fiscal year 2020.

We are addressing climate change and conservation comprehensively and holistically across the Interior bill with funding for areas as diverse as eradicating and containing invasive species, preventing wildlife trafficking, protecting wild horses and burros and the public lands on which they roam, and advancing science so decision makers have the tools they need to manage our natural and cultural resources.

DeLauro Q1: Secretary Haaland, how does your fiscal year 2023 budget request build on the increases for species conservation, habitat restoration, and science that Congress provided in fiscal year 2022?

RESPONSE: The fiscal year (FY) 2023 budget request promotes strategic investments to further conservation and resilience. The budget includes \$356.2 million to conserve, protect, recover and enhance listed and at-risk fish, wildlife, plants, and their habitats. The budget enables economic progress with increases that will support conservation and development. The request supports clean energy development, and data management system improvements and expanded capabilities to work with

developers to minimize natural resource impacts from projects. The request for Conservation and Restoration advances proactive, cooperative conservation with investments in programs aimed at preventing the listing of species under the Endangered Species Act. The request provides \$54.3 million to support conservation of at-risk species and their habitats. The request for species recovery includes \$125.1 million. In 2023, FWS will catalyze the recovery of endangered species by making recovery funds available to implement final recovery actions that could lead to species recovery.

The National Wildlife Refuge System is a model for conservation around the world. More than 160 coastal refuges buffer communities from the increasing frequency and intensity of storms, and even more provide habitat for millions of migrating birds each year. The 2023 budget for the Refuge System is \$597.9 million. Funding for operations—including wildlife and habitat management, visitor services, Refuge law enforcement, and planning—is \$426.6 million, climate resilience, and the use of climate-related science.

This budget activity supports 71 National Fish Hatcheries, aquatic habitat conservation and restoration, and the prevention and control of aquatic invasive species, such as invasive carp in the Mississippi River watershed. The budget includes \$260.4 million for Fisheries and Aquatic Resource Conservation, including \$83.5 million for operation of the National Fish Hatchery System. The request will support recovery of federally listed threatened or endangered aquatic species, restoration of at-risk species, and fulfillment of Tribal partnerships and trust responsibilities.

The Science Applications program is bringing partners together with FWS to (1) proactively address complex, multi-jurisdictional conservation challenges (2) identify shared conservation priorities, actions, and outcomes, and (3) develop science products and technical capacities needed to support on-the-ground conservation at scales ranging from landscapes to species. FWS is requesting \$57.5 million for the Science program in 2023. The FY 2023 budget request will enhance FWS' approach to climate change and increase FWS capacity to effectively coordinate internally and support local, state, private, and Tribal conservation and restoration efforts that will advance collaborative landscape conservation that is more cost effective than regulations. The budget request supports the voluntary integration of State Wildlife Action Plans at regional levels as described in the Association of Fish and Wildlife Agencies framework to enhance landscape-scale and cross-boundary conservation. FWS facilitates a collaborative three sovereign approach, working with Tribal and state governments by providing capacity to engage in prioritizing needs and conserving wildlife, corridors, and landscapes and ensuring that indigenous and traditional ecological knowledge is incorporated into conservation actions in a way that has not been done before. In addition, the budget request is critical for establishing a Virtual Center for Pollinator Conservation that for the first time will dedicate integrated capacity solely to the conservation of pollinator species, while benefiting other species such as grassland birds, reptiles, and their habitats.

Questions from Chair Pingree:

Fiscal Year 2022 Funding to Enhance Conservation and Protect Biodiversity

In fiscal year 2022, Congress was able to provide increases for a broad spectrum of programs to enhance conservation and benefit biodiversity.

For example, the Fish and Wildlife Service received a \$71 million increase for Resource Management which includes increases for ecological services, the national wildlife refuge system, and service science to mention a few programs. The USGS received an increase of \$79 million above the fiscal year 2021 enacted level.

Pingree Q1: How will the Department of the Interior use the increases provided in fiscal year 2022 to protect biodiversity, recover and enhance species, and restore ecosystem functionality?

RESPONSE: The Fish and Wildlife Service appreciates the \$71 million increase for Resource Management to primarily cover fixed costs, plus some targeted specific programmatic increases for manatee conservation, invasive species eradication, and conservation of multinational species. This continued investment in the work of the Fish and Wildlife Service to work with others to conserve, protect, and enhance fish, wildlife, plants, and their habitat for the continuing benefit of the American people is an important part of delivering on America the Beautiful – the challenge of conserving at least 30 percent of our lands and waters by 2030.

The Department also celebrates the passage of the Bipartisan Infrastructure Law (BIL), which includes \$455 million directly appropriated to the Fish and Wildlife Service to provide habitat restoration, invasive species control, conservation of at-risk and listed species and other benefits to four significant ecosystems (Klamath, Delaware River, Sage Steppe, and Lake Tahoe) as well as opportunities to restore habitat connectivity for aquatic species around the country.

Additionally, the BIL included \$905 million appropriated to the Department for Ecosystem restoration. The Department is investing Ecosystem Restoration funds strategically, justly, and efficiently to improve the functioning, resilience, and ecological adaptability of ecosystems in a manner that boosts local economies, puts Americans to work, and strengthens partnerships with states, Tribes, territories, and other stakeholders to restore and connect important ecosystems, support Tribal climate resilience, and restore culturally important lands.

Clean Energy

On April 4th the Intergovernmental Panel on Climate Change (IPCC) Working Group approved its report which determined that action is required now in order to halve emissions by 2030 and that it will require major transitions in the energy sector.

Pingree Q2: What progress has the Department made in the area of clean energy and how does the fiscal year 2023 budget request accelerate its deployment?

RESPONSE: The Department has made tremendous progress both onshore and offshore deploying clean energy. Offshore, BOEM has completed the following in the past year:

- BOEM now oversees 18 active commercial wind energy leases in the Atlantic OCS – Fully developed these could support enough power to supply near 9.5 million homes.
- BOEM has approved 2 plans for active leases – They are actively processing 11 additional plans and expect to receive 7 more new or significantly updates plans in the next year.
- BOEM held the New York Bight offshore wind sale in February -- Winning bids from the sale totaled \$4.37 billion from six companies – this was the Nation’s highest grossing competitive offshore energy lease sale in history, including oil and gas lease sales.

Looking forward, BOEM is preparing for lease sales offshore the Carolinas and California this year. They are working to plan sales in 2023 in the Gulf of Mexico and off the Central Atlantic coast. Planning is underway for potential lease areas offshore Oregon, Hawaii, and in the Gulf of Maine.

Onshore, BLM has completed the following in the past year:

- Since January 2021 BLM has permitted solar projects that could produce 2,795 MW of power, enough to support nearly 500,000 homes.
- BLM has also been actively offering competitive leases for solar energy zones with four sales in 2021 in Arizona and Utah – another lease sale is planned in May in Nevada.
- In 2022, BLM leased 99,000 acres for geothermal leasing and another 283,000 acres are planned for a lease in August.
- BLM is prioritizing transmission rights-of-way permitting – In 2021, BLM permitted projects to support two solar renewable energy projects on Tribal lands of the Moapa Band of Paiutes.

In the year ahead, BLM is actively working on several proposed wind farm projects in Idaho, California, Nevada, Utah and Wyoming – together these projects could support over 2,000 MWs.

Justice40 Initiative

President Biden’s Justice40 Initiative is a whole-of-government effort to ensure that Federal agencies work with states and local communities to deliver at least 40 percent of the overall benefits from Federal investments in climate and clean energy to disadvantaged communities.

Both the budgets for Bureau of Indian Affairs and Bureau of Indian Education include specific line-item requests for Justice40.

Pingree Q3: Can you talk about how these funds will be used and the ultimate anticipated outcome?

RESPONSE: Both BIA and BIE have identified covered programs under the Justice40 Initiative and these funds would go towards implementing the Justice40 Initiative in the identified Covered Programs or to the programs themselves to increase the overall Covered Investments.

The outcome of the Justice40 Initiative for BIA/BIE funds would help federally recognized Tribes and their members meet the particular mission of each Covered Program. These programs were identified specifically for their work in one of the Covered Program sectors of Climate, Clean Energy, Affordable Housing, Clean Transportation, Workforce Development, Legacy Pollution, Water and Wastewater.

Pingree Q4: Please describe the way that DOI will be working with other Federal partners, and with Tribal, state, and local governments to advance the cause of environmental justice?

RESPONSE: DOI is an active member of the White House Environmental Justice Interagency Council (IAC) and their Subcommittees, including the Justice40 Subcommittee. The DOI has many programs that by design coordinate with other Federal agencies and is working to improve coordination through the IAC and IAC Subcommittees with all other Federal programs and partners.

In addition, the DOI has conducted several listening sessions, consultations, and engagements with Tribal, state, and local governments on programs that are a part of our environmental justice initiatives. This includes three Tribal consultations on the Bipartisan Infrastructure Law in January 2022, two Tribal consultations on developing Tribal renewable and conventional energy resources in April 2022, five listening sessions on ways to advance equity through outdoor recreation in October of 2021, an online webinar on orphaned/abandoned wells in January 2021, three Tribal listening sessions for the Bipartisan Infrastructure Law funded orphaned well program in February 2022, and numerous calls with the Interstate Oil and Gas Compact Commission and states on orphan wells (including review of draft Initial State Grant guidance for the Bipartisan Infrastructure Law funding).

Bipartisan Infrastructure Law

The Bipartisan Infrastructure Law made historic investments in climate resiliency and legacy pollution cleanup. It invested \$1.5 billion in wildfire resiliency, \$1.4 billion for Ecosystem Restoration and Resilience, \$466 million in Tribal Climate Resilience and Infrastructure, and \$16 billion for plugging orphan wells and reclaiming abandoned mine lands.

Pingree Q5: What impact will this funding have on our public lands and the Department's ability to carry out its mission?

RESPONSE: The historic investments in the Bipartisan Infrastructure Law will lay a new foundation to help address these big challenges. On wildfire resiliency, the law will allow us to increase firefighters' compensation, convert more firefighters to permanent positions, and increase the total number of firefighters. On Tribal climate resilience and infrastructure, the law will allow us to expand our support of critical climate resilience efforts. Given the estimated \$5 billion cost of relocating Tribal communities in the lower 48 States and Alaska

(https://www.bia.gov/sites/bia.gov/files/assets/bia/ots/tcrp/Informational_Report.pdf), the Department cannot do this alone. That is why we are coordinating with the Denali Commission, the Native American Fish and Wildlife Society, and other partners across the Federal government to leverage funding and technical assistance as we implement our increased funding. With the funding for orphan wells and reclaiming abandoned mine lands, the Department has begun the work by launching a \$4.7 billion new program to cap and plug orphaned oil and gas wells to reduce methane emissions and create jobs and by making available nearly \$725 million, the first of 15 annual installments, to 22 States and the Navajo Nation to create good-paying jobs and catalyze economic opportunity by reclaiming abandoned mine lands.

Native Language Revitalization

Native languages are integral to maintaining and strengthening Tribal culture and sovereignty as well as playing a role in the achievement and mental health of individual Natives. I appreciate the requested increase of \$21 million for Native language revitalization in the President's budget to support immersion schools and for other purposes. While I have not had a chance to visit the Native Hawaiian immersion school in Hawaii, I understand it is a kindergarten through grade 12 school established by parents and slowly expanding. I also understand that many Tribes and Alaska Natives seek to emulate this program.

Pingree Q6: Please explain the type of immersion schools proposed to be supported with the requested funds and how do you intend to ensure that BIA is not taking on responsibility to fully fund a new type of school when the Federal government is unable to fully fund BIE schools?

RESPONSE: Most often, Living Language programs support an immersion program, not a school, and is for students not enrolled at BIE funded schools. The \$21 million funding request in FY 2023 provides broad opportunities for Native Language programs to define how their immersion programs/efforts will be implemented. The Notice of Funding Opportunity (NOFO) for the Living Language Grant Program (LLGP) maintains broad definitions for Native language instruction assuring each Tribal community, as a sovereign nation or Tribal entity, can adequately describe how their immersion program efforts will support the revitalization of their native language. Each LLGP application is comprehensively reviewed for the mention of "immersion schools" assuring the program or school is not associated with any BIE funded schools. Should the Office of Indian Economic Development determine that the application does include a BIE school, the application would be deemed "ineligible" and would not be further reviewed.

The additional request of \$4.6 million for the BIE Native Language grant program, if appropriated, would bring that total to \$10.1 million. Since the plan for the BIE Native Language program is to provide this funding to all 183 BIE-funded schools, a pro-rata distribution of these dollars would allow the BIE schools to create a Native Language program/curriculum as part of their existing school operations.

Rebuilding Staff Capacity

The Department's budget request contains significant funding to increase staff capacity. The National Park Service and Bureau of Land Management each propose to add more than 1,000 full time equivalents to their workforce.

Staffing is a priority. No one would dispute that more rangers in the parks will lead to a better experience for the visitors.

But beyond funding, there are some barriers to entry in the Federal government and the process can be slow and opaque.

Pingree Q7: How does the Department plan to implement such a large-scale hiring process? How will the Department attract qualified candidates and bring them onboard quickly?

RESPONSE: The Department of the Interior (DOI) recognizes there is a critical need to recruit and fill essential and mission-driven roles at the Department. In addition to critical hiring needs for DOI's ongoing core-mission programs, there are also important jobs made possible by the Bipartisan Infrastructure Law and the Great American Outdoors Act which must also be filled. DOI continues to face an acute need for skilled employees.

Based on current hiring targets, DOI is set to increase our workforce in various occupations and to explore and demonstrate strategies outlined in OPM's Talent Surge Executive Playbook. Some of the collaborative resources and strategies DOI plans to implement include:

- Use of excepted service Schedule A appointments to address temporary needs for hiring staff in support of the BIL;
- Multi-Agency Hiring Projects, including Direct Hiring Authorities and a multi-agency shared certificate announcement for Grants Management Specialists;
- Continuous learning and virtual information sharing sessions on various staffing topics designed to help DOI prepare to fill positions by providing technical guidance, oversight for hiring managers, human resources professionals, and recruiters;
- Use of non-competitive eligibilities, such as Public Land Corps, Military Spouses, Returned Peace Corp Volunteer, various veterans hiring authorities, etc., which allow maximum flexibility for the hiring manager to fill a number of vacancies from one announcement;
- Utilization of shared certificates at the bureau, department, and multi-agency level;
- Use of recruitment and relocation incentives, leave enhancement, student loan repayment, and superior qualifications appointments, remote work, and telework flexibilities, in order to entice candidates in an increasingly competitive applicant market;
- Standardization of recruitment packages or hiring resources (e.g., standardized position descriptions, off-the-shelf assessment resources) to streamline hiring processes;
- Utilization of the DoD SkillBridge program to better tap into veteran applicant pools that have previously not been leveraged;
- Increasing outreach efforts to ensure we are recruiting from the widest pool of highly qualified candidates, including recruiting at the Minorities in Agriculture, Natural Resources, and Related

Sciences (MANNRS) national conferences, the Office of Personnel Management's Presidential Management Fellows outreach event, the Native Youth Climate Adaptation Leadership Congress, the upcoming Greening Youth Foundation job fair and the national Historically Black Colleges and Universities events;

- Hiring full-time employees at the Bureau of Land Management (BLM) to lead programs focused on the recruitment of Pathways (students), Veterans, Individuals with Disabilities, and Minority Serving Institutions; and
- Reviewing position designation records to ensure we are meeting personnel security standards while also not creating unnecessary delays in vetting new hires, so we can get them onboard quickly.

Pingree Q8: There are critical staffing shortages in Human Resources and Contracting functions within some of the bureaus. These vacancies are hindering the programs' ability to effectively use the funds we appropriate. Are there plans to prioritize filling these positions?

RESPONSE: Yes, filling vacant Human Resources (HR) Specialist and contracting positions across the Department is a priority and positions are advertised quickly. For example, the National Park Service (NPS) opted to participate in a recent shared certificate announcement for a Direct Hiring Authority vacancy for HR Specialists advertised by OPM. The implementation of Department level standardized position descriptions for the GS-201 and GS-1102 series has saved and continues to conserve valuable time and resources when preparing recruitment packages for these positions.

DOI has encouraged bureaus to make use of shared certificate "tagging" features within USA Jobs. This allows bureaus hiring for similar positions to reuse certificates of eligible candidates for selection once the initial hiring manager has finished making selections from the certificate, thereby saving time in creating additional advertisements for similar positions. For example, NPS recently recruited for GS-1102 positions service-wide and will be issuing a shared certificate. Ongoing discussions have taken place regarding the availability of an "open continuous" announcement or announcing on a quarterly basis to meet the needs of the NPS.

In January, the BLM developed a plan that prioritized filling all vacant human resource professionals and contracting officer positions Bureau wide. To date, the BLM has hired 35 HR professionals and 44 contracting specialists. The BLM continues to emphasize the need to fill these positions expeditiously to accomplish priority work.

DOI will continue to utilize non-competitive hiring authorities for Human Resources Specialist and contracting positions and will continue to make strategic use of time saving resources in the hiring process.

Wild Horse and Burro Task Force/Megadrought

The fiscal year 2022 omnibus directed the Department to establish a task force to bring experts from all relevant bureaus together to address the challenge of wild horses and burros.

Pingree Q9: What progress has been made in establishing this task force and setting up a schedule for the required monthly meetings?

The fiscal year 2023 Bureau of Land Management budget requests an increase of \$16 million over the fiscal year 2022 enacted level for Wild Horses and Burros Management at a time when the West is experiencing a historic "megadrought, that is the driest 22-year period in at least 1200 years and is expected to persist through 2022".

RESPONSE: The BLM has identified goals and objectives for the Wild Horse and Burro (WH&B) Task Force, consistent with direction in the FY 2022 Omnibus. The Principal Deputy Assistant Secretary for Land and Minerals and the BLM convened the initial meeting of the task force in July. Regular meetings will be held to identify policy and science-based research and actions that can be undertaken to ensure the program meets its objectives.

Pingree Q10: How will the megadrought impact the Bureau’s approach to caring for wild horses and burros and constraining the on-range population?

RESPONSE: The drought conditions across the West are significantly impacting rangeland health and numerous species, including wild horses and burros. In FY 2022, the BLM has removed approximately 9,600 excess animals from drought-stricken rangelands and must fund holding costs to care for these animals. The drought and broader economic conditions are increasing costs of hay, animal care, transportation, and emergency gathers, which continue to rise with each gather and removal effort. Without the ability to quickly reduce on-range populations to appropriate management levels, the megadrought is expected to result in increasingly limited forage and water availability, which will require extensive monitoring to avoid large scale mortality of on-range animals.

Pingree Q11: Lack of contracting staff is a particular concern for this program, how is the Department assisting the bureau with hiring sufficient contracting specialists?

RESPONSE: The BLM has prioritized hiring contracting staff and is currently on-boarding several new employees. The WH&B program needs five contracting support positions, with 3 staffed and 2 working to be filled.

Increased Visitation in National Parks

During the pandemic we’ve seen many Americans reconnect with nature and outdoor spaces. National parks, in particular, have offered important opportunities for recreation.

Pre-pandemic visitation in the parks was already exceeded 300 million annual visits and that number is expected to continue to grow.

Pingree Q12: How is the Park Service dealing with the stresses of record visitation in order to balance conserving the parks and providing a positive visitor experience?

RESPONSE: Addressing emerging visitor and resource needs requires the NPS to act quickly and with flexibility. To respond effectively to changing visitor use patterns the bureau uses a variety of tools such as rapid assessments, thoughtful and creative management strategies, integration of best practices, and improved collaboration and communication with the public and stakeholders. The NPS’ expanded social science research will provide visitor information at the park level for visitor experience and recreation planning. Additionally, the NPS digital strategy which includes the NPS app and Rec.gov improvements, expands the ways that visitors can learn about recreation opportunities in parks and other public lands, including less visited areas.

As visitation increases at parks across the system, the NPS wants to ensure that visitors plan ahead, are prepared for their visit, and have the ability to adjust plans if needed. The Plan Like a Park Ranger effort utilizes a “top ten tips” format with advice, both general to all parks and customized to specific parks. The effort also promotes less-visited NPS units. Parks are partnering with local organizations and working with media outlets to promote the effort.

While some national parks are challenged by high levels of visitation, there are many sites that could accommodate a greater number of visitors. To address this, the bureau is developing strategies to assist park managers to identify the right target markets, develop new partnerships, offer innovative visitor experiences, and deploy messaging and promotion that could attract new visitors.

The NPS is encouraging less-visited parks to continue to do what many of them are already doing: working with tourist agencies to promote visitation, hosting special events, developing more robust online information, and taking advantage of programs such as Every Kid Outdoors.

Pingree Q13: The Great American Outdoors Act is providing significant funding for addressing deferred maintenance in the parks. As the Park Service makes these repairs and improvements how does it incorporate its vision for the future? Are you incorporating the visitation trends into planning and design of the projects?

RESPONSE: The Great American Outdoors Act's National Parks and Public Land Legacy Restoration Fund (LRF) is providing up to \$6.5 billion to the NPS to make meaningful progress to improve the condition of high priority assets, particularly by allowing the bureau to address some of the largest and most expensive infrastructure projects.

The NPS's highest priority is executing the LRF in a way that ensures every dollar spent achieves the maximum impact to the bureau's backlog. While the funding provided through LRF alone is not enough to resolve the entirety of NPS's deferred maintenance and repair needs, the program will address a significant portion of the bureau's backlog, which will benefit the visiting public and support long-term asset management goals. In FY 2021 and FY 2022 NPS focused on maintenance and repair needs at many highly visited units in the national park system to maximize the benefit to the American public. The NPS is committed to making sustainable investments through the LRF in order to avoid cycles of rehabilitation, deterioration, and disrepair. Projects that offer NPS an opportunity to reduce long term life-cycle costs receive special consideration in the project selection process.

All LRF projects require parks to consider the business case for the investment, including visitation trends, and to ensure the park can adequately maintain the asset in acceptable condition throughout its life cycle. The NPS will continue to require traditional appropriated funding sources to address ongoing and long-term maintenance needs as we strive to maintain all priority assets in satisfactory condition.

Greater Sage Grouse

In fiscal year 2022 the House report highlighted the plummeting sage grouse population numbers and the need for enhanced conservation to ensure the viability of the species.

Pingree Q14: How is the Department using the Infrastructure Investment and Jobs Act funding to conserve sage steppe/ sage grouse?

RESPONSE: Specific to Section 40804 of the BIL (Ecosystem Restoration), DOI developed a spend plan that outlines priorities to ensure funding is invested strategically, justly, and efficiently to improve the resilience and ecological adaptability of ecosystems. Ecosystem restoration investments will be planned and implemented collaboratively across DOI and with communities as appropriate, while improving job opportunities and equitable access to healthy ecosystems for Americans. Priority outcomes include building climate adaptation and resilience for ecosystems and communities; restoring or improving intact habitat cores and connectivity; and building capacity among partners working to

implement conservation and restoration at the project and landscape scales. This work will be applied to critical landscapes across the country, which include the sage steppe habitat.

DOI is also working with our partners in the United States Department of Agriculture and in state, Tribal, and local governments on numerous initiatives including the “Defend the Core, Grow the Core” framework that can be applied to the identification of priority areas for vegetation treatment and sagebrush ecosystem restoration. In addition, BLM’s fuels program is investing BIL funding to protect sagebrush habitats by reducing the risk of catastrophic wildfire.

Pingree Q15: How is the Department analyzing whether the 2015 Range Management Plans need to be revised?

RESPONSE: The BLM is reviewing new scientific findings on threats to greater sage-grouse and their habitats, including potential effects from climate change, to determine if adjustments to the 2015 Resource Management Plans are warranted. The focus is on addressing threats across the range, including how we can minimize habitat loss from wildfire and invasive species. The BLM is developing an Environmental Impact Statement to support this assessment and has engaged its state-agency partners, including the newly reconstituted Sage Grouse Task Force. The approach to updating existing land use plans, if necessary, will involve state-specific amendments that build on previous efforts. BLM State Offices will continue coordinating with State wildlife agencies, as well as other cooperating partners, to evaluate if the new science suggests changes are needed to better conserve the greater sage-grouse.

Pingree Q16: Under your leadership, how is the Department avoiding, minimizing, and then establishing a process for compensating or mitigating negative impacts on species and natural resources? What policies are you putting in place to establish no net loss for natural resources/species from activities and projects the Department approves?

RESPONSE: On September 22, 2021, the BLM reinstated its Manual Section (MS-1794) and Handbook (H-1794-1) on mitigation. The Mitigation Manual Section and Handbook (i.e., BLM mitigation policy) establishes policy for implementing consistent principles and procedures for mitigation in the BLM's authorization of public land uses. The policy also states a no net loss standard for important, scarce, or sensitive resources and those resources protected by law.

Pingree Q17: What new science is the Department undertaking in order to protect this species?

RESPONSE: Through partnerships with the Western Association of Fish and Wildlife Agencies and the U.S. Geological Survey, the BLM has identified new scientific and peer-reviewed information that may improve protection of greater sage-grouse. Emerging science on genetic connectivity, response to habitat conditions affected by climate change, and responses to habitat treatments and modifications are examples of new information that will inform BLM planning efforts and conservation actions on the ground.

Pingree Q18: What advances have been made on reducing or eliminating cheatgrass on public lands and in focal sage grouse habitat?

RESPONSE: The BLM is developing a draft programmatic environmental impact statement to approve the use of additional herbicide active ingredients, including those comprising Indaziflam, an herbicide that inhibits cellulose biosynthesis in seedlings and is therefore an effective pre-emergent herbicide for annuals such as cheatgrass that does not harm perennial grasses. In FY 2022, treatments for cheatgrass are occurring on more than 300,000 acres (303,315) in sagebrush habitats on BLM administered lands, nearly

all of which are within the range of greater sage-grouse. Treatments to reduce or eliminate cheatgrass since FY 2018 have totaled 1,288,464 acres.

Onshore Oil and Gas Leasing

Last year the Department paused new oil and gas leasing while it conducted a review of the program. On April 8, 2022, you announced that the Department, after robust environmental review, engagement with Tribes and communities, and avoiding important wildlife habitat and migration corridors and sensitive cultural areas, would offer 173 parcels, roughly 144,000 acres of land for leasing.

Pingree Q19: Could you talk about this new leasing and the current state of the program?

RESPONSE: In compliance with an injunction from the Western District of Louisiana, the Department of the Interior is taking action that reflects the balanced approach to energy development and management of our Nation's public lands called for in the Department's November 2021 report on the Federal Oil and Gas Leasing Program. As that report laid out, Federal oil and gas leasing programs and their administration have remained virtually unchanged for decades, in spite of considerable changes in market conditions and technologies, as well as increased understanding of the programs' significant environmental and climate impacts. The United States faces an urgent need to reduce greenhouse gas (GHG) emissions and accelerate its transition to a clean energy economy. The Interior Department has a central role and responsibility in meeting these challenges.

In late June, the BLM held oil and gas lease sales that reflect this strategic approach. The lease sales for parcels in Colorado, Montana, North Dakota, New Mexico, Oklahoma, Nevada, and Wyoming incorporated many of the recommendations in the Department's report, such as increasing the royalty rate to ensure a fair return to the American taxpayer and focusing on leasing parcels near existing development and infrastructure, such as gathering lines that can help reduce venting and flaring. The BLM also prioritized avoiding important wildlife habitat and migration corridors and sensitive cultural areas. As a part of its environmental analysis, BLM disclosed GHG emissions and the social cost of GHG emissions, which provided important context for BLM's decision-making.

Pingree Q20: What analysis have you done on greenhouse gas emissions and the social cost of greenhouse gas emissions for leasing the proposed 144,000 acres?

RESPONSE: The BLM reviewed a wide range of potential impacts related to greenhouse gas (GHG) emissions in the [2020 BLM Specialist Report](#), which was incorporated by reference into each oil and gas lease sale environmental assessment. The Specialist Report presents the life-cycle representation of the Federal onshore mineral estate GHG emissions relative to various local, state, national, and global emissions and impact contexts. The BLM also determined the appropriate reasonably foreseeable scope of emissions for decision making by BLM State Directors was past emissions related to BLM fossil fuel approvals over the preceding 5 years, estimated total emissions related to BLM fossil fuel approvals for the 12-month period including the lease sale, and projected total emissions for the lifecycle of potential BLM leases. This analysis provides a thorough cumulative assessment of GHG emissions. All past and in-process BLM leases were considered in the preparation of the estimates. Current lease approval timeframes along with current data on the development status of all approved and in-process leases were also considered.

For social cost of greenhouse gas emissions (SC-GHG), the BLM analyzed the social costs associated with emissions from the alternatives using the best available information. The BLM exercised its discretion to estimate SC-GHG to provide additional context for decision making.

Pingree Q21: You propose the first ever increase in the royalty rate for new competitive leases to 18.75%, how have you determined this royalty rate provides a fairer return to the American taxpayer and how does this compare to rates charged by states and private landowners?

RESPONSE: For this sale, the BLM determined a royalty rate that provides a fair return to the American taxpayer based upon a comparison to state and private landowner royalty rates and a literature review on the impacts from an increased royalty rate. From this review, the BLM decided to move forward with an 18.75 percent royalty rate.

Below is the data collected on royalty rates from state and private lands.

Leasing Jurisdiction	Royalty Rate (% for new leases)
California	16.67% + (Negotiated lease-by-lease)
Colorado	20%
Montana	16.67%
New Mexico	18.75-20%
North Dakota	16.67 or 18.75% (depends on county)
Oklahoma	18.75%
Texas	20-25%
Utah	16.67%
Wyoming	16.67%
Private Lands	12.5-25% (generally)

Office of the Special Trustee

As you know, Congress has not approved the budget structure for the Bureau of Trust Funds Administration and has only provided funding for the Office of the Special Trustee (OST). We have continued funding OST because we hear concerns from Tribes about whether OST has finished its duties, whether all requirements of the various laws governing OST have been completed, and how any OST duties and responsibilities that should remain should be carried out.

In 2021, Congress directed the Administration to consult with Tribes on the future of OST. I was extremely disappointed that instead, the Administration consulted on how well a new bureau, never funded by Congress, is performing its duties. At no point did the House agree that consultation on a new bureau sufficed for consultation on the future of OST. I understand some Tribes or Tribal organizations refused to submit comments on the new agency because it was not established.

Pingree Q22: Will you commit to consulting with Indian Tribes on the future of OST, in accordance with President Biden’s Memorandum on Tribal Consultation and Strengthening Nation to Nation relationships dated January 26, 2021? In addition, will you commit to having the Assistant Secretary of Indian Affairs contact the Affiliated Tribes of Northwest Indians and the Great Plains Tribal Chairman’s Association

and engage in meaningful dialogue on their concerns about OST, which OST duties and responsibilities should remain, and how to carry out any remaining duties and responsibilities?

RESPONSE: The Department is committed to meaningful engagement with Tribes through consultation, and thinks the consultations held to date were meaningful. As noted previously, the Administration disagrees with the manner in which BTFA was established as a new organization but does not believe reversing the change is the best thing for Tribes who rely on these important financial services.

The Department held consultations seeking feedback on the management of trust assets and revenues, and how best these activities should be conducted. For reference, as an addendum to this answer, I am providing the Dear Tribal Leader Letter which includes the questions presented to Tribes regarding BTFA and OST. This letter was sent to all Tribes, and encouraged either attending the virtual consultation sessions, or submitting written comments.

The input from the consultations indicates there is work to do to clarify questions about trust activities for some Tribes. One Tribe wanted BTFA to provide a better understanding of the accounting process and how the different bureaus work together to perform this function. Three Tribes wanted assurance there was no duplication of function between BTFA and BIA and asked the Department to release the results of GAO's investigation into BTFA's workforce analysis when completed. The consultations did not call for the elimination of the BTFA or its functions. In fact, some Tribes noted a need for increased BTFA capacity to address needs of individuals in Indian Country. Seven Tribes and two Tribal organizations either participated in the listening sessions or provided written feedback, with many of the Tribes both participating and providing written feedback.

BLM Staff Capacity

In 2019 when the Department reorganized positions to establish a new headquarters in Grand Junction 328 positions were impacted. Of those positions, 287 became vacant as employees chose to leave BLM rather than relocate to state and field offices.

Pingree Q23: How many of the vacant positions that resulted from the move to Grand Junction have been filled?

RESPONSE: The BLM has filled approximately one-half of the vacant positions.

Pingree Q24: Have those positions been filled by former employees or new hires?

The fiscal year 2023 budget supports hiring an additional 760 FTEs, for a total of 10,592 FTE. The FTE report for the first quarter of fiscal year 2022 shows a projected usage of 9,549 FTE which would be an actual increase of 1,043 FTE.

RESPONSE: All vacancy announcements were opened to allow former BLM employees the opportunity to rejoin the BLM workforce, whether through competitive or non-competitive processes, and 16 former BLM employees have been selected to fill the positions.

Pingree Q25: What steps are being taken to refill vacant positions and to attract qualified new applicants to the BLM.

RESPONSE: The recruitment of BLM HQ positions is a priority and HR offices are dedicated to filling these positions. The BLM is also working internally to share recruitments for like positions, using non-

competitive hiring authorities as appropriate, and offering workplace flexibilities as well as incentives, as appropriate.

Pingree Q26: Provide a detailed breakdown of the staffing that is proposed in the fiscal year 2023 budget request.

RESPONSE:

2023 FTE	
Appropriation/Parent Allocating Account	FTE
Bureau of Land Management	10,592
Total Current	9,910
Management of Lands and Resources	5,651
Oregon and California Grant Lands	658
Range Improvements	25
Service Charges, Deposits, and Forfeitures	140
Miscellaneous Trust Funds	82
Total Current Direct	6,556
Central Hazardous Materials Fund	5
Federal Roads (FHWA)	6
GAOA P.L. 116-152	17
Natural Resource Damage Assessment Fund (Permanent)	1
Wildland Fire Management	2,741
Wildland Fire Management (Allocated-Reimbursable)	191
Total Allocated	2,961
Cadastral Reimbursable	64
Management of Land and Resources	248
Other Reimbursables	56
Total Reimbursable	368
Land Acquisition	14
Expenses, Road Maintenance Deposits	7
Forest Ecosystem Health and Recovery Fund	56
Lincoln County Land Sales	6
Operations and Maintenance of Quarters	3
Oil and Gas Permit Processing Improvement Fund	291
Recreation Enhancement Act, BLM	170
Southern Nevada Public Land Management	52
Timber Sale Pipeline Restoration	28
Working Capital Fund	34
Helium Fund	46
Total Permanent Direct	707

Orphaned Oil and Gas Wells /Hard Rock

Congress appropriated significant funding through the Bipartisan Infrastructure Law Department to address plugging orphaned oil and gas wells and reclaiming abandoned hard rock mine sites.

Pingree Q27: How is the Department prioritizing projects to receive the Federal share of this funding?

RESPONSE: The Department prioritized orphaned wells in disadvantaged communities, wells with high methane emissions, and those with impacts to water resources.

Pingree Q28: What criteria is the Department using to determine which sites pose the greatest health and safety risk?

RESPONSE: Orphaned wells pose various risks to the public, from basic safety issues associated with abandoned infrastructure and the release of and human exposure to methane and other gases. Confined spaces allow these gases to accumulate pose an immediate safety risk. Methane is a potent greenhouse gas. Other criteria include contamination to surface and ground water resources, impacts to soil and vegetation, and possible runoff.

Abandoned mines have unique safety concerns from open shafts that allow individuals to fall into open adits that can allow people to become trapped due to ceiling collapses. Some mines have abandoned equipment that pose physical safety risks from people climbing on them. Environmental risks come from acid mine drainage impacting watersheds, toxic heavy metal runoff from tailings piles, and infrastructure left behind such as leachate ponds, dip vats, and explosives.

The Department has created a prioritization matrix to assist in evaluating which projects should be funded first. These matrices are being updated as we evaluate site characteristics and statutory priorities such as human and ecological risk. FY 2022 funding received for this program will support development of a hardrock AML database on Federal, Tribal, State, and private lands.

Pingree Q29: What staffing level is allocated to support the Department's efforts to allocate this funding efficiently and effectively?

RESPONSE: We propose to increase the orphaned well program by a total 15 FTE through BIL. The Department's FY 2023 discretionary budget request proposes to increase the AML program by 5 FTE. The increased staff will support both the Federal Program, State and Tribal Grants.

Pingree Q30: What oversight mechanisms have been established?

RESPONSE: The FY 2023 budget request proposes establishing a fee to cover the cost of onshore oil and gas inspections. This will be a nonrefundable annual inspection fee that will be assessed on the designated operator and scaled to the number of wells, be they active or inactive, in the lease, unit, or communitization agreement.

Pingree Q31: Was this fee developed to create parity between onshore and offshore operations since the Department currently assesses a fee on offshore oil and gas operations?

RESPONSE: DOI has charged fees to recover the cost of oil and gas inspections for offshore operations for many years. As part of the Administration's efforts to ensure the oil and gas program provides a fair return to taxpayers, the FY 2023 Budget proposes to extend that practice to onshore operations, redirecting costs for the onshore oil and gas inspection program from the taxpayers to operators.

Pingree Q32: Did the Department socialize this idea with the public or stakeholders before including it in the fiscal year 2023 budget request?

RESPONSE: We have a responsibility to ensure the work we're doing is fair to the taxpayer and offsetting the cost of inspection and enforcement services through fees helps us meet that responsibility. The proposed onshore oil and gas inspection fees are consistent with prior proposals over many years from Congress and previous Administrations and is also consistent with the oil and gas inspection fees that have been in effect for offshore operations for several years.

Land and Water Conservation Fund

The Subcommittee continues to hear about process bottlenecks with the Land and Water Conservation Fund program. Specifically, the appraisal process, as managed by the Department's Appraisal and Valuation Services Office, is frequently cited as a major stumbling block, with delays and complexities. In fiscal year 2022, the Committee authorized increased appraiser pay authority to address some of the concerns.

Pingree Q33: Please explain the status of implementing the increased appraiser pay authority provided in fiscal year 2022, the additional costs to date associated with increased pay, and whether or when will we begin to see impacts from use of this new authority.

RESPONSE: The Department of the Interior appreciates the Subcommittee's support in achieving a special pay rate for appraisers. The special pay rate for appraisers was approved by the Office of Personnel Management (OPM) on May 25, 2022 and was effective on June 5, 2022. Prior to June 5, 2022, there were no additional costs associated with the special pay rate as AVSO awaited final approval from OPM and implementation from the Interior Business Center (IBC)-Human Resources. Based on existing employees affected by the special pay rate, AVSO estimates an annual cost of \$1.4 million over the general schedule (GS). As part of OPM's evaluation of the request, they offered all Federal agencies with appraisal staff the ability to be included in the special pay rate. The U.S. Department of Agriculture (USDA) and the Department of State requested inclusion in the special pay rate, received OPM approval and implemented the pay rate. Other agencies, including the U.S. Department of Housing and Urban Development (HUD), General Services Administration (GSA), Veteran's Affairs (VA), and the U.S. Army Corps of Engineers, are also pursuing inclusion in the special pay rate as they are experiencing similar staffing challenges.

The Department has seen immediate results from implementing this special pay rate through decreased attrition and benefits in recruiting.

Pingree Q34: Please provide other suggestions or ideas on how to improve the appraisal process and how Congress can help the Department implement these other ideas.

RESPONSE: The Department is exploring several ways to improve the efficiency of all components of the acquisition process while maintaining the independence and integrity of the appraisal process. For example:

1. Increase the Pool of Eligible Appraisers through an Exception to Licensing Limits for Low-risk Assignments. There is an acute shortage of Certified General Appraisers for direct employment or Federal contracts. Considering many of the acquisitions being contemplated by bureaus related to the Great American Outdoors Act (GAOA) are low-value, non-complex and low-risk appraisals, the ability of Certified Residential Appraisers to conduct these assignments would increase the pool of potential vendors with minimal increase in risk to the Department. According to the 2020

Annual Report of the Appraisal Subcommittee, there were 39,070 active Certified General credentials and 47,073 active Certified Residential credentials. Allowing Certified Residential Appraisers, who are currently not eligible to conduct these types of assignments, to conduct simple acquisition appraisals would more than double the pool of appraisers for employment or contract.

2. Approval of Direct-Hire Authority for Appraisers and Support for Increased Hiring within Bureau Realty Programs. The Department appreciates the Committee's support for implementing a special pay rate for appraisers to improve our success in recruiting and retaining these critical skills. To build upon the success of that effort, we are seeking Direct-Hire Authority through OPM. The Department would greatly appreciate any assistance in obtaining Direct-Hire Authority to use in conjunction with the special pay rate.

Committee support for hiring additional realty staff in the bureaus would also help to ensure appraisal requests are prepared in a timely manner and contain adequate information to complete the required appraisals according to Federal appraisal standards.

3. Provide License Reciprocity for Appraisers Conducting Appraisals for Federal Transactions: Non-federally employed appraisers are required to hold credentials in each state or territory where they conduct appraisals. As an example, an appraiser in Las Vegas, NV may also work in southern Utah, southwestern Arizona, and southeastern California due to the similar and related real estate markets. To work in this area a non-federally employed appraiser is required to hold credentials in four states. OMB Bulletin 92-06 waived this requirement for federally employed appraisers, only requiring them to be licensed in one state or territory to conduct Federal appraisal work in all states or territories. Granting the same level of reciprocity to private contract appraiser completing appraisals for Federal lands transaction would remove a significant barrier to finding highly qualified appraisers to meet the Department's valuation needs. This limited reciprocity would also increase the pool of potential vendors available for critical Departmental assignments.

Questions from Representative Joyce

Cannabis

Last September, at Picuris Pueblo in northern New Mexico, BIA Law Enforcement confiscated nine cannabis plants from a man who was growing them in his garden. He is enrolled in the state's medical marijuana program to ease post-traumatic stress and anxiety, and these plants provided a full year of treatment. Though not a Tribal member, the gentleman lives on a Pueblo where the Tribe, like the State, has decriminalized medical marijuana. The incident sent a chill through Indian Country as Tribes are unsure if the Federal Government will continue to enforce and prioritize Federal marijuana laws only on reservations.

Joyce Q1: Does the Department of the Interior agree with BIA Law Enforcement's actions in this case?

RESPONSE: Yes, DOI is in agreement with BIA law enforcement's actions. BIA coordinates with Tribes to ensure that their safety priorities are our priorities. Marijuana remains illegal under Federal law, and we strive to target our efforts toward the highest public safety concerns of Tribes.

Joyce Q2: Has the Department taken, or does the Department plan to take, any steps to change agency policy to prevent such actions from occurring in the future where both the State and the Tribe have legalized marijuana?

RESPONSE: The Office of Justice Services enforced Federal law in this case as is their charge; the Department has no plans to direct the agency not to enforce Federal law. As noted in the answer above, the BIA coordinates with Tribes to ensure that their safety priorities are our priorities. Marijuana remains illegal under Federal law, and we strive to target our efforts toward the highest public safety concerns of Tribes.

Ban on New Conventional Energy Leasing

The President, on day one of his presidency, issued an Executive Order temporarily banning new oil and gas leasing on the Federal estate and directed the Department of the Interior to conduct a thorough review. The Department delivered its report last November. It has been almost 18 months since a lease sale has been signed on the Federal estate. On April 18, 2022, the White House Press Secretary reiterated that the Administration's policy is to ban additional oil and gas leasing on Federal lands. However, the law requires quarterly lease sales.

Joyce Q3: Please clarify the Administration's position. If the law requires the Administration to conduct oil and gas leasing, how can it be the Administration's policy to ban such leasing?

RESPONSE: This is a matter of ongoing litigation, and the Department will let the legal filings speak for our legal position. We would note that conflicting litigation has been a complicating factor. The Department looks forward to updating the committee as soon as possible.

Joyce Q4: If the Department's recent announcement for new, limited onshore leasing is driven by a court order, then is it fair to say that the Administration would still have a ban on new leasing if it weren't for the courts? And, if so, then why does the ban continue even after the Department delivered its report pursuant to the Executive Order?

RESPONSE: This is a matter of ongoing litigation, and the Department will let the legal filings speak for our legal position. The Department did announce we are moving forward with onshore oil and gas leases sale that includes significant reforms to benefit the taxpayers, Tribal consultation, and our environment. We continue our work to move forward with the onshore program in a way that is consistent with the law and the Secretary's discretion and takes taxpayer interests and climate change into account.

Offshore Energy

The Outer Continental Shelf Lands Act requires the Department of the Interior to prepare and maintain a 5-year offshore leasing program that best meets the national energy needs. The current 5-year plan expires on July 1, 2022 and authorizes three areas for lease sales on which the Department has not acted.

Joyce Q5: Will the Department have a new offshore 5-year plan in place on July 1, 2022, and, if not, does the Department intend to finalize the next 5-year plan in fiscal year 2023?

RESPONSE: No, the Department will not finalize a new National OCS Oil and Gas Leasing Program (5-year plan) before the 2017-2022 National OCS Oil and Gas Leasing Program expires on June 30, 2022. However, as Secretary Haaland announced during her testimony before the U.S. Senate Committee on Energy and Natural Resources on May 19, 2022, the Department is committed to publishing the Proposed

Program and draft Programmatic Environmental Impact Statement for the next leasing program this summer. This is the second of three analytical steps required before the Secretary can approve a new National OCS Oil and Gas Leasing Program and includes a 90-day public comment period. Feedback received on the Proposed Program will be incorporated into the third step, the Proposed Final Program and Final Programmatic Environmental Impact Statement.

Joyce Q6: Does the Department intend to conduct offshore lease sales in fiscal years 2022 and 2023?

RESPONSE: Offshore oil and gas lease sales can only be held subject to a National OCS Oil and Gas Leasing Program. The Department is in the process of developing a new Program that will include a schedule of lease sales.

Joyce Q7: When does the Department anticipate resuming holding lease sales in the Gulf of Mexico that are already authorized in the current 5-year plan?

RESPONSE: Subsequent to the hearing, Congress enacted the Inflation Reduction Act which reinstates Lease Sale 257 and directs the Department to move forward with Lease Sales 258, 259, 261 by specific dates.

Joyce Q8: If there are no concrete plans for leases and a new 5-year plan in fiscal year 2022 or 2023, then what is the Department doing with the \$60 million appropriated for fiscal year 2022 and the \$63 million requested for fiscal year 2023?

RESPONSE: BOEM's Conventional Energy budget activity supports a broad range of responsibilities related to offshore oil and gas leasing and development activities, including:

- overseeing ongoing activities,
- ensuring adequate financial assurances for decommissioning liability,
- risk management,
- developing and implementing the National OCS Oil and Gas Leasing Program,
- estimating inventories of oil and gas reserves,
- reviewing and administering oil and gas exploration and development plans,
- permitting geological and geophysical activities,
- conducting technical resource evaluations and economic analyses for use in fair market value determination, and
- developing and maintaining the OCS Marine Cadastre, an integrated marine information system that provides data, tools, and mapping services.

These activities are necessary for BOEM to meet its statutory responsibilities, including managing existing conventional energy leases.

Energy Fees and Royalties

Recent releases from the Strategic Petroleum Reserve have not impacted the price of gasoline, as the average price of a gallon of gas is still over \$4 and rising. The fiscal year 2023 budget proposes new and higher offshore inspection fees, and new onshore inspection fees. In addition, the Department of the Interior recently announced a 50 percent increase in the onshore royalty rate.

Joyce Q9: Given the fact that fees and royalties impact the cost of production, that the cost of gasoline at the pump includes the cost to produce, transport, and refine, and with gas prices currently above \$4 a gallon and inflation at a 40-year high, is now the right time to increase fees and royalties?

RESPONSE: The Administration is committed to eliminating subsidies for fossil fuel producers, and this proposal is part of efforts to ensure the oil and gas industry covers the costs of the Federal oil and gas program. The Department has charged fees to recover the cost of offshore oil and gas inspection fees for many years, so the budget request is proposing to extend this practice to onshore oil and gas operations, which makes sense for taxpayers.

Buy American

President Biden has committed to strengthen “Buy American” requirements that prioritize government purchasing of materials made within the U.S. border. The Department of Defense responded by finalizing a rule in March of this year that establishes a framework to set an “enhanced price preference” for certain products and components “mined, produced, or manufactured in the United States and deemed critical to the U.S. supply chain.” And yet the Department of the Interior chose to revoke minerals leases in northeast Minnesota that have existed for more than 50 years. Also, the Department revoked those leases without even conducting the environmental review prescribed by law.

Joyce Q10: Doesn’t a proposal to honor the President’s directive, and provide invaluable access to copper, nickel, cobalt, and platinum group metals for our country, at least deserve to be evaluated through the established environmental review process?

RESPONSE: A January 25, 2022, legal opinion from the Interior Department’s Office of Solicitor found significant legal deficiencies in the circumstances surrounding the 2019 renewal, including: the lease renewal forms contravened the Department’s regulations; the Department did not duly recognize the U.S. Forest Service’s consent authority; and the inadequate environmental analysis failed to include a no-renewal, no-action alternative. Subsequently, the Interior Department has canceled the two leases. No mineral production has occurred on either lease since the original date of issuance in 1966.

USGS Remote Sensing State Grants

It is my understanding that USGS’s Remote Sensing State Grant Program now reaches 41 states and that this program has grown from 10 states to 41 states since 2003. However, despite this growth, plus the simultaneous exponential increase in the use of satellite remote sensing and geospatial data for everything from land and water management to disaster recovery, transportation, agriculture, and health, to name a few, the USGS has level funded this program at \$1.2 million per year. Even with the significant job creation in this field, requiring students and a workforce empowered with these skills and expertise, the program has essentially seen a 200% cut to each state grant recipient since 2003.

Joyce Q11: Has the USGS overlooked this program? Is there room for growth in this program as part of the Department of the Interior’s climate portfolio?

RESPONSE: The President’s request provides \$1.25 million for the National Land Remote Sensing Education, Outreach and Research Activity grants. The USGS has funded this program for more than 20 years and sees continued value to the American public of this competitively awarded nationwide grant activity. The AmericaView consortium, the current grant recipient, provides a variety of services and products at the State and local level, based on the needs of those communities.

These grants support the Administration’s priorities on climate by exposing students to remote sensing research including monitoring water quality in rivers and phytoplankton in lakes; analyzing invasive species on the Crow Reservation; mapping urban forest canopy; and assessing tree mortality for wildfire monitoring.

Abandoned Mine Land Economic Revitalization (AMLER)

The Subcommittee recently received testimony from the National Association of Abandoned Mine Land Programs, expressing strong concerns about unnecessary and excessive review of Abandoned Mine Land Economic Revitalization (AMLER) projects in the headquarters office of the Office of Surface Mining, Reclamation, and Enforcement. Similarly, the Commonwealth of Virginia has brought to our attention one such project that has been in review for more than 1,000 days, including 872 days in headquarters. The Commonwealth has made several inquiries to headquarters without a response, including most recently a letter dated April 6, 2022. We are hearing of similar frustrations in Kentucky and Alabama. The Department of the Interior must investigate the matter and encourage the agency to work with the Commonwealth, to expedite a decision on this project, and to make improvements to the process.

Joyce Q12: Does the Department agree that 1,000 days is an unreasonably long time to review an economic development project for an underserved rural community?

RESPONSE: Since the inception of the AMLER program in FY 2016, OSMRE has issued preliminary approval for 248 of the 266 AMLER projects submitted to date. Of the remaining 18 projects, six (6) were returned to the AML Program states because the projects did not meet the eligibility criteria, three (3) were voluntarily withdrawn by the state after submission to OSMRE for vetting, and nine (9) are currently in review with OSMRE. A total of six (6) of the 266 projects were determined to be highly complex and required extensive legal review to address complicated scenarios involving program income, allowable costs, subrecipient/contractor determinations, the disposition of real property, and the purchase/lease arrangement of equipment. These projects required additional time for legal review and to ensure that OSMRE was exercising its due diligence and fiduciary responsibilities in its oversight of the AMLER program.

The average time frame for OSMRE to vet an AMLER project is 39 days which includes time working with the state to obtain or provide additional information. The majority of AMLER projects (approximately 115 projects to date) did not require additional information and as a result, OSMRE provided preliminary approval on average within 18 days of project submission. In summary, while a few proposed AMLER projects have taken a much longer time to review, they are outliers that are rare. Typically, these extensive delays are due to a combination of factors, including complex legal reviews and the need to collaborate with the states which means that OSMRE is not always able to control the length of time it takes to complete review at each stage of the process.

Approval of AMLER projects is a high priority for OSMRE. OSMRE will continue to review projects expeditiously while also ensuring that all Federal requirements are met before approval of projects and distribution of Federal funds.

McGirt v. Oklahoma

Congress appropriated \$62 million to the BIA in fiscal year 2022 to help Tribes implement the McGirt v. Oklahoma decision and directed the agency to consult with impacted Tribes regarding the allocation of funds and submit a subsequent reprogramming request to allocate portions of the funding to Detention/Corrections and Tribal Courts as necessary.

Joyce Q13: What is the schedule for Tribal consultation, reprogramming, and allocation to Tribes?

RESPONSE: We will conduct initial formal consultation on the distribution of this funding in July 2022 in Oklahoma, with a closing date for receiving Tribal input of August 2, 2022. We will review Tribal input from that consultation and will submit a reprogramming request to the appropriate Congressional committees and allocate funding accordingly as soon as final determinations from those comments are made.

Joyce Q14: Pursuant to the Tribal Consultation directive in House Report 117-83, will the BIA publish a rationale of its final decisions so that Tribes understand whether and how their input was considered?

RESPONSE: We intend to ensure full transparency throughout this process for the affected Tribes. We will communicate how their input was considered and the rationale behind our final allocation decisions.

Joyce Q15: Will the allocation be based on a formula, and, if so, what data are used in the formula and how are the data weighted?

RESPONSE: As stated, initial formal consultation will occur in July 2022, thus our final allocation methodology won't begin to take shape until the Tribal input is considered.

Joyce Q16: Why is the Administration proposing a cut of \$29.75 million for fiscal year 2023?

RESPONSE: The FY 2023 budget does not propose funding reductions to any public safety programs. The appearance of a reduction is simply due to timing. The FY 2023 request reflects FY 2022 funding at the rate of a full year FY 2022 Continuing Resolution because the FY 2022 Omnibus was not passed in time to incorporate. This means BIA was not able to take into account the additional \$62 million Congress provided for the McGirt Tribes in the FY 2022 enacted appropriation.

Joyce Q17: Assuming all of the BIA's proposed increases for the Public Safety and Justice (PSJ) activity are appropriated, how much funding should be appropriated in fiscal year 2023 to implement the McGirt decision while ensuring funding parity with other PSJ-funded Tribes?

RESPONSE: The \$62 million appropriated for 2022 is consistent with our estimate of the current parity funding gap between these and other large population, large land base Tribes. The \$62 million appropriated in FY 2022 should be maintained in FY 2023 to maintain the parity gained in FY 2022.

Joyce Q18: How much funding is required in fiscal year 2023 to meet Tribes' full funding needs to implement the McGirt decision?

RESPONSE: The information gathered at our upcoming July 2022 consultation will be key to better understanding the unique funding and programmatic needs of these Tribes. Based on our estimates, the \$62 million level appropriated for 2022, bridges the current parity funding gap between these and other large population, large land base Tribes. As we continue to better understand the level of need, the \$62 million funding increase should at the least be maintained in FY 2023 to retain the service level parity gained in FY 2022.

Joyce Q19: How does the BIA intend to assist Tribes as they take over responsibilities now under Federal and Tribal jurisdiction?

RESPONSE: The upcoming July 2022 consultation will provide BIA with further insight into the unique needs of Tribes impacted by the McGirt decision. We intend to maintain open lines of communication with these Tribes, as well as the Congress, through this process to ensure the Tribes receive the technical assistance and other support they need from the Federal government.

Questions from Representative Kilmer

Tribal Consultation

Kilmer Q1: Secretary Haaland, thank you for your continued leadership and commitment to honoring our nation-to-nation relationship with Tribes and ensuring the Department engages in robust and meaningful consultation with Tribes. I have the great honor of having 12 Tribes in Washington's 6th Congressional District, nine of which have a Tribal Historic Preservation Officer (THPO).

As you know, THPOs assume state historic preservation responsibilities to protect and preserve sites of cultural and historic significance to their Tribes. They are also responsible for consulting on Federal projects that may impact Tribes and Tribal lands. Unfortunately, THPOs in my district face increasing challenges to protecting sacred sites and meaningfully consulting with Federal agencies due to funding shortfalls. Under the FY 2022 budget, each THPO will only receive \$76,900. As a result, Tribes must subsidize THPO positions to even have a single, often underpaid, staff member.

At the same time, the workload has increased immensely as the number of requests for Tribal consultation have increased. For example, a single THPO for the Suquamish Tribe was responsible for reviewing 900 requests. Coastal Tribes like the Skokomish and Makah have increasing needs for THPO consultation and work to address erosion and rising sea levels that are impacting ancestral resting places and other sacred sites.

RESPONSE: No question asked.

Kilmer Q2: Secretary Haaland, how would a significant increase to THPO funding better enable Tribes to meaningfully consult with your agency and the Biden Administration on Federal projects?

RESPONSE: Increased funding for Tribal Historic Preservation Office (THPO) grants would expand capacity and capabilities in THPO offices to meet the objectives of the National Historic Preservation Act (NHPA) and the cultural and historic preservation interests of the Tribe. The average grant to THPOs in FY 2022 was \$77,295.

There are eight historic preservation responsibilities outlined in NHPA that Tribes may choose to assume from the SHPO. Most Tribes assume responsibilities on Tribal lands, including but not limited to survey and inventory, nominations to the National Register, education and training activities, and ensuring appropriate review and compliance with Section 106 of the National Historic Preservation Act of 1966 (Section 106). In FY 2021, 201 THPOs surveyed nearly 357,000 acres and provided over 2,000 educational opportunities. They also reviewed almost 10,000 Section 106 actions on Tribal lands and over 125,000 on ancestral lands (lands no longer in Tribal possession in which they still have a cultural interest).

Kilmer Q3: As more Tribes seek to establish their own THPOs, how can Congress work with you to ensure THPO funding keeps up?

RESPONSE: The steadily increasing number of THPOs, and impacts of inflation, have impacted the purchasing power of this grant program. Currently, 208 Tribes have agreements with the National Park Service to assume functions from SHPOs. Each year, an average of seven Tribes become THPOs and take on those responsibilities. The average funding per Tribe is slightly lower in FY 2022 (\$77,295) than it was in FY 1996 (\$79,875).

Questions from Representative Stewart

Taxes on Oil and Natural Gas Production in the United States

President Biden's FY 2023 budget increases 13 taxes on oil and natural gas production in the United States. The total cost of those tax increases is \$43.6 billion over 10 years. Most of the tax credits are related to capital and infrastructure investments made by companies in order to produce oil and natural gas here in the United States.

Stewart Q1: By eliminating, the Administration threatens to reduce domestic production over the next 10 years. In the wake of the energy crisis, growing inflation, and the war in Ukraine, can you explain exactly how increasing these taxes benefits consumers at the pump?

RESPONSE: While this question needs to be directed to the United States Department of the Treasury, the Administration is committed to eliminating subsidies for fossil fuel producers so that competition is fairer, and the environment is properly considered.

Oil and Natural Gas Drilling Permits

We have heard a lot in recent weeks from Pres. Biden and White House Press Sec. Jen Psaki about 9,000 oil and natural gas drilling permits that have not been used by companies that operate on public lands. The White House has said there's nothing holding companies back from using these permits to drill, however, that is not the case. There has been increased attention placed in recent years on reducing or preventing flaring of methane at the well head in order to better protect the environment.

Stewart Q2: Consequently, companies work to put in place infrastructure before drilling wells, such as gas gathering lines, to capture that methane so it's not flared. Sec. Haaland, what is your Department doing to streamline the approval of Right of Way permits so these gathering lines can be installed more quickly on public lands and to help make sure companies can use those 9,000 Federal permits the White House keeps referring to?

The Interior Department buried an announcement at 4pm ET on Good Friday that it will hold an oil and natural gas lease sale in June. Your department re-reviewed 646 parcels on roughly 733,000 acres that were already reviewed and approved for leasing by career agency staff—not political appointees—and cut the size of the lease sale by 80%. However, the following Tuesday, White House National Climate Advisor Gina McCarthy said in an interview on MSNBC, "Let me answer your question very directly: President Biden remains absolutely committed to not moving forward with additional drilling on public lands." She added about the lease sale announcement, "The challenge that we faced was that we had a court that ordered a new lease to be done."

RESPONSE: Both BLM and BSEE continue to process permits for existing leases. There are thousands of permits that have been issued and are available for use. Permits are being processed according to the law. As you know, many permits issued in the past have been rejected by the courts. We are working hard to do things the right way to comply with our obligations. On gathering lines, we appreciate the value of reducing methane waste. We are continuing to issue permits for gathering lines. While Congress has provided additional authority in the Bipartisan Infrastructure Law, gathering lines are a good reason to focus development in areas that have the infrastructure to support it.

Stewart Q3: The Department of Energy [sic, Interior] had no choice but to put it out. "Yes or no, is the Interior Department halting quarterly onshore lease sales after the Q2 2022 as Advisor McCarthy suggests?"

RESPONSE: This is a matter of ongoing litigation, and the Department will let the legal filings speak for our legal position. Throughout this process, the Department is committed to following the law.

Gas Prices

Since the beginning of the war in Ukraine started on February 24th, we've heard statements about high gas prices from the president; multiple members of his cabinet including Sec. Jennifer Granholm and Sec. Pete Buttigieg; and White House Press Secretary Jen Psaki. However, we have not heard from Sec. Deb Haaland. Yet, Madam Secretary, you oversee nearly 25% of the oil and natural gas produced in the United States through offshore and onshore leasing. In the meantime, you have focused on traveling across the country to announce several infrastructure grants in 10 states and Puerto Rico. You even visited the SXSW (South by Southwest) Festival. As valuable as those visits are to the agency, you have remained silent on how Interior is working on behalf of the American consumer to lower prices at the pump.

Stewart Q4: In contrast to other members of the administration, why have you been silent on reducing prices at the pump?

RESPONSE: I don't believe this Administration has been silent on prices at the pump and the impact it has on Americans working to make ends-meet. As you know, oil is a global commodity, and many factors beyond our control influence the price of gas. The pandemic and war in Ukraine have played a significant role in what we are seeing today. And while the vast majority of oil and gas production occurs on private and State land in the United States, Federal lands produced more oil in 2021 than any of the last 20 years. DOI is working hard for the American people.

Land Access

During the White House's virtual event on Securing Critical Minerals for a Future Made in America in February, President Biden stated, "these minerals power phones and computers, household appliances, electric vehicles and batteries, solar panels, wind turbines, and so much more. Without these minerals, we simply cannot... function. And we expect demand to increase by 400 to 600 percent over the next several decades." These demand estimates are actually conservative compared to some. At a recent Senate Energy and Natural Resources Committee hearing to discuss the scope and scale of mineral demand, Dr. Duncan Wood, Vice President of Strategy & New Initiatives at the Wilson Center, said that "mining is needed to power that transition in the same way that oil and gas powered the industrial transformation of the 20th century. If critical minerals stay in the ground, the transition will be insufficient. Urgent steps must be taken soon to address the severe deficit in critical minerals. To paraphrase an old adage, the best time to have done so would have been ten years ago. The second-best time is now."

Stewart Q5: With our Nation's vast mineral endowment largely located on Federal and public lands in the western U.S., in your assessment, should Federal land management agencies prioritize access to Federal lands for mineral development? Please describe your answer.

RESPONSE: The Federal government relies on private parties to explore Federal lands to locate and develop minerals that are essential to our quality of life; access to explore for these minerals is essential to our economic and national security.

Stewart Q6: How does the Department intend to promote access to these mineralized lands for development?

RESPONSE: The BLM is one of many members of an Interagency Working Group on Mining Regulations, Laws, and Permitting (IWG), which has been created to meet the directives and reporting requirements of Section 40206 of the BIL, including exploring potential efficiencies in mineral permitting and development. In pursuit of these requirements, the IWG is seeking public comment, meeting with stakeholders representing all interests, including the mining industry, Tribal governments, and State governments. The general recommendations from the IWG are expected to be delivered in the coming months.

Stewart Q7: Does the Department of the Interior consider anticipated mineral demand for clean energy technologies before taking administrative action to preemptively block or negatively impact development of a mine project? Please discuss steps taken and consideration used in this process.

RESPONSE: The BLM completes development of mining projects using regulations found in 43 CFR 3000s and associated policy and underlying laws, as required for locatable, leasable, and salable minerals, including coal. Prior to any administrative withdrawal actions, Mineral Potential Reports are completed to evaluate the potential for minerals to be present within the action area. BLM's Resource Management Plans use similar processes in evaluating the potential development of minerals, using public comment and NEPA reviews. In general, all mineral development proceeds as follows:

- Receipt of interest/government nomination;
- Determination under the RMPs of development mitigations, where applicable (lands open to entry are not subject to RMP restrictions that are not defined by the Mining Law of 1872 and 43 CFR 3809);
- Processing under the appropriate regulations (43 CFR 3400, 3500, 3600, 3700, and 3800);
- NEPA evaluation, including public comment; and
- Issuance of specific authorizing instrument, as appropriate.

USGS Critical Minerals List

U.S. Geological Survey's annual commodity summary for 2022 reports that we now find ourselves entirely import dependent for 17 minerals and over 50 percent reliant for another 30 minerals (29 of which are designated as "critical minerals").

Stewart Q8: Do you view ongoing global conflicts, world events including COVID, supply chain shortages, and inflationary pressures as indicators that the Department of the Interior should take concrete steps to improve the timeliness of Federal permitting processes to support domestic resource production that our Nation needs for economic and national security under strong U.S. environmental and labor standards? Please describe your answer.

RESPONSE: The USGS is dedicated to acquiring, interpreting, and delivering information on the Nation's mineral commodity supply chains, as well as understanding the impacts of disruptive events on those supply chains, particularly for mineral commodities essential for economic and national security. The USGS also works to assess and report on domestic and global mineral resources (both potential primary production from unmined resources and potential secondary production from recycling, reuse, reprocessing, and remining) which can contribute to domestic mineral commodity needs. This work informs Federal decision making on land use, permitting, trade partnerships, and steps to enhance secondary production. While USGS does not play a role in the Federal permitting process, the Department is working hard to promote the sustainable and responsible domestic production of critical minerals.

Bonneville Restoration Efforts

The Utah Department of Natural Resources and the BLM have entered into a cooperative agreement for the restoration of the Bonneville Salt Flats in Wendover, Utah, which are managed by the BLM. Bonneville has provided dramatic landscapes for photography, film, recreation, and it has played a dramatic role in land speed racing. Unfortunately, the salt crust at Bonneville has diminished over many decades, as it was once measured there in feet and is now less than a few inches. Congress provided funding that was intended for this project in the Consolidated Appropriations Act, 2021 (Public Law No: 116-260), along with Report language for several years requesting action and reporting on restoration efforts for the Bonneville Salt Flats. We are informed that there is consensus around the need to begin restoring this landscape, but the Bureau of Land Management has yet to report back to the Committee on recovery activities and, but for very small funding amounts, has yet to allocate any significant funding toward this important priority.

Stewart Q9: What is the status of Bonneville restoration efforts and when will BLM provide its official report back to the Committee as required by law?

RESPONSE: The Bonneville Salt Flats are managed by the BLM in collaboration with the State of Utah, Intrepid Potash LLC, Tooele County, local governments, and public stakeholders, including most notably the land-speed racing community. The science and understanding behind annual salt crust formation and factors affecting its thickness is a complex field of study. The BLM relies on expertise from the U.S. Geological Survey, the Utah Geologic Survey, and the academic community, including the University of Utah's Global Change and Sustainability Center. Restoration and conservation of the Bonneville Salt Flats are ongoing efforts. For example, every winter, Intrepid Potash LLC implements the primary restoration effort for the salt flats, as required in their BLM-approved mine plan, where they pump concentrated brine onto the salt flats with the aim of increasing the salt crust thickness. Additional restoration proposals are under review. Finally, the BLM is not aware of a requirement for a report to Congress about the Bonneville Salt Flats restoration efforts; rather, the BLM is prepared to comply with report language to provide Committee briefings.

Stewart Q10: What is BLM pursuing in furtherance of the cooperative agreement with the State of Utah?

RESPONSE: The BLM and the State of Utah meet regularly in furtherance of the cooperative agreement. Specifically, the BLM has effectively partnered with the State of Utah to fund additional monitoring on the salt flats, including 20 shallow brine well transducers and a new real time weather station to improve restoration and scientific understanding of the salt flats system. The improved monitoring is critical to helping to design effective future restoration work. The BLM is also working with Intrepid LLC, a potash lease holder on the Bonneville Salt Flats, to process its voluntary lease suspension, as an important effort to help minimize impacts to the Bonneville Salt Flats' salt crust system.

Stewart Q11: How much funding of the 2022 funds will be allocated to restoration efforts at the Bonneville Salt Flats?

RESPONSE: In FY 2021, the BLM was able to fund an investment of \$125,000, in partnership with State of Utah funding, to advance monitoring on the salt flats, including through 20 shallow brine well transducers and a new real time weather station. The State of Utah contributed an additional \$1,000,000 to the joint effort for a total shared investment of \$1,125,000. The work supported by this FY 2021 funding will continue in FY 2022. The BLM has not funded additional restoration projects with FY 2022 funding.

Stewart Q12: How much of the 2023 requested funds would be allocated to Bonneville pursuant to your proposed budget for BLM?

RESPONSE: The funding allocation will be contingent on research and analysis currently in progress.

Questions from Representative Kaptur

Wildlife Refuges

Sec. Haaland, it's great to see you back here in the House, where you served the people of New Mexico with distinction, and now to see you in your position as Secretary of the Interior, serving the people of the United States! Thank you again for visiting my district last month. I appreciated how you highlighted investments that your Department is making pursuant to the Infrastructure & Jobs Act that we worked hard to pass here in Congress. That bill is providing for historic investments that are transforming our communities. It was great visiting the Ottawa National Wildlife Refuge in my district, which will benefit from \$10 million to restore, enhance, and reconnect coastal wetland habitats. These funds will help the Ottawa Refuge reconnect 900 acres of land on Lake Erie. I'd like to focus my first question on the Wildlife Refuges, like Ottawa, Cedar Point, and West Sister Island in my district, which are critical to the fragile ecosystem of Lake Erie.

Kaptur Q1: Can you discuss your Department's plans for careful acquisition and designation of more land to be added to these refuges?

Staffing these Refuges has been a challenge. Indeed, Ottawa is known across the country and the world for the "Biggest Week in American Birding," which attracts more than 90,000 birders every year! So, this has a big economic impact for my district. I would like to work with you on providing more funds, so the U.S. Fish & Wildlife Service can have enough personnel to manage these important areas and promote tourism.

RESPONSE: The Ottawa National Wildlife Refuge Complex (Complex) has a successful, willing-seller, land acquisition program. The Complex is highly competitive for Migratory Bird Conservation Fund (MBCF) and Great Lakes Restoration Initiative (GLRI) funding. The Complex has been successfully acquiring lands with other funding sources, including donations, North American Wetlands Conservation Act (NAWCA) grants, and LWCF Inholdings. As of September 30, 2021, FWS has acquired 10,551 acres between Ottawa, Cedar Point, and West Sister Island National Wildlife Refuges. There are currently no opportunities for acquisitions at Cedar Point and West Sister Island NWRs. FWS has identified several willing sellers for lands in excess of 350 acres in Ottawa County for Ottawa National Wildlife Refuge. FWS will close on 200 acres within Bay Township this summer. FWS is in the process of appraising an additional five parcels located in Benton, Carroll, and Bay Townships, and accepting a 40-acre donation.

Connecting Parks, Refuges, and DOI Assets

I would also like to ask for your help with providing better connections between the Refuges, other DOI-managed sites, and the local parks along Lake Erie in my district. We have a great range of historical sites and resources, and I am looking for ways to provide better connectivity by bike, walkway, or road, so more people can enjoy them. For example, The Perry's Victory and International Peace Memorial and the Fallen Timbers Battlefield and Fort Miami's National Historic Site are important markers for different eras of the history of the United States and the region that I represent. I would like to connect these sites to the other end of Lake Erie, where the Cuyahoga Valley National Park sits. In addition, considering your heritage, I would like your help and input in ensuring that the Fallen Timbers Battlefield Monument properly recognizes the pain inflicted on Native American peoples.

Kaptur Q2: Can you discuss the Department of the Interior's efforts to connect the National Parks, wildlife refuges, and other assets you manage to provide a more holistic experience and interpretation, telling the story of our Nation's history?

RESPONSE: The National Wildlife Refuge System works cooperatively with other land management agencies to share cultural and natural history stories. In several areas, such as Jackson, WY, Ashland, WI, and Coldfoot, AK, the U.S. Fish and Wildlife Service works with the National Park Service, USDA Forest Service, Bureau of Land Management, and other partners to staff interagency visitor centers. These facilities tell the history of local areas and help the public plan their visitor experiences. Through its stewardship of historic properties, the U.S. Fish and Wildlife Service Historic Preservation Program engages visitors, deepens their understanding of the Nation's past and builds relationships with local communities. FWS also participates in the America the Beautiful – National Parks and Federal Recreational Lands Passes which afford the public the opportunity to visit more than 2,000 Federal recreation sites.

FWS worked closely with the USGS National Digital Trails project to identify examples of built trails connecting Refuges to other Federal estates. Currently, most trail networks that lead off-refuge lead to connected communities to increase visitor access to urban refuges. One project, which is partially complete, is the Mason Neck Trailhead to the Potomac Heritage National Scenic Trail in Virginia. Once completed, this project will connect FWS and NPS managed lands. FWS is exploring additional opportunities to complete similar projects that connect FWS lands with other DOI and public lands.

The NPS and Perry's Victory and International Peace Memorial collaborate with the U.S. Fish and Wildlife Service and Ottawa National Wildlife Refuge in a "Ranger Exchange" with NPS rangers participating in the Biggest Week in Birding and USFWS rangers participating in Perry Education Days. In addition, the NPS Rivers and Trails Conservation Assistance program has facilitated connectivity among agencies, cities, counties and states through three years of work on the Ohio River Recreation Trail. The trail connects communities and promotes recreation on 270 miles of the Ohio River through three states (Ohio, Kentucky and Indiana) in a unified recreation and interpretative theme. The development of the trail prompted significant dialogue amongst stakeholder entities about the interpretative themes associated with recreational trails with the NPS hosting a summit of hundreds of local elected officials in October 2021 to discuss the trail as a regional asset. The NPS will continue to work within the Department's Great Lakes Region to develop cross-bureau coordination as well as utilize that office to facilitate unified coordination with our park partners and the State of Ohio.

Invasive Species

The Great Lakes ecosystem has been severely damaged by more than 180 invasive species by degrading the habitat, out-competing native species, and short-circuiting food webs. The impact of invasive species goes beyond the ecological impacts; they can threaten human health and hurt the Great Lakes economy by impacting fisheries, agriculture, and tourism. Up to 25 invasive species of fish have entered the Great Lakes since the 1800s, including grass and silver carp. Aquatic invasive species may be the most significant threat to the health of the Great Lakes. As you know, the Great Lakes is home to a multi-billion-dollar fishery, which will be destroyed if carp reach the Lakes.

Kaptur Q3: Can you discuss DOI's initiatives, primarily through the Fish and Wildlife Service and USGS, to address the influx on invasive carp, and other species like lamprey and quagga and zebra mussels, to protect our fragile Great Lakes ecosystem?

RESPONSE: FWS will continue to target quagga and zebra mussels and invasive carp as high-priority species, leveraging prevention, control, and outreach resources among partners to reduce their presence and negative impacts.

The Department recognizes that invasive species pose one of the greatest ecological threats to America's lands and water, as well as creating significant costs in control once those species are established, as demonstrated by the ongoing effort to address invasive carp that threaten the Great Lakes fisheries, invasive mussels which create expensive challenges for water infrastructure, and invasive grasses which amplify the risk of catastrophic fires. Therefore, through the funding provided in BIL, the Department is investing in an invasive species early detection and rapid response framework – the cross-bureau infrastructure necessary to detect non-native species, determine their risk, and identify the most effective control methods. The President's budget includes a critical and logical next step investment in delivering the value of this framework; the budget for the FWS includes a \$2.6 million increase for a pilot aquatic invasive species rapid response fund. The pilot will create a core team of five FTE with the resources to carry out expedited actions against these invasive species as they are detected.

FWS is a participating partner agency of the Invasive Mussel Collaborative of the Great Lakes Restoration Initiative (GLRI) and supports state and Tribal partners to implement invasive mussel efforts. They utilize the Collaborative to connect scientists, managers, and stakeholders, but more specifically support mussel activities prioritized by state natural resource agencies and Tribes by providing Federal funding to state and Tribal aquatic nuisance species management plans. Support for invasive mussel work is also leveraged through other Federal GLRI funding targeting interjurisdictional basin wide projects that the states work together to prioritize annually.

FWS continues to control sea lamprey populations in all Great Lakes in collaboration with the Great Lakes Fishery Commission and the Department of Fisheries and Oceans Canada. The binational Sea Lamprey Control Program works to support fish community objectives set in the Joint Strategic Plan for Management of Great Lakes Fisheries, by helping to establish and maintain self-sustaining stocks of lake trout and other salmonids by minimizing sea lamprey impacts. In addition to actively controlling sea lamprey through activities such as lampricide treatments and traps in Great Lakes tributaries, the program continues to conduct important research on alternative and supplemental controls to lampricides to provide a broader spectrum of tactics to control sea lamprey into the future.

Specific to invasive carp, FWS co-chairs the Invasive Carp Regional Coordinating Committee (ICRCC) focused on protecting the Great Lakes basin from invasive carp. Through the ICRCC, FWS and partners develop and implement an annual Invasive Carp Action Plan, focused on preventing the migration of invasive carp populations from the Mississippi River basin into the Great Lakes basin. FWS also supports early detection efforts with state partners through its eDNA lab in LaCrosse, WI, and provides other assistance, including state-led efforts to detect and remove grass carp from Lake Erie and other Great Lakes waters, in collaboration with Ohio, Michigan, and other partners.

Armed with strong regulations prohibiting the importation, exportation, transportation, sale, purchase, and acquisition of live invasive carp, law enforcement officers have monitored the international border for illegal shipments of invasive carp and have successfully prevented thousands of pounds of live invasive carp from being sold in Ontario markets. Effective enforcement and successful prosecution of these violations serve as a strong deterrent.

More broadly, FWS serves as the U.S. co-lead for Annex 6 of the Great Lakes Water Quality Agreement, working with binational partners to address aquatic invasive species threats to the Great Lakes basin, including invasive carp. FWS and Department of Fisheries and Oceans Canada coordinate with Federal,

Tribal, state, provincial, and non-governmental partners to develop research and management priorities for collaboration and reporting under the Annex.

Great American Outdoors Act

The Great American Outdoors Act was an historic investment in our public lands. I was proud to support this legislation because all Americans deserve access to outdoor recreational opportunities. I also helped to lead an effort to apply Buy America provisions to these investments. Buy America policies reinvest tax dollars here at home, creating American jobs and supporting domestic manufacturers producing goods under strong labor, environmental and workplace safety standards. Although there was bipartisan support for this effort in both the House and Senate, unfortunately time ran out and we were unable to get our amendment over the finish line.

That is one reason that I cosponsored the Build America, Buy America Act, which was included in the IJA and ensures that all Federal assistance infrastructure spending, including all programs administered by the Department of Interior, must follow these commonsense rules.

Kaptur Q4: How will the department execute BABA compliance to ensure our investments in public lands and Interior's many other infrastructure programs also support the hardworking men and women manufacturing the materials and products needed to maintain and upgrade our critical infrastructure? What is the department doing to implement BABA according to recent OMB MIAO guidance to ensure any waivers granted are time-limited, targeted and conditional?

RESPONSE: The Department of the Interior is implementing Build America, Buy America requirements for both our contracting and financial assistance actions. For contracts, the Department has implemented guidance requiring waivers to be reviewed by the Department's Senior Procurement Executive and by the Government-wide Made in America Office, ensuring that waivers are appropriate, time-limited, targeted, and conditional. The Department has also provided training to the acquisition workforce through virtual townhall meetings. For financial assistance, the Department has issued guidance to our workforce to ensure that Build America, Buy America requirements are included in awards for all infrastructure programs, and has created a website to consolidate information and provide transparency into the waiver process. Additionally, the Department posted a six-month General Applicability waiver which was open for public comment until June 18, 2022. The General Applicability Waiver provided the Department and its financial assistance award recipients time to adjust to the new requirements, such as finding new sources of supplies, and ensure the long-term success of the Build America, Buy America requirements.

Questions from Rep. Matt Cartwright

OSMRE

Cartwright Q1: The OSMRE budget requests \$3.4 million for "executive direction," including for the Office of the Director. The White House has still not nominated a candidate for the position of Director of OSMRE. When can we expect to see a nomination?

RESPONSE: The Director of OSMRE is a Presidential appointment that requires Senate confirmation. The position is a high priority for the Department and the Department is working diligently to fill it.

Cartwright Q2: The Environmental Protection section of OSMRE's Budget Justification lists several categories of information that OSMRE collects, including things like the percent of coal mining sites free of off-site impacts, and the number of acres securing bond release. As the Nation undergoes an energy transition that results in decreased demand for coal, does OSMRE believe these categories are adequate to allow the agency to address emerging patterns with unreclaimed mine sites and inadequate bonding?

RESPONSE: The data collected by OSMRE is only one tool of effective oversight. Regular oversight inspections, permit reviews as part of those inspections, special studies and close collaboration with our State primacy partners, together, form effective oversight. When taken together with the other tools available and utilized by OSMRE, data on the percent of coal mining sites free of off-site impacts, and the number of acres securing bond release, allow OSMRE to effectively identify emerging patterns with unreclaimed mine sites and inadequate bonding.

Cartwright Q3: Is OSMRE tracking the number of coal mining permits that have not produced coal for more than one year, and have outstanding reclamation obligations? Does OSMRE have the resources to collect that information, or to ensure that State regulatory agencies are collecting that information and reporting it to OSMRE?

RESPONSE: State Regulatory Authorities are tasked under their approved programs with assuring contemporaneous reclamation of mine sites and track the reclamation status of individual permits to fulfill that requirement as it deems appropriate. Mine sites may be placed into temporary cessation under approved programs when certain criteria are met. While OSMRE does not track this data as a routine part of its oversight role of primacy programs, contemporaneous reclamation standards and data are reviewed as part of oversight inspections, special studies and regular programmatic meetings with the regulatory authorities. If OSMRE was required to track this data, additional resources would be required to do so.

Cartwright Q4: Is OSMRE evaluating whether surety bond providers--particularly those who issue bonds in multiple states--have the resources to pay out the bonds that they've issued? Does OSMRE have the resources to collect that information, or to ensure that State regulatory agencies are collecting that information and reporting it to OSMRE?

RESPONSE: The Surface Mining Control and Reclamation Act, its implementing Federal regulations and approved State programs contain minimum requirements for surety bond providers, i.e., that they are licensed to do business in the State where the operation is located and that they promptly notify the regulatory authority of any action filed alleging the insolvency or bankruptcy of the surety company, the bank, or the permittee, or alleging any violations which would result in suspension or revocation of the surety or bank charter or license to do business. See, 30 CFR 800.16 (e), 800.20(a). These minimum requirements do not provide for detailed review of the financial status of surety bond providers. Primacy programs may establish more stringent requirements on surety providers. Primacy programs review compliance with the requirements for surety providers as part of their routine operations and OSMRE evaluates compliance with the requirements as a part of its oversight role of primacy programs, e.g., as a part of oversight inspections, special studies and regular programmatic meetings with the regulatory authorities.

Cartwright Q5: Is OSMRE tracking the status of reclamation at permits where a state regulator has initiated bond forfeiture? Does OSMRE have the resources to collect that information, or to ensure that State regulatory agencies are collecting that information and reporting it to OSMRE?

RESPONSE: No, OSMRE's oversight role of primacy programs does not include tracking this data at the permit level. State Regulatory Authorities are tasked under their approved programs with tracking the status of reclamation on forfeited permits and using funds collected from bond forfeiture to complete the reclamation plan, or portion thereof, on the permit area or increment, to which bond coverage applies. While OSMRE does not track this data as a routine part of its oversight role of primacy programs, bond forfeitures are reviewed as part of oversight inspections, special studies and regular programmatic meetings with the regulatory authorities. If OSMRE was required to individually track this data, additional resources would be required to do so.

Cartwright Q6: The FY 2023 budget request includes \$9.3 million to improve implementation of existing laws and to support States and Tribes. That figure includes funds for OSMRE oversight

inspections. In FY 2021, OSMRE conducted 941 oversight inspections in primacy States. Given that there are 5,360 permits in the US and assuming that doesn't include multiple inspections of the same permit, that's inspections on approximately 17% of all permits. Is that number of inspections adequate to allow the agency to identify and address emerging issues, particularly given that during those 941 inspections OSMRE observed 698 violations?

RESPONSE: OSMRE uses a collaborative system of evaluation of State, Tribal, and Federal programmatic efforts designed to increase confidence in, and enhance achievement of, mutually shared environmental and public health and safety goals. Inspections and site visits are an integral part of OSMRE's oversight activities. However, OSMRE oversight inspections are just one component of an effective oversight program. By design, oversight inspections are to represent a sampling of the number of inspections and operations. OSMRE's Directives define the targeted number of oversight inspections to be achieved. Where issues are identified through the inspection process, additional oversight tools can and are brought to bear through additional inspections, special studies and programmatic meetings with the regulatory authority.

Cartwright Q7: The list of FY 2023 planned activities in the Environmental Protection program activity contains no reference to an updated rulemaking on OSMRE's ten-day notice provisions. Does OSMRE still intend to complete a new rulemaking on this topic in FY 2023?

RESPONSE: Yes, OSMRE still intends to complete an updated rulemaking on its Ten-Day Notice provisions by the 4th quarter of FY 2023.

Cartwright Q8: The BIL provides that \$25 million of the \$11.293 billion will be made available to the Secretary of the Interior to provide states and Indian Tribes with the financial and technical assistance necessary for the purpose of making amendments to e-AMLIS. How will OSMRE distribute this financial and technical assistance?

RESPONSE: OSMRE is working with states and Tribes to develop guidance to implement this section of the Act to provide financial and technical assistance to the states and Tribes for e-AMLIS amendments.