



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 7 2017

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

Dear Mr. Chairman:

Enclosed are responses to the questions received by the Department of the Interior following Secretary Zinke's appearance before your Committee at the hearing titled "*Examining the Department of the Interior's Spending Priorities and the President's Fiscal Year 2018 Budget Proposal.*" We apologize for the delay in our response.

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

Sincerely,

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

Enclosure

cc: The Honorable Raul Grijalva
Ranking Member

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. McClintock

Question 1. There are some 150 conservation corps across the nation. These corps have a long tradition of stewardship of our public lands and waters. By partnering with corps, land managers leverage their budgets with cost-effective projects that reduce the multi-billion-dollar maintenance backlog, remediate wildfires, curb the spread of invasive species, improve access to public lands, build and maintain trails, and ensure good fish and wildlife habitat for enthusiasts, hunters, and anglers.

Q: Are you aware of any impediments that have limited growth of this program?

Response: Interior bureaus have a long history of collaborating with a wide variety of volunteer groups, education partners and youth organizations including conservation corps. These partnerships assist land managers in maintaining resources in a cost effective manner while providing participants with developmental jobs skills training and education. Not all of the work done by land management agencies can be done by conservation corps, but we are not aware of any impediments to using these partnerships, to the extent that our resources permit, where it is appropriate to do so.

Question 2. After years of talking and concerted efforts by telecommunications companies and concessioners, too many front country areas of our national parks and too many key road corridors in our parks still offer no cellular or WiFi connectivity. There are safety issues and lost opportunities to boost park experiences with helpful visitor information.

Q: Does the FY2018 budget envision additional WiFi connectivity requests for proposals?

Q: Will this be one of your priorities as Secretary?

Response: Yes, one of my top priorities is to expand recreational access to public lands and waters, and connectivity is one way to achieve this goal. As I have previously remarked, in parks, we're the old generation; the young generation appreciates connectivity and we should embrace that to make sure the park experience going down a trail is available on your phone. We will look to build public-private partnerships to make our outdoor recreation experience even better.

Question 3. Across the National Park System stays are down. RV overnights in national park campgrounds are down more than two million, or almost 50%, at a time when the RV market is booming. Recently while speaking to the Recreational Vehicle Industry Association you stated: "As the secretary, I don't want to be in the business of running

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

campgrounds.”

Q: Does the FY2018 budget include a major push to improve and transfer campground operations?

Response: This budget is focused on leveraging public-private partnerships in order to improve visitor experiences on public lands and waters, while also helping to reduce the Department’s maintenance backlog. The Park Service has a long history of working with our partners and concessioners to create positive experiences for visitors. We look to improve and build upon that cooperation.

Question 4. Mr. Secretary, you have previously stated that one of your top priorities as secretary was to increase employee morale and ensure that employees on the front lines have the right tools, resources, and flexibility to make the decisions to get their jobs done. According to the 2016 Best Places to Work in the Federal Government rankings compiled by the Partnership for Public Service and based on OPM’s annual Federal Employee Viewpoint Survey, employee engagement at DOI has been improving since 2015. However, several of the agency’s components continue to rank low in their employee engagement, including the Bureaus of Land Management, Indian Affairs and the Park Service.

Q: What are you doing to hold leadership across the department accountable for engaging employees? How can this committee help?

Response: As I said at the hearing, we are looking at how to better leverage and align bureau resources in the field, cut duplication, and push assets and personnel where they should be. Accountability from managers, for employee actions and program performance, will be an important component as we move forward. We are reviewing a number of comments on reform that we have received from the public and we expect to include some proposals with the FY 2019 budget request.

Question 5. Within the Department of the Interior, agencies like the National Park Service, Bureau of Indian Affairs and Fish and Wildlife Service frequently interact with citizens in their day-to-day operations. As part of their 2015 cross-agency priority (CAP) goals, agencies should be working to ensure the delivery of smarter, better and faster service to their citizens.

Q: What steps are department and agency leaders taking to meet their customer service CAP goals?

Q: What is the agency doing to collect feedback from customers to improve its

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

service to citizens?

Q: How is the department incorporating citizens' experience into its reform plan due to OMB on June 30?

Response: I have said before that it is my belief that more meaningful involvement and cooperation with communities closest to our public lands will result in innovative ideas and practices as well as better stewardship of the land and its resources. We are in the process of updating the Department's strategic plan and, as part of this process, are reviewing goals, objectives, and key performance indicators to best reflect our team's priorities and main activities as we look forward to the next five years. The Department's Annual Performance Plan and Report for FY 2017-2018 was released on May 26, 2017, www.doi.gov/bpp, and describes in some detail the agency's priority goals.

Question 6. The government reorganization executive order and subsequent OMB guidance attempt to align government reform efforts with the federal budget and performance planning processes. In response, agencies are developing high-level reform and workforce reduction plans outlining proposals to reduce duplication, increase efficiency and maximize employee performance.

Q: What are you doing as Secretary to lead reform and reshaping efforts within the department?

Q: What actions will the Department take to reduce duplication in its operations, increase the effectiveness and efficiency of its services and maximize the performance of its staff?

Response: As I said at the hearing, we are looking at how to better leverage and align bureau resources in the field, cut duplication, and push assets and personnel where they should be. We are reviewing a number of comments on reform that we have received from the public and we expect to include some proposals with the FY 2019 budget request.

Question 7. Just fourteen percent of the DOI workforce falls under age 34, but 48 percent of the workforce is over 50. Filling positions in remote locations and retaining employees are difficult issues for the department and, in particular, for organizations like the National Park Service, U.S. Geological Survey, and Bureau of Land Management.

Q: What barriers does the department face in reaching and utilizing entry-level talent to fill these key positions?

Q: What steps is the department taking to better attract, recruit, and retain the next

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

generation of public servants to solve the department's complex challenges?

Response: Recent Government Accountability Office studies have reported on the challenges that the Department and its bureaus have faced in recruiting and retaining staff. It is important that we have an effective workforce, particularly in those positions doing the work on the ground. As part of my review of the Department's organization, we are looking at how to better leverage and align bureau resources in the field, cut duplication, and allocate assets and personnel more effectively.

Question 8. Increasing Public Private Partnerships is one of the many ways to help reduce the National Park Service maintenance backlog.

Which types of P3s do you believe will be most effective in addressing the backlog while also upholding the guiding principles of the NPS?

Response: In July, I hosted a roundtable meeting focused on expanding public-private partnerships on America's public lands in order to make the outdoor recreation experience even better. Public-private partnerships can help address the backlog by upgrading visitor accommodations, including RV hookups and campgrounds, expanding visitor services, including boat ramps and cafeterias, to name a few.

Question 9. Historic leasing is an example of a public-private partnership that could help alleviate the deferred maintenance backlog.

What are your recommendations for how to expand this innovative approach?

Response: The Department is currently reviewing opportunities to lease under-utilized federal properties, both historic and non-historic, as one approach to addressing the maintenance backlog. Public-private partnerships will help reduce the Department's maintenance backlog, while improving the visitor experience on public lands and waters.

Question 10. What are the goals that the National Park Service hoped to achieve with the Capital investment strategy?

Does the focus on the high-priority projects come at the expense of lower-priority projects?

Response: The President's budget proposes to balance the Federal government's budget by 2027, in order to do this priorities must be identified. The 2018 budget prioritizes taking care of the assets we currently own. The majority of ongoing operational requirements cannot be deferred and maintenance needs have been postponed for too long.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. LaMalfa

Question 1. As we all know, the Endangered Species Act is in need of significant reforms, with the success rate of species' moving from endangered to fully recovered around 1-3%. In my district, the Service's own scientists recommended delisting the Valley Elderberry Longhorn Beetle, yet it remains listed today and imposes major costs to flood protection and other projects.

Listing of other species, like the Sierra Nevada Yellow-legged Frog, has resulted in such low-impact events as a trail run being canceled. Federal agencies actually believed humans running on existing trails could negatively impact listed frogs. What is the Fish and Wildlife Service doing to review the listing status for threatened or endangered species which have been recommended for delisting, like the Valley Elderberry Longhorn Beetle?

Response: I agree that ESA is in need of reforms and modernization so it can operate in a more effective manner, which is why the Department has testified before this committee in support of certain bills proposed by your colleagues. The FWS delists and down-lists species when their status changes and resources are available. Getting species off the list due to recovery is a priority, and allows us to focus our attention and resources on species that need attention. The pace at which delistings and downlistings occur is dependent on resources devoted to on-the-ground recovery implementation and the progress toward recovery of individual species, as well as on the complexity of status reviews and rulemakings. A total of \$225.2 million is proposed in the President's FY 2018 budget request to implement the ESA and related programs under FWS's Ecological Services program, of which \$79.6 million is for recovery of species listed as threatened or endangered under the ESA. At these funding levels, the FWS will continue to address approximately 50 species that have been identified for potential delisting or downlisting under the ESA based upon recent 5-year status reviews. FWS plans on making final determinations for six species currently proposed for delisting in FY 2018.

Question 2. Last year, we saw the Fish & Wildlife Service and National Marine Fisheries Service issue conflicting requirements for the operation of Shasta Dam, one demanding higher water releases, the other demanding lower releases. These proposals would have dramatically reduced water supplies for homes and farms.

Could centralizing responsibility for ESA-listed species with the Fish & Wildlife Service prevent conflicting directives like these? For example, having the Fish & Wildlife Service subsume the responsibilities of the National Marine Fisheries Service?

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Response: This Administration is examining all options to better align agency resources in the field both within Interior and across the Federal government in order to reduce administrative duplication and better leverage taxpayer dollars. This review includes consolidating Interior bureaus with other Federal agencies. The Administration is pursuing near and long-term strategies to achieve a leaner, and more accountable and efficient government.

Questions from Rep. Jody Hice

Question 1. As you are aware, President Trump has asked for an all-hands-on-deck approach to offshore research and development, and you yourself signed an order on May 1, 2017 directing Interior to look at the entire Gulf of Mexico region for potential drilling sites. However, A.M. Kurta, acting Under Secretary of Defense for Personnel and Readiness, sent a letter to Rep. Matt Gaetz (R-FL), on April 26, 2017, stating his belief that military training and related exercises in the eastern Gulf necessitate a continuation of Congress's ban on drilling in the area.¹

- **Eastern Gulf Of Mexico – Shared Use with DOD**

- **As a Navy SEAL Commander, you have a strong understanding of the need for military preparedness. How do you reconcile the mission of your Department to promote responsible federal offshore development with the DOD's mission of military preparedness? Can the two coexist if the moratorium is lifted?**

Response: Yes, oil and natural gas exploration and development can coexist safely on the OCS, including in the Eastern Gulf of Mexico. This is made evident by the fact that in the Central Gulf of Mexico Planning Area (CPA) there are 822 active leases, 36% of all leases in the CPA reside within DoD operations or warning areas. The CPA contains the highest amount of oil and gas production on the OCS. Another example is that out of the 23 total platforms on the Pacific OCS, 11 reside within a DoD equity area. The Department and the Bureau of Ocean Energy Management work closely with the DoD to identify those areas that industry may gain access to via the offshore oil and gas leasing process and to develop lease terms and conditions that protect DoD interests.

- **In the Eastern Gulf of Mexico, military preparedness operations coincide with potential oil and gas development. This requires constant, open communication and an understanding and respect for the mission of both Departments occupying the land. How will you coordinate with the DOD to ensure mutual, responsible management of the Eastern Gulf of Mexico?**

Response: As with all offshore leasing programs and initiatives, BOEM works closely with DoD under a Memorandum of Agreement that facilitates the coordination of mutual concerns on the Outer Continental Shelf. DoD is consulted early in the leasing program development process and collaboration is maintained all the way through the individual lease sale execution.

¹ Letter attached

- **The Bureau of Ocean Energy Management’s (BOEM) “National Oil and Gas Leasing Program” (previously known as the 5-Year Plan)**
 - **You’ve called a new five year plan, now known as a “National Oil and Gas Leasing Program.” How will the new plan differ from the previously approved plan?**

Response: The new plan is being developed under the same process prescribed by the OCS Lands Act as all other recent five year programs. As we are early in the new program development it is not possible to say if, or how, the new program may differ from the current approved program.

- **Atlantic**
 - **In order to responsibly manage our nation’s natural resources, we must first account for what we have. Please explain the importance of conducting geological and geophysical research in our offshore areas, and how we can use this information to make informed decisions regarding resource management.**

Response: The main objective of the acquisition and analysis of geological and geophysical data is the development of maps and other information that can guide and inform our work on the OCS. This is done by incorporating the data acquired through G&G surveys and analyzing technical information, which develops a basic knowledge of the geologic history of an area and its effects on hydrocarbon or strategic/critical minerals generation, distribution, and accumulation within the planning area. G&G surveys are not used exclusively for oil and gas exploration. Seismic surveys, which include geologic coring, are also helpful in identifying sand used for restoration of our Nation’s beaches and barrier islands following severe weather events and for protecting coasts and wetlands from erosion. Recent examples of BOEM’s sand restoration projects include New Jersey, where Long Beach Island has been restored in response to erosion caused by Hurricane Sandy and Louisiana, where 1,100 acres of marsh, dune, and beach habitat at Whiskey Island have been reconstructed. Seismic and geologic coring surveys also provide information that is vital to the siting and development of offshore renewable energy facilities. G&G surveys also help to advance fundamental scientific knowledge and are currently conducted in the Gulf of Mexico and in countries around the world.

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Questions from Rep. Thompson

Question 1. Last year, EPA finalized a rule on Privately-Owned Treatment Works (POTWs). Since then, I've weighed in with the agency to express great concern over its impact on treatment facilities in Pennsylvania that appear to be inadvertently caught up in the regulation. Although the rule was intended for unconventional production, I've heard a lot of concern that water derived from conventional production will also be subject to the regulation due to a lack of definitions and the individual basins cited in the rule.

What is EPA doing to correct this problem and ensure that conventionally-derived wastewater is not subject to the POTW rule?

Response: Because this matter falls under the jurisdiction of the Environmental Protection Agency and not the Department of the Interior, we would defer to the EPA for a response to this question.

Question 2. I would like to request an update on the status of the remedial action at the Folcroft Landfill, a property which was purchased by the US Department of Interior in 1980 and incorporated into the John Heinz National Wildlife Refuge under legislative authority provided by Congress. In 2001, the property was added to the National Priorities List (NPL). Congress initially appropriated \$11 million for the development of the Refuge, and then increased funding to \$19.5 million for expansion, including acquisition of the Folcroft Landfill (PL 96-315). The legislative history of the Refuge indicates that Congress intended a portion of the funds to be directed toward investigation and on-going maintenance of the Folcroft Landfill (PL 99-191).

Guidance from the EPA requires the Agency to consider future land use in the selection of a remedy. What communication has the Department of Interior had with the EPA regarding the selection of a remedy for the Folcroft Landfill? What remedies are under consideration? Are the remedies under consideration by EPA consistent with the future use of the property outlined in the John Heinz National Wildlife Refuge's 2012 Comprehensive Conservation Plan?

Question 3. What is the timeline for implementation of a remedy? What role will the Department of Interior play in the remediation effort? Can you provide an estimate of the cost of the remediation? What will be the contribution from the Department of Interior and other federal agencies that have been identified as potentially responsible parties? Are

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

any of the \$19.5 million appropriated by Congress still available to fund this effort, or will additional appropriations be necessary?

Question 4. What measures must be put in place by the Department of Interior to maintain the property once remediation efforts have been completed?

Response to questions 2-4: During the 1980s and 1990s, the EPA and FWS undertook several investigations of contamination within the Folcroft Landfill and issued several reports of their findings.

EPA entered into an Administrative Settlement with a subset of private potentially responsible parties, known as the Folcroft Landfill Steering Committee (PRP Group), to perform a Remedial Investigation/Feasibility Study (RI/FS), pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The RI/FS work is being conducted by the PRP Group with EPA oversight and in coordination with the FWS. The Draft RI report, dated May 2017, was submitted to EPA and FWS for review. Comments are currently being compiled and will be forwarded to the PRP Group for inclusion in the final document. Once the RI is completed, the FS, which discusses and evaluates potential remedies for the Folcroft Landfill, will be performed and a FS Report will be produced for the agencies' review and comment. It is anticipated the draft FS Report will be submitted for review in 2019 or 2020. Once alternatives have been evaluated, EPA will select a preferred remedy for the site in a Proposed Plan, which will be made available for public review and comment. Upon receipt of public input, EPA will publish a selected remedy in a Record of Decision. The FS Report and Proposed Plan should have information regarding estimated costs for the various remedy alternatives.

An integral part of the CERCLA process is the identification of "legally applicable or relevant and appropriate standard(s), requirement(s), criteria, or limitation(s)" (ARARs) pursuant to the Section 121(d). In May 2017, FWS provided EPA and the PRP Group with ARARs for the Folcroft Landfill that include the Refuge's 2012 Comprehensive Conservation Plan (CCP) and other relevant documents to be considered with respect to future use of the Refuge. FWS has emphasized that any response action selected for the site must comply with these requirements in order to be compatible with the intended purpose and future use of the Refuge. In addition, the Department issued an Environmental Compliance Memorandum applicable to CERCLA response actions on Department-managed lands; it states that the Department must concur with a remedy that another agency selects for Department-managed land, in order to grant access for implementation of that remedy. This should ensure that FWS and the Refuge have an adequate

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

voice in determining the remedy for the Folcroft Landfill, including ensuring that future land uses are appropriately considered.

Once a remedy has been selected for the Folcroft Landfill, EPA, FWS, the PRP Group, and any other appropriate parties, will negotiate the terms of funding and implementing the remedy. FWS does not immediately have a response for the inquiry regarding the funds appropriated from Congress in 1972 (P.L. 92-327), 1976 (P.L. 94-548), and 1980 (P.L. 96-315), “for acquisition of the Tinicum National Environmental Center, for construction of environmental educational center facilities, and for other development projects on the Center,” (P.L. 96-315 July 25, 1980) but a search has commenced for records from that time period to confirm the expenditures for these expressed purposes.

Once a remedy has been implemented, FWS will amend its CCP to include any necessary restrictions on activities (such as actions that could disturb the integrity of the remedy), so that the proper institutional or engineering controls are memorialized.

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Questions from Ranking Member Grijalva

Sacred Sites:

Question 1. Mr. Secretary, without thoughtful review, land management decisions relating to mining and energy development have the potential to degrade and desecrate sacred sites, areas, and landscapes. How will your approach to energy development on public lands comply with the Federal government's legal and moral obligation to protect and preserve sacred places and Native Peoples' religious cultural rights and practices?

Response: I strongly believe the Department can responsibly develop energy resources while working in coordination with tribes on a government-to-government basis. I am committed to working with tribes to ensure meaningful consultation on land management decisions occurs, not only with the Bureau of Land Management, but also with other cooperating bureaus that would have an impact on tribes.

Tribal Climate Resilience:

Question 2. Are American Indian and Native Alaskan communities facing profound challenges to their culture, economies, and livelihoods because of climate change?

Response: The Department is working to support tribal governments and trust land managers through the Bureau of Indian Affairs' Tribal Resilience Program (TRP) with training, data, tools and access to technical experts in order to understand the vulnerabilities of these communities and identify risk management strategies. Coastal tribes in particular face risk management challenges ranging from harmful algal blooms, to ocean acidification, degrading ecosystems, changes in food availability, and storm surge and disaster recovery.

Question 3. Would you agree that the federal government has an essential and unique role in helping tribal nations prepare for and adapt to the impacts of climate change on their land and natural resources?

Response: As indicated in the response to the previous question, the Department fills an important role through the TRP, which coordinates with other federal, tribal, and state partners to invest in information and tools needed to support managers, thus enabling tribal and trust managers to implement strategies for resilient communities and to encourage cooperative solutions.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Question 4. Why does this budget eliminate the Tribal Climate Resilience program?

Response: The budget request made difficult choices this year. The Department's budget prioritizes self-governance and self-determination, and focuses funding in Indian country on core service activities, fully funding the costs for tribes to administer programs for themselves, and maintains essential management functions for tribal resources, among other things.

Question 5. The Bureau of Indian Affairs' Tribal Climate Resilience Program was one of the few programs at BIA with the word 'climate' in its name. As of last week, the word 'climate' has been removed from the title of the BIA program. Did you direct your staff to not use "climate change," in written memos, briefings or other written communication?

Response: No, Department staff have not been directed in this manner. As an example, climate change continues to be listed as a priority on the Department's official website.

Question 6. Did the President direct your staff to not use "climate change," in written memos, briefings or other written communication?

Response: No.

Regional Biosecurity Plan for Micronesia and Hawaii:

Question 7. The National Invasive Species Council is located within the Department of the Interior and is responsible for coordinating the Regional Biosecurity Plan for Micronesia and Hawaii. Will you commit the Department of Interior to full participation in implementing the Regional Biosecurity Plan?

Response: The Department understands the importance of biosecurity in the Pacific region, and we continue to support the intent and scope of the Regional Biosecurity Plan, which supplements ongoing activities at the Department to deal with invasive species. The Department is coordinating with NISC and other relevant federal agencies to implement the Regional Biosecurity Plan.

Policy and Managerial Decisions:

Question 8. Can you point to a single significant policy or managerial decision you have made as Secretary that has been to the detriment of the coal, oil, and natural gas industries?

Response: As I said at my confirmation hearing, as Secretary I am committed to managing our

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

federal lands in a way that best serves those who use it, including for recreation, conservation, and responsible energy development.

Coal Industry Jobs:

Question 9. How many Americans were employed in the U.S. coal industry in 1985?

Question 10. How many Americans were employed in the U.S. coal industry in 2008?

Question 11. What factors do you believe led to the decline in U.S. coal jobs between 1985 and 2008?

Question 12. According to both you and President Trump, the “war on coal” is now over. You have enacted policies and made decisions with the intent of reviving the U.S. coal industry. How many jobs do you expect to return to the U.S. coal industry by November 2020?

Question 13. Are you confident that there will be more jobs in the U.S. coal industry in November 2020 than there were in November 2016?

Response: One of my key priorities at the Department of the Interior is to support the Administration’s America First Energy Plan and maintain our Nation’s energy dominance by advancing domestic energy production, generating revenue, and creating and sustaining jobs throughout our country. The free market development of our abundant coal resources is an important component of our overall energy mix. An all-of-the-above energy approach that includes coal has positive impacts on our economy and rural communities that depend on coal jobs.

Department of the Interior Employees:

Question 14. As a Member of the House of Representatives and now as the Secretary you have said that the Interior Department needs more scientists in the field and fewer lawyers. However your Fiscal Year 2018 budget request decreases full-time staff for the Bureau of Land Management by 11.3%, the National Park Service by 6.4%, and the U.S. Geological Survey by 13.7%. Employees of these bureaus include biologists, geologists, chemists, forestry technicians, and other scientists. Conversely, the Office of the Solicitor – an office comprised almost entirely of lawyers – would add three full-time positions under your proposed budget. How does your budget proposal comport with your statements that the Department needs more scientists and fewer lawyers?

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Response: The goal is to create a more efficient government that effectively delivers programs of the highest importance to the public. I have tasked my team to review all programs across the Department to determine if there is duplication, and if so, how best to consolidate. This review process remains ongoing.

Science-based Decision-making:

Question 15. Mr. Secretary, when you were still on this Committee, you stated in a 2015 hearing that with respect to the Interior Department's decision-making process, "I think we need to be more science-based and less politics, and that would be helpful." However your budget includes significant cuts to numerous scientific programs that conduct vital scientific work. Do you have any science-based evidence that the threats facing our nation's land, water, and wildlife from climate change have decreased to the point that these cuts are appropriate?

a. Do you believe that the cuts within your budget will allow decisions made by the Department of the Interior to be more science-based?

Response: As I said at the hearing, in order to reach a balanced budget the Department had to make difficult decisions. I believe it will encourage the Department and its bureaus to be innovative when identifying ways to better manage programs and increase revenues. It is also a focused budget that will allow the Department to maintain its assets, offer a world-class experience on public lands, promote economic growth, and continue to provide unbiased, multi-discipline science for use in understanding, mapping, and managing natural resources.

Poaching and Trafficking:

Question 16. Your proposed budget includes significant funding cuts for programs that fight poaching and trafficking. It reduces the Fish and Wildlife Service law enforcement and international affairs accounts, and slashes the Multinational Species Conservation Funds by nearly 20 percent. Do you have a plan for how to continue making progress in the fight against wildlife crime under these circumstances?

Response: The budget proposal maintains sufficient capacity to enforce wildlife laws; curb the poaching of some of the world's most iconic species, such as elephants and rhinos, by curtailing illicit trade; ensure sustainable legal trade; and reduce demand for illegal products.

Damage to National Wildlife Refuge Property:

Question 17. Your budget includes a request for authority for the Fish and Wildlife Service

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

to seek compensation from people who damage National Wildlife Refuge property. Both the Park Service and NOAA have similar authority. Why is it important for the Fish & Wildlife Service to have this authority?

Response: This authority is important because when Refuge System resources are injured or destroyed, the costs of repair and restoration falls upon the appropriated budget for the affected refuge, often at the expense of other refuge programs. Competing priorities can leave the Service's work undone until the refuge obtains appropriations from Congress to address the injury. This delay may result in more intensive injuries, higher costs, and long-term degradation of publicly-owned Service resources. The public expects that refuge resources, and the broad range of activities they support, will be available for future generations.

National Wildlife Refuge System:

Question 18. Do you believe the proposed funding levels for Refuges are consistent with your vision of increasing access to America's public lands, while also managing and expanding the Refuge System to protect and enhance America's wildlife resources?

Response: Yes. Through the National Wildlife Refuge System, the Service continues the American tradition, started by President Theodore Roosevelt in 1903, to protect fish and wildlife and their habitats and to provide recreation opportunities for hunting, fishing and other outdoor recreation. The proposed budget maintains a commitment to provide outdoor recreational opportunities in both rural and urban or suburban settings, as well as to support the vital role of volunteers on our Refuges.

Assistant Secretary for Insular Affairs:

Question 19. When do you anticipate we will see the nomination of an Assistant Secretary for Insular Affairs? This is a priority for the people of the territories because it represents the equal treatment of their concerns with the Department's other programs and priorities.

Response: The President nominated Doug Domenech to be Assistant Secretary for Insular Areas on June 29, 2017, and Mr. Domenech's nomination was confirmed by the Senate on September 13, 2017.

Senior Executive Service (SES):

Question 20. According to news reports, around three dozen Senior Executive Service (SES) staff within the Interior Department have received notices that they have been reassigned and transferred into new positions within the Agency. At the earliest possible

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

time that you can disclose information while respecting privacy concerns, please provide answers to the following questions:

- a. How many SES employees have been sent letters informing them that they were being transferred into new positions?**
- b. How many of these employees requested those transfers, and with how many employees were the transfers discussed, before the letters were sent?**
- c. What are the names and current positions of the employees who have received these letters? What positions are they being transferred into?**
- d. Please provide copies of these letters.**
- e. Of the individuals who have already received letters, identify those that work in the Washington D.C. metropolitan area and are being moved to positions outside the Washington D.C. metropolitan area.**
- f. Of the individuals who have already received letters, identify those that work outside the Washington, D.C. metropolitan area and are being moved to positions inside the Washington, D.C. metropolitan area.**
- g. Of the individuals who have already received letters, identify those that work in the Washington, D.C. metropolitan area and are being reassigned to positions within the Washington, D.C. metropolitan area.**
- h. Once the complete relocation costs for each employee being relocated is known, including any assistance for selling an employee's home, please provide the complete permanent change of station (PSC) move figures for each employee, their spouse, and dependents to the Committee.**
- i. Will you be sending similar letters to more SES employees in the coming months?**
- j. In total, how many SES employees do you expect to reassign and transfer?**
- k. As is recommended by the Office of Personnel Management, are these reassignments linked to individual Executive Development Plans for each employee? For any employee where the transfer is consistent with information contained in their Executive Development Plan, please provide information on how the transfer is consistent with the Plan to the Committee.**
- l. For any employee where the transfer is not consistent with information contained in their Executive Development Plan, please provide the analysis that was conducted or information that was reviewed in order to make the determination to transfer that employee.**

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

m. Do you subscribe to the belief that there is a “deep state” operating within the Federal Government?

n. Are Interior Department SES employees a part of the “deep state”?

Response: The Senior Executive Service is intended to be a corps of versatile, senior Departmental staff. When Congress created the SES corps, the intent was to construct a mobile cadre of Executives. Talent management and succession planning are crucial to the development of an effective SES corps. Managing talent within the SES ranks ensures the agency has qualified pool of executives who have the leadership and managerial expertise to occupy any number of different executive positions based on the needs of the organization. Developing the best leadership talent is essential, not just to support agency strategic planning, but to contribute to a thriving, sustained performance culture in the Federal workforce. The rotation of the SES corps through a variety of leadership positions has been recognized as an effective method of strengthening leadership and executive skills. Indeed, the Obama Administration issued Executive Order (EO) 13714 on December 25, 2015 on “Strengthening the Senior Executive Service.” That EO required agencies to develop plans to increase the number of SES who are rotated to different assignments “to improve talent development, mission delivery, and collaboration.” The EO established an annual Government-wide goal, beginning in FY 2017, of rotating at least 15 percent of SES to different departments, agencies, sub-components, functional areas, sectors and non-Federal partners. In its 2016 guidance to implementing the SES rotations requirement, OPM identified executive reassignment and transfers as two options for implementing SES rotations. The SES rotations at Interior were consistent with the Civil Service Reform Act (which created the SES), EO 13714, and OPM guidance on managing the SES.

Border Wall:

Question 21. Secretary Zinke: You have indicated support for President Trump’s proposal to construct a wall along the southern border. Construction of such a border wall would split the Tohono O’odham Nation and threaten the tribe’s connection to its ancestral lands. How will President Trump’s border wall respect tribal sovereignty and self-determination?

Response: I defer to the Department of Homeland Security for decisions on the details of the wall, but I expect the Department of Homeland Security will work closely in consultation with the Tohono O’odham Nation as it moves forward to secure our borders in accordance with the President’s directives.

Question 22. Federal agencies are required to initiate formal consultation with Fish and

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Wildlife Service if their actions “may affect” a listed species or designated critical habitat. President Trump’s border wall would affect listed species or designated critical habitat. Federal agencies are required to prepare an environmental impact statement on major Federal actions “significantly affecting the quality of the human environment.” President Trump’s border wall constitutes a major action significantly affecting the environment. Have the Departments of Homeland Security and U.S. Customs and Border Protection conducted a new analysis of the proposed wall?

a. Do they intend to do so before any construction takes place?

Response: I cannot speak to the actions undertaken or contemplated by another Department outside my purview and I defer to the Department of Homeland Security on this question. More generally, under my leadership, Interior bureaus will fully comply with the President’s directives and existing law as they pertain to securing our borders and protecting the environment.

Question 23. As you have noted, building a wall along the southern border is complex. Where then, would the wall go? On the Texan side of the Rio Grande? Down the middle of the river? Through Big Bend National Park? Through Tribal lands?

Response: As noted above, I defer to the Department of Homeland Security for decisions on the details of the wall.

Question 24. How exactly will President Trump extract payment from Mexico to pay for the border wall?

Response: Decisions related to payments necessary to secure our border will be made by the President, in accordance with applicable laws.

Question 25. Should money come from the Interior Department budget if Mexico refuses to pay?

Response: The Department of Homeland Security is the agency with responsibility for securing our borders.

National Heritage Areas:

Question 26. Last year Senator John McCain requested that the National Park Service undertake a “Reconnaissance Study” of the Yuma Quartermaster Depot to determine its suitability to tell the nationally significant story of the past, present, and future of the

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Colorado River. I support his efforts. We know that the work in the field has been done by the NPS Intermountain Region. Can your office provide me a status report on the "Reconnaissance Study"?

Response: I understand that the NPS continues to make progress on the reconnaissance survey of the Yuma Quartermaster Depot, but has not yet completed it.

Question 27. Secretary Zinke, I understand that your community of Great Falls is considering asking for designation as a National Heritage Area. My community in Arizona has had pretty good results in Yuma with the program. What are your general thoughts about the National Heritage Area program, which seeks to conserve national and historic resources through a community-based approach, as opposed to a top-down approach?

Response: National Heritage Areas provide cultural benefits, and are an example of the benefits of partnerships. However, the President's budget proposes to balance the Federal government's budget by 2027, in order to do this priorities must be identified. The 2018 budget prioritizes taking care of the assets we currently own. The majority of ongoing operational requirements cannot be deferred and maintenance needs have been postponed for too long. The National Heritage Area Program can be supported through partnerships and community engagement.

Department Staffing:

Question 28. I'm concerned about the March Executive Order to reorganize the Executive branch and subsequent Office of Management and Budget (OMB) memo on reducing the federal workforce (M-17-22) and what that could mean for Interior Department agencies. In the case of the National Park Service, I understand that staff levels have been in decline, there are now more than 1,500 vacant positions, and that Interior has frozen hiring for certain positions as a result of this effort. Secretary Zinke, for your confirmation hearing both your verbal and written testimony indicated one of your priorities is to ensure that park rangers have the resources they need, but this exercise threatens that priority.

a. What has the Department's position been on this government reform effort in conversations with OMB?

b. Can you commit to following through on your commitment to support staff by ensuring that the Park Service and other Interior agencies aren't further understaffed as a result of this exercise?

Response: This review process remains ongoing within the Department. I have tasked my team to review all programs to determine if there is duplication, and if so, how best to consolidate. The

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

goal is to create a more efficient government that effectively delivers programs of the highest importance to the public. We anticipate a larger effort may be folded into the FY 2019 budget process.

Question 29. The March Executive Order on reorganizing the Executive branch and subsequent OMB and DOI guidance concern me a great deal. It appears the exercise could be used as an excuse to further understaff the park service and other land agencies and cut funding for certain programs the administration may not find to be critical. The OMB guidance on reducing the federal workforce (M-17-22) directs agencies to use the FY18 and FY19 budget processes to drive workforce reductions. However while there may well be carefully considered opportunities for reform within Interior agencies, I'd like to remind you that funding levels for staff and specific agency programs are ultimately up to the appropriations committees. To prematurely attempt some of these reorganization efforts that would be subject to the decision of appropriators without our consultation and consent would be a poor use of agency resources. Can you commit to soon updating us in writing on the status of this exercise and commit to be in regular contact with us in regard to it?

Response: As I indicated in response to the previous question, this review process remains ongoing within the Department, and we anticipate the larger effort may be folded into the FY 2019 budget.

Question 30. What is the current status of the workforce reduction exercise subsequent to the March executive order to reorganize the Executive branch and subsequent OMB memo on reducing the federal workforce (M-17-22)?

a. Please list by agency the programs you will seek to eliminate or merge for each Interior agency.

b. Please list the staff positions you intend to eliminate for each Interior agency.

Response: This review process remains ongoing within the Department, and we hope to have outcomes to the larger effort folded into the FY 2019 budget.

Ethics Waivers:

Question 31. On January 28th of this year, President Trump issued Executive Order 13770 entitled: Ethics Commitments by Executive Branch Employees. Among other provisions, EO 13770 states that appointees in the Trump Administration will not work on matters they used to lobby on, or on matters involving their former employers or clients, for a

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

period of two years after they are appointed.

- a. Are you familiar with EO 13770, and is it your intent for the Interior Department to comply with it?
- b. Assuming that Mr. Bernhardt is confirmed to be your Deputy Secretary, will you require him to comply with E.O. 13770 – meaning he will not be permitted to work on any matters he was involved in as a lobbyist for two years?
- c. Have you been involved in any discussions regarding the possibility that Mr. Bernhardt might receive a waiver from complying with the EO?
- d. Would you recommend to the President that Mr. Bernhardt receive such a waiver?
- e. Would you make such a waiver public?
- f. How would such a waiver serve the public interest?
- g. Have any such waivers been granted to anyone in the Department and if so, will you make those waivers public?
- h. How is nominating Mr. Bernhardt to serve as your Deputy consistent with “draining the swamp” here in Washington?
- i. Can you assure this Committee that none of the nominees for the remaining Senate-confirmable jobs will turn out to be lobbyists for clients with interests before the Department?
- j. Will you commit to making any waivers of E.O. 13770 granted to any employee of the Department of the Interior available to the public?

Response: Under my leadership, all Department staff have complied and will comply with all applicable ethics requirements and will seek the guidance of the Department’s Designated Agency Ethics Official when clarification is necessary.

Interior Department Hiring Strategy:

Question 32. Mr. Secretary, you’ve ordered a hiring freeze for any position in Washington DC and Denver. Interior agencies are also subject to a freeze for any GS-12 and higher position, no matter the location. Your office must approve waivers to fill these positions and has placed a priority on positions involved in oil and gas development. You have repeatedly said that Interior’s energy strategy will be “all of the above,” yet you have singled out positions focused on oil and gas development for priority hiring. While some agencies within Interior are centered on energy development, the NPS and FWS are not,

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

and it goes against their mission. It is concerning that you are putting a priority on oil and gas development to fill jobs within these agencies. Are you trying to change the mission of these two agencies with this new hiring strategy?

Response: No. With regard to the waiver process, it has been structured so that it should not significantly impact the Department's ability to address necessary staffing requirements.

Protecting Public Lands:

Question 33. Mr. Secretary, you've said repeatedly that the review of national monuments is not about selling public land. Can you guarantee that not one acre of federal land will be given to state or county control during your tenure as Secretary?

a. If you do give that land away, can you guarantee none of it will be sold to private interests?

Response: As I have previously stated on multiple occasions, I am firmly against the large-scale sale or transfer of federal lands. I also support taking care of the land we own. In all instances, we will comply with the laws established by Congress for the management of our Federal lands.

National Monuments Review:

Question 34. Mr. Secretary, you've said the governor and state congressional delegation have to be consulted before you make recommendations on national monuments. So far you've only met with the Republican governors of Utah and Maine. How many governors do you plan to meet with as part of this review?

a. Just to look at the states affected by this monument review, have you reached out yet to the Democratic governors of Washington, California, Oregon, Hawaii, Colorado, Connecticut, Rhode Island or Montana?

Response: To comply with the President's Executive Order, and provide a recommendation to the President, we have sought input from stakeholders on all levels, from Governors, Tribal leaders, and Members of Congress, to locals on the ground and county commissioners and I thank you for the time you took to provide your written comments as well. We took all this information into consideration before making recommendations to the President.

Question 35. Mr. Secretary, during your hearing before the Senate Energy and Natural Resources Committee you informed Senator Gardner that Canyons of the Ancients wasn't "currently on our priority list."

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

- a. Will you share with this committee what is on your priority review list?**
- b. If the public comment period is still underway what determines whether a monument is a priority for review?**
- c. What does it take for a monument to be left alone or removed from the review list?**
- d. How can the public trust this review process if we have just now discovered that there is a second list of monuments that are especially threatened by this review?**
- e. Shouldn't the public, elected officials and other stakeholders have been aware of this when the comment period started?**

Response: On May 11, 2017, the Notice of the Opportunity for Public Comment was published in the Federal Register, which included a list of national monuments under review by the Secretary in accordance with the President's Executive Order. The public comment period related to the Bears Ears National Monument closed on May 26, 2017, and the comment period for all other National Monuments closed on July 10, 2017. The Secretary evaluated comments and, in certain instances, visited monuments as he prepared his recommendations for the President. As monuments were reviewed and found to require no modification, the Department removed them from the review and letting press and local stakeholders know the Department's decision to keep all interested parties informed. A draft report was submitted to the President on August 24, 2017, and the final report was released to the public on December 5, 2017 and may be found at https://www.doi.gov/sites/doi.gov/files/uploads/revise_final_report.pdf. Final action and authority rests with the President.

Access to Public Lands:

Question 36. Mr. Secretary, according to the BLM, the American public does not have adequate access to 23 million acres of BLM-managed land, primarily because of land ownership. The previous administration dedicated \$8 million in 2017 to improving access to these public lands by purchasing adjacent property or securing rights of way, but your budget includes no funds for this purpose. Wouldn't you agree that this limits access to BLM land for American hunters, anglers, and outdoor enthusiasts?

Response: This budget supports efforts to expand access to recreational opportunities through targeted investments. Infrastructure related investments at our land management bureaus will address areas like trail maintenance and signage, which are critical to ensuring access to public lands and safety.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

The Antiquities Act:

Question 37. Mr. Secretary, I have heard you say on numerous occasions that your top priority as Secretary of Interior is to ensure that the federal government is a good neighbor and steward of public resources. Recommending executive action to decrease protections for national monuments would go directly against this fundamental principle. Does the President have the legal authority to shrink or abolish national monuments?

Response: Being a good neighbor remains one of the Department's top priorities. Our goal throughout this review process has been to listen to our state, local, tribal and federal partners and make recommendations that reflect the wishes of the neighbors who are most affected by these monuments. Ultimately, however, our role in the review of monuments is to provide a recommendation to the President. Final action and authority rests with him.

National Park Service Services:

Question 38. Since 2011, National Park Service commercial services staff has declined by 10 percent. Meanwhile, the number of commercial leases has increased by 25 percent, and the number of Commercial Use Agreements has nearly tripled. Moreover, the program's workload keeps growing, particularly as the agency begins to award new contracts under the Visitor Experience Improvements Authority established by last year's National Park Service Centennial Act. Your budget proposal includes an over half a million dollar cut to commercial services. How do you plan to increase P3 partnerships and ensure adequate oversight of public resources while reducing the amount of staff devoted to commercial services?

Response: The President's budget proposes to balance the Federal government's budget by 2027, in order to do this priorities must be identified. The 2018 budget prioritizes taking care of the assets we currently own. It also focuses on leveraging public-private partnerships in order to improve visitor experiences on public lands and waters. In addition, as we move forward, I believe that we have to realign our employees to make sure that the focus is at the field level, rather than in layers of bureaucracy. I am committed to providing our front lines in the parks with the appropriate resources to get the job done.

Endangered Species Act:

Question 39. Mr. Secretary, you have said recently that you think the states should play a larger role in species conservation but this budget proposal absolutely savages the funding streams that make this cooperative work possible, including cutting Cooperative

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Endangered Species Fund grants by \$34 million to one-third of the current level. You can prevent listing species by doing proactive conservation work or you can recover species once they require listing; however, this budget cuts funding for both. Do you believe that these funding levels are adequate to help states be full partners in conserving fish and wildlife?

Response: The budget requests \$19.3 million for the Cooperative Endangered Species Conservation Fund. The budget requests \$10.5 million for conservation grants to States, \$6.5 million for Habitat Conservation Planning assistance grants, and \$2.3 million for administrative costs. The budget does not provide funding for land acquisition grants in order to focus resources on our current land management priorities. The Department encourages states' participation in developing recovery plans and proactive conservation work. For example, when the yellowcheek darter, a small fish native to forks of the Little Red River in Arkansas, was listed as endangered, the Service formed a recovery team comprised of yellowcheek darter experts from organizations including the Arkansas Natural Heritage Commission, Arkansas Game and Fish Commission, and others. These members are integral to development of the recovery plan and increasing participation in recovery efforts among private landowners. States, through the State Wildlife Grants have focused on proactive conservation projects; at least 19 domestic Candidate fish and wildlife species were conserved by State fish and wildlife agencies using State Wildlife grant funds.

Question 40. Along these same lines, you have long opposed the historic conservation agreement reached between states and the Obama Administration to protect the greater sage-grouse and avoid an ESA listing. Your recent Secretarial Order requiring a review of the plans threatens to turn this conservation success story into a failure, and this budget is not helping. The budget cuts \$11.5m – 22 percent – from BLM's sage-grouse conservation efforts.

- a. Do you think these cuts will have a negative impact on greater sage-grouse populations and sagebrush habitat?**
- b. Do you think these cuts make it more likely that the bird will require the protections of the ESA?**
- c. Do you oppose the inclusion of a rider on your Department's appropriations bill that would prevent you from listing the species even if it is shown that such an action is necessary to prevent extinction?**
- d. FY 17 funding for sage-grouse conservation efforts is already out the door but your recent order has created uncertainty about if and how it will be used. Are**

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

BLM field offices authorized to use that funding for sage-grouse conservation efforts under the current conservation plan, or has your office ordered them to stop?

Response: The Department's 2018 Budget reflects the President's commitment to fiscal responsibility – proposing sensible and rational reductions and making hard choices to reach a balanced budget by 2027. This required the Department to take a thorough look at all of our mission areas to determine where we could potentially increase efficiencies yet continue the implementation of our multiple-use mission. The budget includes over \$75 million in the Bureau's Wildlife Management Program to continue work on the sage landscape and maintain our commitment to sage habitat. BLM will continue restoration and conservation efforts in priority areas, which will benefit more than 350 species. This budget continues conservation work with partners and supports science at FY17 levels. Legislative prohibition on listing the greater sage grouse would provide time to implement plans and work more closely with states to craft solutions.

Question 41. As a Member of Congress, you voted against the protection of threatened and endangered species 100 percent of the time. You are now in charge of implementing the Endangered Species Act, not undermining it, but this budget shows that you may not have fully made that transition yet.

Even though it is widely known that current funding levels are insufficient to make significant progress toward protecting and restoring imperiled fish and wildlife populations, this proposal slashes funding for species listing, recovery, habitat protection, consultation, and work with states and tribes to prevent listings.

Given that we are in the middle of a global extinction crisis driven by irresponsible land use and climate change do you believe that this budget will allow you to meet your statutory obligations under the ESA to prevent extinction and recover threatened and endangered species?

Response: Yes, a total of \$225.2 million is proposed to implement the Endangered Species Act and related programs under the Service's Ecological Services Program, of which \$79.6 million is for recovery of species listed as threatened or endangered under the Endangered Species Act. A focus on recovery has recently resulted in the delisting and downlisting of several high-profile species, including the West Indian manatee. Included in the Ecological Services request is \$98.8 million to facilitate planning and consultation that will support economic recovery and job creation in the United States. Timely evaluations of proposed infrastructure, energy, and other development projects contribute to job creation and economic growth, while ensuring that

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

impacts to native wildlife and habitat are avoided and minimized to the greatest degree possible. Funding will allow the Service to expedite project reviews and work with project proponents on appropriate mitigation and avoidance measures.

Question 42. Republican Members of this Committee, including you in the past, have argued that the ESA is a failure because more species are not being delisted. This is in spite of the fact that the ESA has been 99 percent effective in preventing species from going extinct.

In order to be delisted, though, species must be shown by the best available science to have recovered. Before the process of recovery can even begin, species must first be listed so that they can receive the protections of the Act just to “stop the bleeding.” This is the simple, stepwise fashion in which the ESA works.

Unfortunately, this budget proposes to cut the listing program by more than 17 percent. It also proposes to cut the recovery program by more than \$3.5 million.

- a. Do you believe these cuts will allow you to meet your obligations to give species ESA protections when it is show that it is scientifically necessary?**
- b. Do you believe this budget will achieve your goal of delisting more species without running afoul of the requirement to base decisions on the best available science?**
- c. Do you believe that at these funding levels FWS will be able to avoid losing lawsuits over failing to take required actions to protect species in a timely manner?**

Response: I still believe that ESA is in need of reforms and modernization so it can operate in a more effective manner. The FWS delists and down-lists species when their status changes and resources are available. Getting species off the list due to recovery is a priority, and allows us to focus our attention and resources on species that need attention. The pace at which delistings and downlistings occur is dependent on resources devoted to on-the-ground recovery implementation and the progress toward recovery of individual species, as well as on the complexity of status reviews and rulemakings. A total of \$225.2 million is proposed in the President’s FY 2018 budget request to implement the ESA and related programs under FWS’s Ecological Services program, of which \$17.1 million is for listing species and \$79.6 million is for recovery of species listed as threatened or endangered under the ESA. At these funding levels, the FWS will continue to address the backlog of listing determinations and develop rulemakings for approximately 50 species that have been identified for potential delisting or downlisting under the ESA based upon recent 5-year status reviews. FWS plans on making final

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

determinations for six species currently proposed for delisting in FY 2018.

Resource Advisory Committees:

Question 43. Time and time again, you have said you're a champion of public access and transparency. On your first day as Secretary, you signed Order No. 3347 which encourages access, conservation stewardship, and hunting and fishing activities. This order gave department agencies 30 days to report on Executive Order 13443, and then calls on the expertise of two Resource Advisory Committees to refine recommendations. You have since suspended "all 225 different councils and boards....so [you] could ask what do you do, who is on your board, what have you done in the last year" this includes the two which are involved in Secretarial Order 3347. How is this suspension improving access, transparency and efficiency at the Interior Department?

Response: As you note, Secretarial Order 3347 is designed to engage stakeholders on a variety of issues concerning management of public lands, including actions to improve habitat, cooperation with state wildlife managers, and access to the outdoors. We intend to work with stakeholder groups, including but not limited to the two referenced groups. The Department's review of advisory groups is ongoing. The review is intended to ensure the Department receives maximum feedback from these boards and that they are compliant with the Federal Advisory Committee Act (FACA).

Coastal Barrier Resources System:

Question 44. The Fish and Wildlife Service (FWS) administers the Coastal Barrier Resources System (CBRS), established by Congress in 1982 to prevent government-subsidized development from occurring in hazard-prone, undeveloped coastal areas. This simple yet ingenious program does not prevent private citizens from using their own money to develop land that is included in the System but it does prohibit the use of federal funds including flood insurance, transportation and housing grants, and energy infrastructure assistance.

- a. Do you agree that sea level rise, increased coastal flooding, and other hazards due to climate change are a threat to coastal communities?**
- b. Do you believe that taxpayers should be on the hook for bailing out individuals, companies, and localities that make risky development decisions?**
- c. Will you commit to funding the CBRS program at levels that reflect the urgent need to address the impacts of sea level rise on coastal communities?**

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Response: Coastal communities face weather related challenges not experienced in other parts of the country. The Department will be a good partner in working with these communities to address changing climate conditions using adaptive management. Through the CBRA program, the FWS provides mapping products and databases that are essential tools for conservation and restoration activities by other Federal and State agencies and the public and this budget provides sufficient resources to support those efforts.

Stream Protection Rule Job Figures:

A February 21, 2017, a blog post on the Department of the Interior's (DOI) website claimed that the Stream Protection Rule (SPR), which was repealed by President Trump's signature of a Congressional Review Act resolution of disapproval, "was estimated to put 7,000 clean coal jobs in 22 states at risk." This figure appears to come from a widely discredited and outdated draft environmental study, generated by Polu Kai Services (PKS) under contract from OSMRE, and contradicts the job impacts published by the Department and OSMRE. An investigation by the DOI Office of Inspector General found that there was widespread dissatisfaction with PKS' performance. Furthermore, the OIG investigation found no evidence of any inappropriate behavior by anyone in the Obama administration in relation to the dispute over the job-loss numbers or the decision to allow the PKS contract to expire. This conclusion was also backed up by a multi-year investigation conducted by the House Natural Resources Committee, which was also unable to find evidence of any wrongdoing.

Given this, I request answers to the following questions:

Question 45. Please provide a source for the February 21 claim that the Stream Protection Rule put 7,000 clean coal jobs at risk.

Question 46. Does OSMRE agree with the blog post claiming that the SPR would put 7,000 jobs at risk? If so, what is the evidence that the regulatory impact analysis performed for the final rule is less accurate than the February 21 blog post?

Question 47. If the February 21 blog post was based on the DEIS completed by PKS, are the methods and standards used by PKS to develop the DEIS the same methods and standards Congress and the public should expect for work performed by OSMRE or DOI throughout the Trump Administration?

Question 48. Does OSMRE or DOI believe that the PKS DEIS from 2011 adequately reflects the provisions⁸ of the final SPR published in 2016?

Question 49. Does OSMRE or DOI disagree with the characterization of PKS'

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

performance included in the OIG study? If so, what did the OIG miss?

Question 50. How does the Department define “clean coal”?

Response: President Trump signed H.J. Res. 38 into law on February 16, 2017, nullifying the SPR. Since then, the Department has renewed its focus to put America on track to achieve the President’s vision for energy independence and bring important jobs back to communities across the country. Our Nation’s abundant coal supplies are an important and stable component of the energy mix. The President’s energy program will have positive impacts on employment in the communities that depend on coal industry jobs.

Office of Natural Resources Revenue Rule:

As part of responding to the dozens of valuation and royalty-collection recommendations from the past decade, on July 1, 2016, the Office of Natural Resources Revenue (ONRR) published a final rule entitled Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform, with an effective date of January 1, 2017. Despite the fact that the rule became effective on January 1, 2017, ONRR published a Federal Register notice on February 27, 2017, announcing that the effective date of the valuation rule would be postponed indefinitely due to legal challenges pending against the rule, using the authority under 5 U.S.C. 705 of the Administrative Procedures Act (APA). The legality of this action is highly questionable. It appears that ONRR has used this provision to repeal an active and in-effect regulation in contravention of the notice-and-comment procedures required by the APA.

With the rule in full effect as of January 1, 2017, it became the role of the courts, and not ONRR, to adjudicate the challenges to the valuation rule. The rule cannot be unilaterally subverted by ONRR. In the light of this, I would like answers to the following questions:

Question 51. Did DOI’s Office of the Solicitor provide a written opinion or memo regarding the legality of postponing the effective date of a rule after the effective date has already passed? If so, please provide a copy of that opinion or memo.

Question 52. Please provide any examples that the Department has of other rules where 5 U.S.C. 705 has been successfully invoked to delay the implementation date of a rule after the effective date has passed.

Question 53. Did DOI’s Office of the Solicitor review the February 22, 2017, memo from ONRR?

Question 54. Please provide the surnaming page of the Federal Register notice that

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

was published on February 27, 2017, showing the identity of those officials within DOI who reviewed and approved the notice.

Response to Q. 51-54: As ONRR Director Greg Gould noted in his July 12, 2017 response to your previous letters, ONRR's stay of the rule is currently the subject of litigation and cannot be commented on at this time.

Backlog of Applications for Permit to Drill (APDs):

The recent publication of internal Bureau of Land Management (BLM) strategy and communications documents has provided some disappointing insight into the intended focus of the BLM during the current administration. One of the more surprising items in the document is the instruction to, "[a]ddress backlog of Applications for Permit to Drill (APDs)". It is not clear that there is a significant backlog of unprocessed APDs; in fact, the BLM's own data indicate that there is a glut of drilling permits that the oil and gas industry cannot act on fast enough. According to the BLM's FY 2017 Budget Justification, there were 3,785 APDs pending at the end of Fiscal Year 2015, but also 7,532 approved permits in industry's hands just waiting to be used.

Question 55. Therefore, in order to understand the true nature of the "backlog" of APDs, please provide the number of ADPs that are pending and the number of approved ADPs waiting to be drilled as of the end of the Fiscal Year 2016.

Response: The BLM estimates that, as of the end of FY 2016, there were 2,552 pending APDs and 7,950 approved APDs that had not been drilled.

U.S. Extractive Industries Transparency Initiative:

In 2011, as part of the Open Government Partnership, the United States announced its intention to become an Extractive Industries Transparency Initiative (EITI) compliant country. The EITI Advisory Committee was scheduled to meet on June 7 and 8 to continue the work required of the U.S. to become EITI compliant. However, on May 25, 2017, the Department of the Interior published a notice postponing the scheduled meeting, saying merely that it would be "rescheduled at a later date." When combined with reports from earlier this year, this postponement appears to reflect a lack of commitment to EITI by this Administration. The Secretary of the Interior serves as the Administration's senior official representative for EITI implementation.

Question 56. What is Trump Administration's stance on the Extractive Industries Transparency Initiative?

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Question 57. Can you commit to holding the postponed U.S. EITI Advisory Committee meeting no later than the end of August, 2017?

Response: The Department of the Interior is committed to institutionalizing the principles of open government and accountability. The U.S. Department of State will continue to lead the United States' commitment to the EITI as a Supporting Country, a role that the United States has played since the beginning of the initiative.

Review of 5-Year Offshore Leasing Program, as Instructed by April 28th Executive Order:

The Department of the Interior has begun a review of the 5-year offshore leasing program, as instructed by President Trump's April 28, 2017, offshore energy executive order. Given the likely adverse impacts of this action on the environment, fishing, and tourism industries, I am deeply concerned with President Trump's decision to lift the leasing ban in regions currently closed to development. Secretary Zine, please address the following:

Question 58. The executive order directs a review of areas currently closed off from drilling, including the Mid- and South Atlantic, the Chukchi Sea, and the Beaufort Sea. Please provide all risk assessments and analysis undertaken to determine how lifting the ban on drilling in these areas would not adversely affect fragile ecosystems or damage fishing, restaurant, or tourism interests.

Response: On May 1, 2017, I issued Secretarial Order 3350 to further implement the President's Executive Order entitled: "Implementing an America-First Offshore Energy Strategy" (April 28, 2017), in which I directed the Bureau of Ocean Energy Management to initiate development of a new five year OCS Oil and Gas Leasing Program. Section 18 of the OCS Lands Act prescribes the major steps involved in developing a five year program, including the ability of the Secretary to review and approve the leasing program. During the initial stage of program development, the Secretary examines all 26 OCS planning areas to consider and balance the potentials for environmental damage, discovery of oil and gas, and adverse impact on the coastal zone in making a decision on the Draft Proposed Program – the first of three proposals required in the Program development process. This process includes conducting risk assessment and analysis on the impacts of oil and gas development and production. Recently, BOEM began seeking a wide array of input during development of this new OCS leasing program, including information on the economic, social, and environmental values of all OCS resources. BOEM will also seek input on the potential impact of oil and gas exploration and development on other resource values of the OCS and the marine, coastal, and human environments. All of these analyses will be made public as they are completed. At this stage of development of a leasing program, no decisions have been made regarding what planning areas may be included in the new leasing program.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Question 59. What additional actions or plans does the Department intend to take to protect coastal communities from the possibility of another catastrophic oil spill, particularly in light of the unique challenges of responding to an oil spill in these environments?

a. For example, has the Department conducted any analysis with or otherwise coordinated with the Coast Guard to ensure that Area Contingency plans are sufficiently robust to address an oil spill the magnitude of the Deepwater Horizon?

Response: The Department, through its Bureaus and the Office of Environmental Policy and Compliance (OEPC), serves on National and regional interagency oil spill response teams to develop and maintain detailed spill response policies, plans, and procedures, as well as up-to-date Regional Contingency Plans, Area Contingency Plans, and site-specific geographic response plans.

The Bureau of Safety and Environmental Enforcement (BSEE) oversees oil spill planning and preparedness activities for offshore oil and gas exploration, development and production facilities in both Federal and State waters. BSEE reviews industry Oil Spill Response Plans to verify that owners and operators of offshore facilities are prepared to respond to a worst case discharge of oil; the U.S. Coast Guard participates in these reviews in certain situations. BSEE, in cooperation with the U.S. Coast Guard, validates the soundness of these plans by conducting exercises with operators.

The Department and BSEE's (as well as other bureaus) oil spill preparedness program is a keystone component of the National Response System. As such, the Department regularly participates in meetings and supports activities by Regional Response Teams and Area Committees where offshore oil and gas operations are conducted. These groups are focal points for contingency planning with local, State and Federal partners including the Coast Guard. In addition, the Department formally engages the U.S. Coast Guard on a regular basis at both the regional and headquarters levels to support joint planning initiatives and information sharing.

Question 60. The March 16, 2017 budget blueprint calls for a \$1.5 billion, or 12 percent, reduction to the Department's fiscal year 2018 budget. How would these proposed cuts affect the ability of the Department to draft a new 5-year plan, which presumably would also include oil spill response and mitigation plans, while administering an even greater number of oil and gas leases?

Response: The Administration's budget makes difficult choices in focusing on and funding our

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

top priorities and sets the course to a balanced budget by 2027, saving taxpayers \$1.6 billion. Among the Department's top priorities is to boost domestic energy production to stimulate the Nation's economy and ensure our security while providing for responsible stewardship of the environment, which includes the development of a new 5-year plan. The budget reflects a careful analysis of the resources needed to advance this priority and to development our bureaus' capacity to carry out its functions carefully, responsibly and efficiently.

Question 61. American fishing, tourism, and recreation industries rely on a healthy ocean ecosystem to generate billions of dollars each year in economic activity. If this review goes forward, please indicate what additional analysis the Department intends to conduct to determine what safeguards will be required to protect these industries.

Response: At this point, the Department is only establishing a schedule of potential lease sales and framing the geographic scope for which OCS development can occur. The process is guided by the OCS Lands Act which specifies eight factors that are considered in determining the timing and location of leasing, including location with respect to other uses and environmental sensitivity and marine productivity. As required by the law, I will consider each of these factors in deciding which areas will be contained in the next National OCS Oil and Gas Leasing Program. Public input is critical to this process. There are at least three points during the program preparation process when comments are solicited, analyzed summarized and used to develop the final program.

Question 62. Given the significant growth of U.S. oil production on both private and public lands over the past seven years, the U.S. is now one of the largest producers of crude oil in the world, and the world leader in total liquid hydrocarbon production. In fact, oversupply in oil production has led the U.S. to begin exporting crude oil for the first time in generations. Further, gas prices in 2016 were the lowest they have been in more than a decade. Given these market conditions, why is a new planning process required now, as opposed to waiting only three years to continue on the normal planning schedule?

Response: Developing a new National Offshore Oil and Gas Leasing Program that respects environmental and economic sensitivities but still allows us to responsibly develop our resources is critical to reaching President Trump's goal of American energy dominance. Offering more areas for energy exploration and responsible development was a cornerstone of the President's campaign and this action is the first step in making good on that promise for offshore oil and gas. Under the last administration, 94% of OCS acreage was off-limits to responsible development,

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

despite interest from many state and local governments and industry leaders. This Administration is dedicated to energy dominance, growing the economy and giving the public a say in how our natural resources are used, and that is exactly what we are doing by opening up the Request For Information and a new OCS leasing program.

Question 63. Under the current leasing program, approximately 70 percent of the economically recoverable offshore resources in the OCS are available to the oil and gas industry for leasing. In the Gulf of Mexico, companies hold leases on approximately 16 million acres, but have developed only approximately 26 percent of that acreage. Please provide all the assessments and analysis the Department has undertaken to determine the need for additional leasing acreage at this time.

Response: As described in the previous response BOEM has initiated development of a new five year OCS Oil and Gas Leasing Program in which all 26 planning areas are considered. At this stage of development of a leasing program, no decisions have been made regarding the need to make available additional acreage for leasing.

Regarding the statement that industry has only developed 26 percent of the acreage leased in the Gulf of Mexico, this percentage applies only to the number of leases currently producing, substantially understating the percentage of leases on which there is exploration or development activity. As of August 1, 2017, there are 2,912 active leases in the GOM of which 1318 (45%) have had wells drilled or plans approved. Since oil and gas is not uniformly distributed across the OCS, there is always a risk of not finding oil and gas on leased acreage. New leasing in the Gulf of Mexico allows industry to better manage their prospect portfolios and mitigate these risks through access to additional acreage where there is potential for discovering new oil and gas fields on the OCS. It is important to note that prior to acquiring a lease through a BOEM lease sale, the oil and gas industry uses geophysical and other types of data extensively in order to identify promising prospects and bid on the acreage considered to have the best potential.

During lease primary terms, operators have time to gather, process, and interpret additional data. Of course, not all leases contain drillable oil and gas resources and wells can be extremely risky and expensive to drill. Further, the finite number of drilling rigs available for contract limits the number of leases that can be drilled. Therefore, lessees are constantly evaluating and prioritizing the acreage in their lease inventory in order to drill the most promising leases first. This prioritization changes as the exploration process plays out (e.g., geological data comes in from new wells and/or new or reprocessed geophysical data is acquired, etc.). During the period after the lease is acquired, OCS projects compete for the operator's available capital with other prospects held by the operator in onshore and offshore oil and gas basins worldwide. This

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

dynamic process of evaluating, ranking, and funding all worldwide projects of interest to a lessee is an important reason why lessees desire to maintain an inventory of leases so they can allocate and re-allocate capital expenditures as new information becomes available.

Secretarial Order 3349 and Executive Order 13783:

On March 29, 2017, you signed Secretarial Order Number 3349, which was designed to implement the directive in the Executive Order of March 28, 2017 (Executive Order 13783), to “review all existing regulations, orders, guidance documents, policies, and any other similar agency actions...that potentially burden the development or use of domestically produced energy resources.” The Executive Order and Secretarial Order also rescinded or ordered the rescission of a number of important Obama Administration climate and mitigation policies, lifted the moratorium on new coal leases, and ordered the review of four commonsense regulations affecting oil and gas operations on National Park Service lands, fish and wildlife refuges, and other public lands. In order to understand the potentially massive changes in public lands policy and management that will arise from the Executive Order and Secretarial Order, please provide the following documents described in Secretarial Order 3349:

Question 64. The list of all Department Actions related to mitigation policies provided to the Deputy Secretary by each bureau and office, as required to be completed by April 12, 2017, as per Section 5(a)(i) of Secretarial Order 3349;

Question 65. The list of all Department Actions related to climate change policies provided to the Deputy Secretary by each bureau and office, as required to be completed by April 12, 2017, as per Section 5(b)(i) of Secretarial Order 3349;

Question 66. The report from the Director, Bureau of Land Management, on the rule entitled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation,” as required to be provided to the Assistant Secretary – Land and Minerals Management by April 19, 2017, per Section 5(c)(ii) of Secretarial Order 3349;

Question 67. The report from the Director, National Park Service, on the rule entitled, “General Provisions and Non-Federal Oil and Gas Rights,” as required to be provided to the Assistant Secretary for Fish and Wildlife and Parks by April 19, 2017, per Section 5(c)(iii) of Secretarial Order 3349;

Question 68. The report from the Director, Fish and Wildlife Service, on the rule entitled, “Management of Non-Federal Oil and Gas Rights,” as required to be

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

provided to the Assistant Secretary for Fish and Wildlife and Parks by April 19, 2017, per Section 5(c)(iv) of Secretarial Order 3349; and

Question 69. The reports from each bureau and office head provided to the Deputy Secretary that identify all existing Department Actions that "potentially burden...the development or utilization of domestically produced energy resources," as required by April 19, 2017, per Section 5(c)(v) of Secretarial Order 3349.

Response: On November 1, 2017, the Department announced the availability of the *Final Report: Review of the Department of the Interior Actions that Potentially Burden Domestic Energy*, prepared pursuant to Executive Order 13783. The Department published the report in its entirety in the Federal Register, and it is available at 82 FR 50532.

DOI Memo Directing Bureau and Acting Directors to Report to the Acting Deputy Secretary:

On April 12, 2017, you sent a memo to the Assistant Secretaries of the Department of the Interior directing them to ensure that all bureau heads and office directors report to the Acting Deputy Secretary on all "proposed decisions" that have "nationwide, regional, or statewide impacts," and that decisions may not be made until the Acting Deputy Secretary has "reviewed the report and provided clearance." The memo also directs bureau heads and office directors to report to the Acting Deputy

Secretary all Fiscal Year 2017 grants and cooperative agreements of \$100,000 or greater before the final award is issued, in order to "assess how we are aligning our grants and cooperative agreements to Department priorities."

In order for us to better understand how this memo will affect Departmental policy and operations, please provide answers to the following questions:

Question 70. Has any guidance been provided to bureau heads or office directors regarding what constitutes a decision with "nationwide, regional, or statewide impacts"? If so, please provide that guidance.

Question 71. Is the Acting Deputy Secretary maintaining approval or modification authority over the grants, cooperative agreements, and decisions that are provided to him as a result of the April 12 memo?

Question 72. Has the Acting Deputy Secretary denied any grants or cooperative agreements, or required or requested changes to the terms of those grants or cooperative agreements, as a result of information provided to him as a result of the April 12 memo? If so, please identify those grants or cooperative agreements, and

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

information regarding why the Acting Deputy Secretary denied or required or requested changes to those, as appropriate.

Question 73. Who in the Secretary's office or Deputy Secretary's office, other than the Acting Deputy Secretary, is also reviewing the information provided to the Acting Deputy Secretary as a result of the April 12 memo?

Question 75. For all grants and cooperative agreements awarded between April 12 and the date of this letter, please provide the information under items #1 through #11 as provided to the Acting Deputy Secretary under the "Template for Data Call on Fiscal Year 2017 Grants and Cooperative Agreement Awards."

Question 76. For all records of decision issued after review by the Acting Deputy Secretary between April 12 and the date of this letter, please provide all information provided to the Acting Deputy Secretary under the "Template for Data Call on Proposed Records of Decision and Other Significant Decision Documents."

Response: The process was put in place to help me better understand where the approximately \$5.5 billion in grant and cooperative agreement funding is going and how that benefits the Department's mission. I believe we must have a thorough accounting of how the Department distributes the taxpayer's dollar. The process has moved along quickly and once the review has been completed it will be suspended.

DOI Regulations Task Force:

On April 24, 2017, an article in E&E News reported that you had appointed a task force for abolishing regulations, consisting of five political "beachhead" employees and one career staffer, but no Senate-confirmed personnel and no one with clear technical expertise in land management, wildlife management, environmental protection, or safety regulation. While the task force is required under Executive Order 13777, there is no reference to this task force in your Secretarial Order implementing Executive Order 13783 (SO 3349), and no information provided about how this task force will operate, where it fits in the regulatory review process created by SO 3349, whether any of its activities or decisions will be transparent and be made known to the public, whether it will accept public comments, or any other logistical detail. In order to better understand this task force and how it will operate, please provide the following information:

Question 77. The names of each member of the task force and their qualifications for analyzing regulations related to land management, wildlife management, environmental protection, and safety;

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Question 78. How career staff with technical expertise in land management, wildlife management, environmental protection, and safety will be involved in the operations of the task force;

Question 79. How the task force fits into the process laid out in Secretarial Order 3349;

Question 80. The timeline for the regulatory task force to make decisions;

Question 81. The criteria to be used by the task force to make decisions related to whether or not to modify or rescind existing regulations;

Question 82. Whether there will be any public meetings of the task force and whether or not the task force will accept comments from the public; and

Question 83. Whether any documents created by the task force are intended to be made public once the task force has completed its work.

Response: In addition to Associate Deputy Secretary James Cason's response to your May 2017 letter, we offer the following information. The Department's Regulatory Reform Task Force was established on March 15, 2017, and meets monthly to evaluate existing regulations and provide recommendations to the Secretary regarding their repeal, replacement, or modification. The Task Force focuses on regulations that: (1) place unnecessary burdens on the economy or the American people; (2) are outdated, ineffective, or unnecessary; or (3) are incompatible with regulatory reform principles or directions established in E.O. 13771 and 13777. The Department has invited public input to identify important areas of focus. Since publishing a Federal Register notice on June 22, 2017 (82 FR 28429), asking the public for ideas to lessen regulatory burdens, we have received approximately 215 public comments related to this effort. The public also has the opportunity to comment on the inclusion or exclusion of any individual regulatory action from the unified regulatory agenda, which is issued on a semiannual basis in accordance with E.O. 12866. We have also established a website (<https://www.doi.gov/regulatory-reform>) to periodically provide information to the public on regulatory reform and encourage the public to share ideas on specific regulations that should be repealed, updated, or otherwise improved. Regulation development will continue to be informed by public input and by agency expertise in the relevant subject matter, whether related to land management, wildlife management, environmental protection, or safety.

U.S.G.S. Climate Change Report:

In May of this year, the Washington Post reported that officials within the Interior Department ordered employees at the United States Geological Survey (USGS) to remove a

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

reference to climate change from a press release announcing the publication of a new study on sea level rise and coastal flooding. Scrubbing this press release over the objections of some of the scientists involved in the study deprived media outlets and the general public of the context of the study. In order to prevent future abuses of this kind, I request responses to the following questions:

Question 84. Did Acting Deputy Secretary of the Interior James Cason, or anyone in his office, or at the Office of Management and Budget, review the USGS press release before it was issued?

Question 85. If so, who made the decision to remove the line reported by the authors of the study to read: "Global climate change drives sea-level rise, increasing the frequency of coastal flooding."?

Question 86. If not, what was the highest level Departmental office that reviewed and edited the press release?

Response: The U.S. Geological Survey announced the findings of the study entitled, *Doubling of Coastal Flooding Frequency Within Decades Due to Sea-Level Rise* in a May 18, 2017, press release consistent with existing practices for all Departmental press releases. The press release aimed to summarize the overall findings of the report, and did not undermine the study findings, as evidenced by the opening line of the study's abstract, which stated, "[g]lobal climate change drives sea-level rise, increasing the frequency of coastal flooding."

Political Appointees Granted Ethics Waivers:

On January 28, 2017, President Trump repealed President Obama's Executive Order No. 13770 and replaced it with his own Executive Order requiring all political appointees to sign an ethics pledge. As with his predecessor, President Trump reserved the right to issue waivers to exempt certain individuals from this ban. Unlike President Obama, however, President Trump is refusing to comply with the Office of Government Ethics' request for a list of those political appointees granted such waivers. The current Administration's refusal to comply with this completely reasonable and standard request for information flies in the face of the President's repeated claims to support an open and transparent government of which the American people can be proud.

Question 87. In the interests of clarity and openness, please disclose all ethics waivers granted since the beginning of the current Administration for political appointees working for the Department of Interior.

Response: We are not aware of any ethics waivers granted since the beginning of this

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Administration for political appointees at the Department.

Questions Regarding Review of National Monuments:

On April 26, 2017, President Trump ordered a sweeping review of a wide range of national monuments established under the Antiquities Act in the last twenty years. The Executive Order directed the Department of the Interior with 45 days to issue a report on the Bears Ears National Monument in Utah and any other monument determined appropriate for inclusion in the interim report. The justification for this review was the allegation that certain monument designations were made without sufficient public input and a review was needed to allow the American people to comment on their national monuments. The justification for this review was the allegation that certain monument designations were made without sufficient public input and a review was needed to allow the American people to comment on their national monuments.

Question 88. In the spirit of transparency and open government, please provide a detailed itinerary and list of your meetings while in Utah and any other location associated with the review of national monuments.

Question 89. Additionally, please provide an account of all comments received during the public comment period that includes a tally of positive and negative submissions.

Response: A draft report, which includes the Department's findings and recommendations on national monuments was submitted to the President on August 24, 2017 in accordance with the President's Executive Order. The final report was released to the public on December 5, 2017 and may be found at https://www.doi.gov/sites/doi.gov/files/uploads/revised_final_report.pdf. Final action and authority rests with the President.

Questions Regarding Methane Waste Rule pullback:

On June 15, 2017, in apparent contravention of the Administrative Procedures Act (APA), the Bureau of Land Management (BLM) published in the Federal Register a postponement of the effective date of portions of the BLM's rule on methane waste, titled Waste Prevention, Production Subject to Royalties, and Resource Conservation (Methane Waste Rule). As with the Department's postponement of the Consolidated Federal Oil & Gas and Federal & Indian Coal Valuation Reform (Valuation Rule) regulation on February 27, 2017, the authority claimed for postponement of the effective date is Section 705 of the

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Administrative Procedures Act,² a questionable interpretation of that section that, to my knowledge, the Department has made no effort to defend as of this date. Postponing the compliance dates contained in the Methane Waste Rule unlawfully deprives the American people of valuable revenue, wastes a non-renewable resource, and threatens people's health by increasing the amount of harmful pollution in our air. Please provide answers to the following:

Question 90. Did DOI's Office of the Solicitor provide a written opinion or memo regarding the legality of postponing the compliance dates in a rule after the effective date of that rule has already passed? If so, please provide a copy of that opinion or memo.

Question 91. Did DOI or BLM perform a legal analysis of the Methane Waste Rule under the four-part test for preliminary injunctions? If so, please provide a copy of that analysis.

Response to Q. 90-91: The BLM's Waste Prevention Rule is currently the subject of ongoing litigation. I note that in the June 15, 2017 Federal Register publication postponing certain compliance dates for the rule, the BLM concluded that, in light of the pending litigation related to the rule and the ongoing administrative review of rules, postponement of the January 2018 compliance dates would be in the interest of justice, consistent with section 705 of the Administrative Procedure Act.

² 5 U.S.C. 705.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Brown

Environmental Justice:

Question 1. Mr. Secretary, decades of studies have proved that minority, low-income, rural, tribal and indigenous populations face tremendous environmental and health disparities.

Do you agree?

Response: While I am not familiar with the studies you mention, the Department of the Interior, and I, recognize that there remain impediments to economic, environmental, and health prosperity for a significant number of rural and underserved communities. The Department supports underserved communities efforts to overcome disparities in much of the work we do.

Programs at the Department of the Interior address issues in Indian country that range from remediation of legacy wells in Alaska, in some cases to protect the health and safety of Alaska Native communities, to assisting tribes in addressing important Human Services matters, like child welfare, health, and other social services issues.

Question 2. In 1994 President Clinton signed Executive Order 12898 requiring that the U.S. EPA and other federal agencies implement environmental justice policies. That order required all federal agencies to incorporate environmental justice considerations in their missions, develop strategies to address disproportionate impacts to minority and low-income people from their activities, and coordinate the development of data and research on these topics. Do you support the goals of this order?

Response: I believe it is necessary that the Department's management of the Nation's natural and cultural resources is done in a manner that is inclusive of all populations. As I have said before, I recognize that the Department has not always stood shoulder to shoulder with tribal communities. I also recognize that all tribes are sovereign and we must respect their right to self-determination and the decisions that they make. We are working to foster stronger and more resilient Native communities.

Question 3. Under your budget, this order faces its gravest assault. The Office of Environmental Policy and Compliance (OEPC), part of the Office of the Secretary, is the focal point for implementing the Department's environmental justice policy, including the environmental justice executive order, and ensuring compliance. The proposed budget would cut the Office of the Secretary – your office – by over 80%. How can a cut this large not undermine the environment and health of minority, low-income, rural Americans, tribal and indigenous communities?

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Response: The request for the Office of the Secretary appears to reflect a large reduction because the FY 2018 budget request would transfer funding for the Payment in Lieu of Taxes (PILT) program from the Departmental Operations account, from which both FY 2016 and 2017 funding for PILT was appropriated, to a separate PILT appropriation. With regard to Indian Affairs programs specifically, while this budget makes tough choices, it prioritizes self-governance and self-determination for Indian country, fully funding the costs for tribes to administer programs for themselves, and maintains essential management functions for tribal resources, among other things.

With regard to environmental justice, while OEPC provides support at the Departmental level, implementation of environmental justice activities at the Department has always occurred at the bureau level.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. McEachin

Sexual Harassment:

Question 1. Secretary Zinke, during questioning at the hearing, you agreed that your hiring freeze was the reason the DOI attorneys needed to work through the backlog of sexual harassment allegations have not yet been hired. But you seem to blame others for that. There are only two people that can approve exceptions to your hiring freeze; you and your Deputy Secretary – or acting Deputy Secretary in the this case. There are really only two people to blame for the failure to do what it takes to work through the backlog. When will those attorneys in the ELLU unit be hired?

Response: Thank you for bringing this issue to my attention. While positions in Washington DC and Denver, and positions in the field at the GS-12 level and above, are still generally subject to hiring controls, the Solicitor's Office has authority to hire personnel lawyers and is in the process of doing so. I look forward to working towards a solution to this problem. As I have stated before, I have a zero tolerance policy for sexual harassment and the Department remains committed to addressing this issue head on.

Question 2. Sexual harassment is a sizable, difficult, complex problem that requires a serious long term commitment. A problem like that needs a plan with clear goals and a viable path to achieving them. I have not found a plan for NPS. I could cobble together the promises made in various statements, memos, and briefing notes to see what has been said but I have not found a plan. Without a plan, it's hard to address the problem efficiently and have accountability for those in charge of getting rid of sexual harassment. Is there a written plan for how NPS will address its sexual harassment problem?

Response: The National Park Service is pursuing a number of proactive strategies on multiple fronts to address the harassment issues. First, the NPS is examining the breadth and depth of the problems with a workplace survey of both permanent and seasonal employees. Second, the NPS is encouraging employees to consult with a newly-established Ombuds Office if they encounter workplace problems. Third, the NPS is improving training programs aimed at recognizing and addressing harassment. Fourth, the NPS is seeking input from employee resource groups. Fifth, the NPS building stronger procedures for reporting, investigating, tracking, and resolving work environment issues. And sixth, the NPS is acting as quickly as possible when new cases are brought to its attention. These issues did not develop overnight and they will not be solved overnight, however, NPS is committed to bringing a culture of transparency, respect and accountability back to the organization.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Inspector General:

1. Secretary Zinke, would a permanent Inspector General help you and your department function more efficiently and transparently?

Response: The Department appreciates the work of Interior's Office of the Inspector General, currently led by the Deputy Inspector General Mary L. Kendall, in the detection and investigation of waste, fraud and abuse. I would note that the appointment of an Inspector General is a decision to be made by the President, with the advice and consent of the Senate.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Gallego

Sexual Harassment:

Question 1. Secretary Zinke, as a follow up to Mrs. Tsongas' questions during the hearing, please address the following. A workforce survey on sexual harassment is an important tool available to those that are serious about rooting out sexual harassment in their organizations. As you alluded to in your testimony, the military has a sexual assault and harassment problem of its own. In seeking to address this grave and prevalent issue, the military now conducts such a survey every other year. Making the surveys recurring is an honest way to track progress in eliminating sexual harassment, helps refine departmental efforts, and sends a clear signal to employees that sexual harassment is a priority.

With this in mind, will the Department commit to ensuring the National Park Service (NPS) performs its survey on a recurring basis?

Response: We are mindful of the opportunity to perform this survey on a recurring basis and understand the value of doing so. A decision has not been made yet on whether to repeat the survey.

Question 2. In his recent testimony before the Senate, acting NPS Director Michael Reynolds said this about the results of the sexual harassment workforce survey they are currently conducting: "I assure you that we are committed to transparency and once we receive the final data, we will share it widely with this subcommittee as well as all employees and interested stakeholders." It's a step in the right direction but accountability requires true transparency. And true transparency means anyone— not just the employees or stakeholders— can see the results. Again, the military published the results of its survey for all to see.

In your testimony before the committee, you indicated your openness to sharing the results of both the January 2017 survey and the seasonal survey scheduled for July 2017. Please confirm that the Department will make both survey results available on the public-facing website.

Response: The Department has worked with the NPS to ensure that the survey is appropriately shared with stakeholders. The January 2017 survey results were posted on October 13, 2017, to <https://www.nps.gov/aboutus/transparency-accountability.htm>.

Question 3. You indicated during the hearing that the sexual harassment issues known to exist in the National Park Service "may be department-wide." Accordingly, and given your

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

stated zero-tolerance policy, please explain what efforts you will undertake to expand information gathering and response efforts so to include the totality of Interior Department personnel.

Response: As Secretary of the Interior, I am committed to combatting all forms of harassment. On April 12, 2017, I issued a memorandum to all employees setting forth the Department's policy on harassment. I directed the Chief Human Capital Officer and the Solicitor to establish additional harassment reporting procedures for managers and supervisors. I also ensured that all managers and supervisors throughout the Department will now be required to complete training on preventing harassment and improving the workplace environment. In addition, I have directed the Department to update its policy, procedures, and guidance to address the impact of harassment as it relates to performance and conduct. This is an important and ongoing process here at the Department and I look forward to working with you and your colleagues to craft real solutions that protect employees and hold wrongdoers accountable.

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Questions from Rep. Torres

Tribal Concerns:

Question 1. Mr. Secretary, there has been some disturbing rhetoric coming from some members of this committee, as well as some in the Administration, attacking the sovereignty of tribes and questioning the recognition process and the land into trust process. Will you reaffirm your and the Department's commitment to its trust responsibility to all tribes that are currently federally recognized, including the ability to take land into trust?

Response: I have said before that the importance of my mission as Secretary to partner with American Indians and Alaska Natives is one that I do not take lightly. Our duty as Americans is to uphold our trust responsibilities and consult and collaborate with tribes on a government-to-government basis.

Question 2. To follow up on that, I would like you to address the ongoing issue that is the Carcieri decision. That decision has troubled Indian Country since it came down 2009, and has left many land decisions in limbo. It's been almost 10 years now – do you agree that Congress needs to resolve the Carcieri issue once and for all?

Response: Congress, as the trust settlor for all Indian Affairs matters, has the sole authority to amend existing statutes, such as the Indian Reorganization Act of 1934. Congress alone will determine if land into trust statutes should be constrained or expanded. The Department welcomes the opportunity to work with Congress on any recommendations to modernize the land into trust process.

3. The Tiwahe Initiative has proven to be exceptionally successful at assisting tribes in addressing the inter-related problems of poverty, violence, substance, abuse and their associated outcomes like youth suicide. Tiwahe is currently in its pilot phase and impacting 61 tribes directly, with an additional \$24 million in Tiwahe Social Services and ICWA funds distributed to tribes across the country. In spite of this success, Tiwahe is being targeted for elimination. Can you tell us if the Department will be able to support the Tiwahe Initiative's success through its continued funding?

Response: The budget request made difficult choices this year. The Department's budget prioritizes self-governance and self-determination, and focuses funding in Indian country on core service activities, fully funding the costs for tribes to administer programs for themselves, and maintains essential management functions for tribal resources, among other things.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

4. I understand that the Native American Graves Protection and Repatriation Act Review Committee has been suspended as part of a larger review of DOI committees. This is congressionally-charted committee and does critical work across the country in the rightful return of human remains to Indian tribes. Do you have an estimate of when the department's review will be completed and the committee re-activated?

Response: In order to make sure all commissions are giving local communities adequate opportunities to comment on park management decisions, the Department is reviewing the more than 200 boards, committees, and commissions under its responsibility. Throughout this review process, committees and commissions have been given the option to pursue waivers to meet. We recognize the critical work performed by these committees.

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

Questions from Rep. Hanabusa

Hazards Programs:

Question 1. The U.S. Geological Survey's natural hazards programs are critical for communities across our nation to understand the science behind natural disasters and how we can best prepare for them. The Earthquake Hazards Program and the Volcano Hazards Program as examples today, since they are of particular importance to Hawaii. These programs use science and technology to monitor signs of activity to help ensure the public is given ample warning of an earthquake, tsunami, or volcanic activity, so that proper precautions can be taken to reduce the amount of damage and loss of lives.

Your budget seems to reflect the opposite. On cuts to the Earthquake Hazards Program, it says "This reduction would diminish the EHP's ability to execute its core activities..." On cuts in the Volcano Hazards Programs, it says "This reduction would diminish the VHP's ability to execute its core activities to provide forecasts and warnings of hazardous volcanic activity at volcanoes in the United States with the current monitoring networks," among other things.

These proposed cuts are deeply concerning. Although they are not large, they could have serious consequences, especially if these cuts hinder these programs' abilities to "execute its core activities".

a. Please explain the rationale behind these proposed cuts.

Response: For 2018, the Administration identified areas where the federal government could reduce spending and also areas for investment, such as addressing the maintenance backlog across the national park system and increasing domestic energy production on federal lands. The 2018 budget requires restrained spending in order to meet the goal of balancing the budget within 10 years. The 2018 budget request focuses on core capabilities to provide forecasts and warnings of hazardous volcanic activity with current monitoring networks, including Hawaii; produce updated hazard assessments for high-threat volcanoes; and to revise the national volcano threat level assessment. The budget maintains support for robust national and regional earthquake monitoring and reporting, including Hawaii.

Invasive Species:

Question 2. Invasive species is a global problem that will continue to invade our lands and waters with devastating economic and ecological impacts unless we actively protect our resources. It has been shown time and again that prevention of invasive species saves far more money than trying to eradicate the pest after it has been introduced. It is problematic

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

to cut invasive species funding, seeing as invasive species continue to cost the United States more than \$120 billion in damages annually. (Pimental et al. 2005).

Invasive species management requires a holistic effort due to the impacts to both aquatic and terrestrial resources. Especially troubling in the budget are reductions for the Fish and Wildlife Service, Office of Insular Affairs, and National Parks Service for invasive species management, while funding is increased by more than \$4.5 million for the Bureau of Reclamation, which focuses on dams. While there are invasive species in dams, the issues plague areas on both land and in the sea. The funding shift away from offices within the Department of Interior that have jurisdiction over areas with invasive species and to an agency with little expertise in this area would be an inefficient waste of taxpayer money.

My home state of Hawaii, for example, has very unique ecosystems that are particularly vulnerable to invasive species. We require robust invasive species funding to prevent further damage from such species as the Brown Tree Snake, Little Fire Ant, Coconut Rhinoceros Beetle, and the Coqui frog, much of which is best managed by the Fish and Wildlife Service.

a. Given that the threat from invasive species is not diminished and reducing prevention will cost us much more in eradication, can you explain the rationale behind cuts to invasive species management?

b. How is the Bureau of Reclamation going to effectively manage invasive species in places like Hawaii where the Bureau has no presence?

Response: Invasive species are a significant threat to the Nation's economy, food and water security, public health and environment. The Department leads extensive work to prevent, eradicate and control invasive species, including efforts to strengthen early detection and rapid response capabilities, enhance biosecurity measures, and address high impact invasive species, such as the brown treesnake. The Department is committed to working with the State of Hawaii and all of our partners on these important issues. The budget includes \$101 million for invasive species work across the Department, nearly level with 2017.

The Department recently announced approximately \$3.5 million through the Office of Insular Affairs to continue supporting efforts to control the brown treesnake on Guam and prevent its spread to Hawaii, the Commonwealth of the Northern Mariana Islands, and the larger Micronesian region. This supplements more than \$250,000 in brown treesnake investments made by the U.S. Geological Survey and the FWS in Fiscal Year 2017. The budget requests an increase for the Bureau of Reclamation to help address the threat posed by zebra mussels, which is a serious concern in the West due to the experience seen in the Great Lakes region.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Sablan

Question 1. In 2005, Interior's Office of Insular Affairs started a competitive system for allocating among the U.S. territories \$27.72 million in Covenant Funds that originally all went to the Northern Marianas to help build our public infrastructure. The Northern Marianas currently receives only about a third of the money. The competition is largely based on financial management criteria. Financial management is important but so is infrastructure. According to the EPA, Saipan, the main island in the Northern Marianas, is the only U.S. municipality without 24-hour potable water. That is a serious health concern. Isn't it time to look at new criteria for the \$27.72 million in Marianas Covenant Funds, so that public health and safety needs are prioritized?

Response: The capital infrastructure project (CIP) program funds a variety of critical infrastructure needs in the U.S. territories, such as ports, hospitals, schools, water, public buildings, solid waste, energy and public safety. As you noted, the annual allocation of CIP funds is made on the basis of competitive criteria that measure the demonstrated ability of the governments to exercise prudent financial management practices and to meet federal grant requirements. These criteria are evaluated and revised as necessary every five years.

Question 2. OIA budget justifications for FY 2018 tout the importance of various programs including the Technical and Maintenance Assistance Programs, the Brown Tree Snake Control and Coral Reef Initiatives, and the Empowering Insular Communities program. Yet the request includes steep funding cuts to each of these programs. I appreciate the need to control spending, but these across-the-board cuts would likely end up costing much more, both at the federal and local levels, if programs are not properly implemented. The Brown Tree Snake Control Program costs a few million, but if these snakes spread, as they have on Guam, the cost in damage to electrical systems and the extermination of native endangered birds would cost tens of millions or more. Isn't it a wiser use of taxpayers' money to prevent problems than to try to fix them after the damage is done?

Response: Overall, for 2018, the Administration identified areas where the federal government could reduce spending and also areas for investment, such as addressing the maintenance backlog across the national park system and increasing domestic energy production on federal lands. The 2018 budget requires restrained spending in order to meet the goal of balancing the budget within 10 years. Specifically with regard to the brown treesnake, we recently announced approximately \$3.5 million through the Office of Insular Affairs to continue supporting efforts to control the brown treesnake on Guam and prevent its spread to Hawaii, the Commonwealth of the Northern Mariana Islands, and the larger Micronesian region. This supplements more than

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

\$250,000 in brown treesnake investments made by the U.S. Geological Survey and the FWS in Fiscal Year 2017.

Question 3: Territorial Representatives Bordallo, Radewagen, Plaskett, and I sent you a letter dated March 9, 2017, asking that you retain the position of Assistant Secretary for Insular Areas. We have not received a response to date. The Office of Insular Affairs has administrative responsibility for coordinating federal policy in the U.S. territories of the Northern Mariana Islands, Guam, American Samoa, and the U.S. Virgin Islands. Keeping the position of Assistant Secretary for Insular Areas, equal to other Assistant Secretaries in the Department, is an important symbol of respect for our constituents as it shows their concerns are taken as seriously as citizens residing in the states, and insular area issues are viewed equally significant as other issues under the Department's jurisdiction. In your reorganization of the Interior Department, will you retain the position of Assistant Secretary for Insular Areas?

Response: The President nominated Doug Domenech to be Assistant Secretary for Insular Areas on June 29, 2017, and Mr. Domenech's nomination was confirmed by the Senate on September 13, 2017.

Question 4. In my reply to your letter soliciting comments to assist your review of the Marianas Trench National Monument under Executive Order 13792, I wrote about the promises made to the people of the Northern Mariana Islands that remain unfulfilled. For years, we have been urging Interior to produce the management plan, required when President Bush created the Monument. The plan is key to fishing and other resource use in the Monument, public education and outreach, and the development of a Monument visitors center. Please provide an update on any progress and a specific date for issuance of the Monument Management Plan the Fish and Wildlife Service has been working on for eight years now.

Response: FWS continues to work with its partners, including the Commonwealth of the Northern Mariana Islands, National Oceanic and Atmospheric Administration National Marine Fisheries Service, U.S. Coast Guard, and Department of Defense toward completion of a management plan for the Marianas Trench Marine National Monument.

A number of steps have been taken to address or resolve important issues. FWS issued a patent under the Territorial Submerged Lands Act for the CNMI's territorial waters in December 2016. This was an important step in ensuring that the final monument management plan included all applicable jurisdictions and authorities, including that of the CNMI. NOAA

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Fisheries has developed and published fishing regulations for the Islands Unit of the Monument. Management regulations for the Trench and Volcanic Units were implemented under the National Wildlife Refuge System Administration Act of 1966, as amended, through Department of the Interior Secretarial Order 3284.

A draft Monument Management Plan and associated Environmental Assessment are awaiting completion of the Administration's national monuments review and any associated Presidential decision arising from the Secretary's recommendations.

Question 5. The Fish and Wildlife Service requests \$470 million – a decrease of \$13.8 million – for management of National Wildlife Refuges. This includes decreases to wildlife and habitat management, visitor services, law enforcement, and elimination of funding for refuge conservation planning. These cuts will surely ensure that American hunters, anglers, and other outdoor enthusiasts will have less access to sporting opportunities on public lands. Do you believe the proposed funding levels for Refuges are consistent with your vision of increasing access to America's public lands, while also managing and expanding the Refuge System to protect and enhance America's wildlife resources?

Response: Yes. Through the National Wildlife Refuge System, the Service continues the American tradition, started by President Theodore Roosevelt in 1903, to protect fish and wildlife and their habitats and to provide recreation opportunities for hunting, fishing and other outdoor recreation. The proposed budget makes tough choices that will lead to a balanced budget, but maintains a commitment to provide outdoor recreational opportunities in both rural and urban or suburban settings, as well as to support the vital role of volunteers on our Refuges.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Napolitano

Question 1. President Trump's executive order on the Review of Designations Under the Antiquities Act on April 26, 2017 stated, "Within 120 days of the date of this order, the Secretary shall provide a final report to the President." Do you expect the report to be finished on time?

- a. Will your report recommend any action and/or changes through the legislative process or through executive order?**
- b. After these recommends, how can local residents, business and cities be confident to implement their city and business plans without fear that the President or the Interior Department will review their nearby designation again?**

Response: A draft report, which includes the Department's findings and recommendations on national monuments in accordance with the President's Executive Order, was submitted to the President on August 24, 2017, and the final report was released to the public on December 5, 2017 and may be found

at https://www.doi.gov/sites/doi.gov/files/uploads/revise_final_report.pdf. As we move forward in managing the federal lands, we will continue to coordinate with all levels, from locals on the ground and county commissioners to Governors, Tribal leaders, and Members of Congress to fulfill our mission to be a good neighbor.

Question 2. Do you plan to visit the San Gabriel Mountains National Monument before the comment period ends on July 10, 2017?

- a. If not, how do you plan to make a decision on the San Gabriel Mountains National Monument without meeting with local residents, businesses and cities?**
- b. What other information besides public comments made online will you take into consideration? Where will that information come from and who? How can local residents, businesses and cities ensure that that information is in their best interest?**

Response: Each monument was reviewed in a holistic fashion. Although I was not able to visit the San Gabriel Mountains National Monument before the comment period ended, we heard from the local communities including state, county and federally elected officials, tribes, local businesses, and trade associations and I thank you for the input you provided to me. For all of the reviews, each group's input was weighed when we crafted recommendations for the President.

Question 3. The monument designation has helped San Gabriel communities leverage additional federal dollars for critically needed recreation, trail maintenance, trash

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

collection and fire prevention. Seeing that three major fires – the 2009 Station Fire, the 2014 Colby Fire, and the 2015 Cabin Fire – have threatened our local communities. How do you expect our region to continue to fight forest fires without this critical designation?

Response: Wildfires are not constrained by land ownership or land designation. The Department is committed to ensuring that all our firefighting assets are utilized in the most efficient way possible, regardless of land designation, and that we work with other federal agencies, along with our state and local partners, to improve our operational efficiency and take advantage of the firefighting infrastructure and assets that are currently in place.

Question 4. Thanks to the help of the designation, the monument has raised more than \$5 mil through the San Gabriel Mountains National Monument fund. One example, is Coca-Cola who has donated \$900,000 toward clean-up efforts in the forest. This was possible because USFS land cannot form private-public partnership unless they are designated a national monument. Seeing that the USFS and Interior Department budgets continue to shrink, do you believe public-private partnerships like the one listed above is important for our parks?

a. Without a monument designation, how do you plan to allow USFS lands to form these partnerships?

Response: We support innovative public-private partnerships, and believe that they are important for management of all federal lands, regardless of designation or land managing agency.

Question 5. Many water agencies in the arid west are looking towards recycled water projects as the most cost effective solution to drought management; do you believe we should start to refocus our investments towards recycled water?

a. What does President Trump's budget do to support recycled water projects?

b. How can an increase in funding impact the amount of water projects that can be introduced in the drought-stricken west?

Response: I believe it is important to look at a wide range of approaches when it comes to helping the west effectively manage drought. The Bureau of Reclamation's Title XVI Water Reclamation and Reuse Program supports water supply sustainability by leveraging Federal and non-Federal funding to conserve tens of thousands of acre-feet of water each year. Since 1992, approximately \$672 million in federal funding has been leveraged with non-federal funding to implement more than \$3.3 billion in water reuse improvements. Reclamation announced in July

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

2017 a new funding opportunity for Title XVI projects pursuant to new authority under the Water Infrastructure Improvements for the Nation Act (P.L. 114-322).

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Huffman

Question 1. Reliable broadband access can frequently be hard to come by in rural communities that border our public lands. As you may know, I recently introduced the Public Lands Telecommunications Act, which provides public land management agencies with fee retention authority to increase funding for telecommunications deployment, and cooperative agreement authority to improve partnerships with local communities and the private sector to expand broadband access. I have long believed that our public land management agencies could do more to improve broadband access in remote and rural communities.

How do you believe the Department of the Interior could achieve this aim with new, sustained funding for telecommunications deployment, as well as cooperative agreement authority to improve partnerships with our constituents and the private sector?

Response: The Administration has not been requested to provide its position on your bill, H.R. 2425, the Public Lands Telecommunications Act, which was reported out of the House Natural Resources Committee on June 27, 2017. However, the Department supports innovative public-private partnerships, and believes that they are important for management of all federal lands. I have consistently advocated for increased internet access on our federal lands to help enhance the outdoor experience for visitors, particularly millennials.

Question 2. Ranching is important to my district. Last year, I rallied with local cattle and dairy operators to fight a lawsuit that would have limited their grazing rights in the Point Reyes National Seashore area. This is because I believe that carefully management of land resources can allow ranching and conservation to co-exist.

In my district, the Marin Carbon Project has demonstrated that rangeland soils can achieve significant carbon sequestration through use of 'carbon farming' techniques, such as the application of compost as a soil amendment. Barriers to such carbon farming techniques from being more widely among California's ranching community include lack of state and federal funding, and lack of understanding among conservation and land management agencies, and ranchers, regarding how carbon gets stored and lost in soils.

What steps could the Department of the Interior take to help local ranching communities integrate carbon farming techniques into traditional ranching practices?

Response: Being a good neighbor through better collaboration with local ranchers and ranching communities is a critical step to ensure the success of any government action. It is my belief that more meaningful involvement and cooperation with communities closest to our public lands will

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

result in innovative ideas and practices as well as better stewardship of the land and its resources.

Question 3. California salmon runs have collapsed during the recent drought, in both the Klamath and Bay-Delta watersheds. This year marked the lowest they have been on record, prompting a complete fisheries closure on the Klamath.

- i. How will your agency prioritize salmon restoration in the coming fiscal year? How is this need reflected in the Department of the Interior's budget, as proposed in the President's Budget Request?**
- ii. Does the Department of the Interior plan to participate in financing the proposed Delta tunnels (California WaterFix) that are currently under evaluation by federal regulators and the Bureau of Reclamation?**
- iii. Is there a finance plan for those tunnels? If so, can you provide it to us?**
- iv. Are any Bureau of Reclamation contractors ready to pay their proportional share of the cost of the tunnels?**
- v. How confident are you that this project will not result in the large cost overruns that are commonly characterize large infrastructure projects?**
- vi. Is the Bureau of Reclamation considering asking federal taxpayers to subsidize the construction of a Shasta Dam raise?**

Response: The President's Budget Request includes funding for salmon restoration activities in the Klamath and Bay-Delta watersheds. While the National Marine Fisheries Service (NMFS) is the primary agency charged with implementing salmon protections; Bureau of Reclamation project operations support many NMFS activities. Pursuant to the Central Valley Project Improvement Act (CVPIA), the Department developed the Anadromous Fish Restoration Program's 2001 Final Restoration Plan, which identified 289 actions and evaluations that were determined to be reasonable given numerous technical, legal and implementation considerations. The annual appropriation bill from Congress provides budget authority based on estimated CVPIA collections, and the obligation of these funds can only occur after the collections are made.

The President's budget request includes \$9.2 million for the Klamath Project for ESA activities for the 2013 Biological Opinion that will be implemented over 10 years, including effects analysis of ongoing Reclamation project operations and the Klamath River Coho monitoring program.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

On June 26, 2017, the U.S. Fish and Wildlife Service and NMFS released biological opinions on the proposed construction and operation of California WaterFix. The Department has made no funding-related commitments and has not been engaged regarding the creation of a finance plan. No decisions been made on raising Shasta Dam, as alternative means of financing (primarily non-federal) for the construction costs would have to be identified and approved by Congress.

Question 4. Renewable energy development has broad bipartisan support, and plays a large and growing role in our economy. A 2017 Department of Energy report found that solar supports 373,807 jobs. This is more than the number of jobs in natural gas (362,118), and over twice the number of jobs in coal (160,119). Wind also supports 101,738 jobs. Smartly-sited, large-scale renewable energy projects on public lands have drawn support from rural counties and other important stakeholders.

If the new Administration is committed to an “all of the above” energy strategy, then why is renewable energy the only energy program that is proposed to be cut?

Response: The America First Energy Plan is an “all-of-the-above” approach that includes oil and gas, coal, and renewable resources. The FY 2018 budget request funds onshore and offshore renewable energy development at a level that is expected to address current industry demand. The Department is also taking steps to improve its leasing processes, including implementation of BLM’s competitive leasing rule. This will support a competitive leasing process for solar and wind energy development. The rulemaking updates and codifies acreage rent and megawatt capacity fees for wind and solar energy projects, establishes a new rate adjustment method that provides greater certainty and fair return for use of the public lands, provides incentives for leases within designated leasing areas, updates project bonding requirements, and incorporates sensible solar and wind energy policies into the right-of-way regulations.

Question 5. On June 20, 2017, when Senator Cory Gardner asked you whether Canyons of the Ancients National Monument would be impacted by the broader federal review of NMs, you mentioned that it wasn't on your “priority review list.” This was despite the Canyons of the Ancients NM being specifically named on your list of National Monuments under review. Again, the following day (June 21, 2017), during a Senate subcommittee hearing, you indicated to Senator Tom Udall that you were unlikely to recommend changes to any New Mexico monuments.

Stating that some National Monuments will be left alone, even though they were listed on the DOI “priority review list” and before the public comment period is finished, seems arbitrary. Which national monuments are actually on your “priority review list?”

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Response: All of the national monuments listed in May 11, 2017, Federal Register have been reviewed in accordance with the President's Executive Order. The Secretary evaluated comments and, in certain instances, visited monuments as he prepared his recommendations for the President. As monuments were reviewed and found to require no modification, the Department removed them from the review and let press and local stakeholders know the Department's decision to keep all interested parties informed. A draft report was submitted to the President on August 24, 2017 and the final report was released to the public on December 5, 2017 and may be found

at https://www.doi.gov/sites/doi.gov/files/uploads/revise_final_report.pdf. Final action and authority rests with the President.

Part II

On May 24, 2016, Mr. John Bezdek, Senior Advisor to the Deputy Secretary, U.S. Department of the Interior, testified before the Water, Power, and Oceans Subcommittee regarding the bills H.R. 4366 "To affirm an agreement between the United States and Westlands Water District dated September 15, 2015, and for other purposes;" and H.R. 5217 "To affirm "The Agreement Between the United States and Westlands Water District" dated September 15, 2015, "The Agreement Between the United States, San Luis Water District, Panoche Water District and Pacheco Water District", and for other purposes." At the time, the Department of the Interior was supporting a legal settlement between the United States and Westlands Water District, and you have given no indication that this support no longer holds true in this new Administration. The Department of Interior never responded to questions regarding this, that I repeatedly submitted, and as such it is my sincere hope that you will address the following questions now that they fall under your tenure.

1. Please provide an estimate of the total financial benefit that would be provided to San Luis Unit contractors if H.R. 4366 and H.R. 5217 are enacted. Please include financial benefits associated with waiving Central Valley Project (CVP) repayment obligations, Reclamation Reform Act waivers, title transfers of property owned by the federal government and other direct and indirect financial benefits contained in both bills.

Response: The Department continues to support the enactment of legislation to resolve Reclamation's statutory obligation to provide drainage to the entire San Luis Unit, provided that an appropriate offset is identified. The settlement agreement authorized by HR 1769 would relieve the United States' obligation to provide drainage service to Westlands Water District (Westlands) in exchange for relieving Westlands from the obligation to repay certain debts,

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

primarily consisting of its share of capitalized construction costs for the Central Valley Project (CVP). While HR 1769 would reduce the need for appropriations related to this construction, it would have an upfront mandatory cost. If an appropriate offset were identified, the Administration would support H.R. 1769. The present value of the debts that would be relieved is estimated to be \$331.1 million. Reclamation's assessment of the benefits to the San Luis Water District pursuant to the April 2017 Agreement between the United States and San Luis Water District is estimated at \$69.1 million. These benefits primarily consist of the relief of current, unpaid capitalized construction costs for the CVP, relief of the current operations and maintenance obligations for the Grasslands Bypass Project and relief of the current, unpaid capitalized construction costs of the Demonstration Treatment Plant.

2. Under the settlement agreements, does the waiver of CVP repayment obligations include the capital obligation for the Trinity River Division facilities including the Trinity River hatchery?

Response: The relief of current, unpaid CVP capital obligations includes the Trinity River Diversion facilities, but does not include the Trinity River hatchery because the hatchery is considered non-reimbursable.

3. If the settlement agreements are enacted, how much Trinity River Division water will be allocated under the new 9(d) contracts provided for in the settlements?

Response: The CVP is an integrated system and is operated as such. Reclamation does not allocate or quantify water deliveries uniquely from individual units/divisions of the CVP. Under the settlement, new 9(d) contracts, if authorized by Congress, would continue to allocate CVP water as an integrated system, in compliance with Federal law, including then-existing biological opinions, and subject to shortage provisions.

4. As Trustee for the Hoopa Valley Tribe, how can the Administration agree to a settlement based on a CVP water supply to which the trust beneficiary tribe has first priority under Reclamation law, without ensuring that any pending dispute the San Luis Unit contractors have about that priority is fully and finally resolved in the beneficiary's favor?

Response: If the settlement agreements were approved by Congress, the Department would continue to fulfill its trust responsibilities to the Hoopa Valley Tribe, while managing the CVP as an integrated unit, subject to reclamation and other laws.

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

5. Section 3404(c)(2) of the Central Valley Project Improvement Act (CVPIA) requires the Secretary of Interior to incorporate in any contract for CVP water the provisions of the CVPIA and other law. Will you agree to fulfill that requirement in the agreements that would be authorized by the settlement, including: (1) the CVPIA requirement for contractors to pay for the costs of the Trinity River Restoration program for as long as water is diverted by the Trinity River Division; (2) acceptance of the separate priorities provided for in section 2 of the 1955 Act authorizing the Trinity Division and senior to diversions to the Central Valley? If not, why not?

Response: It is Reclamation's standard practice to include compliance with all applicable laws in any contract. In terms of funding, the Trinity River Restoration Program is funded by both the CVP Restoration Fund and appropriations. Westlands will continue to pay the CVP Restoration Fund charges based on its full contract amount, including on water above the 75 percent cap that Reclamation may use for other CVP purposes. Therefore, the Settlement will not impact CVP Restoration Fund collections.

6. Why does the Administration believe that this this drainage settlement should proceed when fundamental issues regarding entitlement to water for delivery to the San Luis Unit remain unresolved? If San Luis Unit contractors are not entitled to the water being sought in this settlement, wouldn't a consequent reduction in water deliveries to the San Luis Unit potentially resolve a portion of the drainage problem by reductions in CVP water deliveries to the San Luis Unit?

Response: Reclamation is unaware of any fundamental issues regarding its obligations to fulfill the San Luis Act of 1960 and deliver water, subject to certain conditions, to the CVP contractors in the San Luis Unit. Under the drainage settlement, the United States will have the exclusive right to use all CVP water made available to Westlands in excess of 75 percent of Westlands' contract quantity, or 895,000 acre-feet. The United States' exclusive right to use the CVP water made available to Westlands in excess of 895,000 acre feet will also be an enforceable term in Westlands 9(d) repayment contract.

7. On December 23, 2014, the Solicitor of the Department of Interior issued Opinion M-37030 regarding Trinity River Division Authorization's 50,000 Acre-Foot Proviso and the 1959 Contract between the Bureau of Reclamation and Humboldt County. In the 18 months since then, have the Department's water managers accounted for that opinion's conclusion in CVP operations models and estimates of water supply? If yes, what has the Department done? If not, why not?

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Response: Reclamation has begun implementing the opinion through its Long Term Plan to Protect Adult Salmon in the Lower Klamath River, including through the development of an environmental impact statement supporting the Plan, and its flow augmentation in prior years. Each of these actions is supported by modeling of CVP water supplies that includes consideration of proviso 2 of the opinion.

8. In an April 21, 2016 letter to Representative David Valadao, Deputy Interior Secretary Michael Connor states that “it is widely recognized that the drainage issue may have lessened over the last few years due to drought and irrigation efficiencies.” Has the Department of Interior developed any updated calculations since the 2007 Record of Decision to estimate the current cost of providing drainage to the San Luis Unit? If no updated estimates have been developed, does the Department of Interior believe – based on increased irrigation efficiencies and other developments since the 2007 Record of Decision – that a current estimate of drainage costs would be less than the costs identified in 2007?

Response: While Reclamation has not completed a comprehensive analysis of the changes in drainage patterns and needs that may result from the changes in cropping patterns and irrigation efficiencies that have occurred in the San Luis unit since the a 2008 Feasibility Study, historic hydrologic records indicate that wet cycles will return and drainage will again become a substantial challenge in the San Luis Unit. A variety of factors influence the cost of providing drainage service. Some costs, such as the costs of evaporation ponds, reuse areas, collection systems, and selenium biotreatment, could be reduced by changes in cropping patterns or other irrigation efficiencies, while other costs such as land retirement could increase over time. However, any such future cost estimates are speculative absent additional analysis, and any such cost savings are not expected to result in savings of such a magnitude that the Department would not continue to support the Westlands Settlement and San Luis Agreement.

9. The Termsheet on the proposed Northerly District Agreement is vague about the future status of the San Luis Drain, and the future management and cleanup of sediments in the Drain. Under some scenarios, the future management of the Drain and its sediments could have an adverse impact on national wildlife refuges and other wetlands that Interior Department agencies are supposed to protect under numerous laws. For example, Section 3406(d) of the Central Valley Project Improvement Act requires the Secretary of Interior to maintain and improve wetland habitat areas in California, by providing water supplies and supporting the objectives of the Central Valley Habitat Joint Venture. In accordance with the Department of Interior’s wetlands-related responsibilities, what is the

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Department's plan for the future management of the San Luis Drain in and around the Grasslands complex of state, federal and privately managed wetlands? How will the Department of Interior ensure that all potential impacts from the Drain and its future management and clean-up will not adversely impact these wetlands and the numerous species they support before the Department of Interior and the Bureau of Reclamation relinquish federal control of the Drain?

Response: Reclamation intends to continue to use the San Luis Interceptor Drain for the purposes of conveyance of drain water and storm water for the duration of the Grassland Bypass Project, which operates under the terms of the 2009-2019 Agreement for Continued Use of the San Luis Drain between the San Luis & Delta-Mendota Water Authority and Reclamation. The impacts of this use were evaluated in Reclamation's Grassland Bypass Project 2010-2019, Environmental Impact Statement and Environmental Impact Report and resulting Record of Decision.

Reclamation has met several times with Grasslands Water District and other stakeholders to discuss the possible future use of the San Luis Drain. However, no formal discussions have begun regarding the future use of the San Luis Drain outside of the general discussions with stakeholders.

If the San Luis Drain remains in Reclamation ownership and a new stormwater use agreement is desired by the local stakeholders after the expiration of the Grasslands Bypass Project in 2019, or other uses were sought for the drain by the local stakeholders, then Reclamation would work to negotiate the appropriate agreements for those uses and comply with the National Environmental Policy Act and other applicable Federal law to determine the potential impacts of those uses. If title transfer for the San Luis Drain to another entity or entities is authorized by the Congress, compliance with the National Environmental Policy Act and other applicable Federal law would be required prior to the transfer. As part of the title transfer effort, Reclamation would work with the receiving entity or entities to determine anticipated future use of the drain and analyze this anticipated future use, as appropriate, in the National Environmental Policy Act documentation and in compliance with applicable Federal law, prior to such title transfer.

**Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017**

Questions from Rep. Beyer

Question 1. Please confirm for me that the contract for Dyke Marsh is on track to be awarded before the end of the fiscal year.

Response: I am advised that the NPS awarded the contract for construction at Dyke Marsh this past fall, but work will probably not begin this calendar year since not all permits are yet in hand. However, I understand that the construction documents are complete and the permit application process is well underway.

Question 2. I increasingly hear concerns about traffic and traffic safety along the GW Parkway.

a. Please indicate how the Department tracks usage statistics for the Parkway.

Response: I understand that there are traffic counters on the roadway that track the number of vehicles on the George Washington Memorial Parkway (Parkway), trail counters on the Mount Vernon Trail to track bicycle and pedestrian usage, and entrance counters at some park sites that track vehicles and tour buses.

b. Please indicate how the Department tracks accidents along the Parkway.

Response: The United States Park Police (USPP) utilizes a centralized database, the Department's Incident Management, Analysis and Reporting System (IMARS), that allows law enforcement officers to electronically document accidents/incidents.

c. What is the Department doing to increase the safety of the parkway? Please speak to the Department's plans for Morningside Lane and how it will budget appropriately to be able to address safety concerns.

Response: The safety of park visitors is of the utmost importance. I understand that the NPS has implemented several recommendations from a 2016 Federal Highway Association safety assessment of Morningside Lane. Also, NPS has scheduled an additional study to begin next year to identify alternate traffic patterns within the local community to increase safety at Morningside Lane.

d. What is the Department doing to improve the accuracy of its traffic counts?

Response: I am told that the NPS is currently assessing equipment along the Parkway and working to replace those pieces that are in disrepair.

e. What is the Department doing to improve how it tracks accidents?

Response: The USPP continue to work on crash reporting in IMARS. Specifically

Questions for the Record
House Natural Resources Committee
Hearing on the FY 2018 Budget Request
June 22, 2017

dispatchers are being trained to document detailed locations of crashes. This associated with previous improvements should allow for more detailed and accurate reporting.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 7 2017

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

Dear Mr. Chairman:

Enclosed are responses to follow-up questions from the oversight hearing on the National Park Service held on September 27, 2017, before your subcommittee. These responses were prepared by the National Park Service.

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

Sincerely,

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

Enclosure

cc: The Honorable Mazie Hirono
Ranking Member

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
September 27, 2017 Hearing: *Encouraging the Next Generation to Visit National Parks*
Questions for the Record Submitted to Ms. Lena McDowall

Question from Chairman Lisa Murkowski

Question: Has the National Park Service done any surveys or studies of visitors and/or employees on their opinions of the necessity and desirability of connectivity in parks?

Response: The National Park Service (NPS) has not conducted visitor or employee studies specifically and solely focused on the necessity and desirability of connectivity in parks, but individual park visitor studies and surveys have sometimes included questions about the importance and quality of making/receiving cell phone calls while visiting the park. Additionally, we also receive comments for and against expanding connectivity in parks in responses to open-ended questions in surveys and on visitor satisfaction comment cards.

Questions from Senator Lamar Alexander

Question 1: Many National Park visitors would like to remain connected to the internet during their park visits. However, the infrastructure necessary to provide cell phone service and internet access could impact the scenery and enjoyment of the parks. How can we bring internet access to the millions of visitors that would like to stay connected while visiting our National Parks without destroying the beautiful landscapes of our nation's greatest treasure?

Response: New communications technology is becoming smaller and better able to broadcast signals farther, and designers are making it blend into existing buildings and infrastructure more seamlessly. By working collaboratively with providers to install the best new technology that is least visually obtrusive, minimize construction of new towers, and increase co-location of equipment, we should be able to increase internet access for visitors while continuing to protect national park landscapes.

Question 2: As technology is integrated into our National Parks, it is important that we work to preserve our National Parks for the benefit of all visitors. How can we recognize the balance between the benefits – like safety – and the harms – like disturbing the quiet wilderness – of increased cell phone use in National Parks?

Response: Searching for balance between the benefits of connectivity and benefits of maintaining undisturbed areas is a continuous process. We know many visitors want to be connected everywhere, while other visitors seek a break from the electronic world when they visit parks. The Park Service is dedicated to working with visitors and stakeholders to find a workable solution.

7

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks
September 27, 2017 Hearing: *Encouraging the Next Generation to Visit National Parks*
Questions for the Record Submitted to Ms. Lena McDowall

Questions from Senator Mazie Hirono

Question 1: Does the National Park Service have any partnerships that focus on encouraging international visitors to come to our parks? For example, I know that there are years where the US partners with another country for a travel year, like how this year is the US-India travel year. Does the Park Service engage with any of these initiatives to increase visitor diversity?

Response: The NPS works with a wide array of partners to promote and facilitate international visitation to national parks. Key actions include an ongoing and collaborative relationship with Brand USA, the tourism marketing organization for the United States; a consistent presence at travel industry trade shows to meet with international tour operators; providing content and information to state and local tourism offices to support international marketing efforts; and coordinating with other federal agencies on issues of policy through the inter-agency tourism policy council. The NPS has supported country-to-country initiatives and participates in related forums, such as a recent US-China Tourism Leaders summit sponsored by Brand USA. Lastly, national parks provide information in foreign languages to improve the visitor experience.

Question 2: We are beginning the third year of the Every Kid in a Park (EKIP) initiative. I know that the program has been successful in attracting fourth graders and their families to national parks. I also know from today's testimony that the Park Service has a number of other programs and initiatives centered on youth engagement.

How do EKIP and these other programs and initiatives fit into a larger vision of the future of the NPS? What is the Park Service's big-picture strategy to engage the next generation in parks? How will the Park Service measure success and monitor improvement in these endeavors?

Response: Our approach is based on a "ladder of engagement" to make connections with youth at different points throughout their early years. Efforts such as the popular Junior Ranger program, Every Kid in a Park, YMCA and Boy/Girl Scouts, and Parks as Classrooms often provide a child's first connection to parks and public lands. High school and college youth programs such as Youth Conservation Corps, Student Conservation Association Internships, and many other local-level programs provide a more immersive experience, while various Corps programs post-graduation provide job skills training and also a pipeline to careers in public service.

While we have no comprehensive, systematic measures of success in engaging youth, we are aiming to conduct robust evaluations of individual programs and we are working on better metrics. For many programs and initiatives that involve partnerships with non-profit organizations, our partners measure and evaluate the programs and provide reports that describe successes and make recommendations for improvements. For example, the Historically Black Colleges and Universities Internship program annual report provides

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks

September 27, 2017 Hearing: *Encouraging the Next Generation to Visit National Parks*
Questions for the Record Submitted to Ms. Lena McDowall

results of pre-internship and post-internship questions related to training outcomes and interest in the NPS, as well as testimonials about the impact of participation in the program.

Question 3: One of the conclusions in the last NPS study on visitor demographics was that more effort was needed to ensure that interpretive programming reflects the cultural experiences and history of all Americans, particularly those that have been traditionally underrepresented in national parks.

How has the Park Service worked since then to expand the range of stories told at national parks? How successful have these efforts been?

Response: In recent years, the NPS has collaborated with underserved audiences to identify and expand the stories told in national parks. Our interpretive philosophy has evolved to include community and visitor-created content which more holistically and inclusively tells the stories of all Americans. Creation of new NPS units such as the Harriet Tubman Underground Railroad National Historical Park, Stonewall National Monument, Cesar E. Chavez National Monument, Reconstruction Era National Monument have aided in recognizing histories of groups new to the National Park System.

Question 4: During a July 19, 2017 National Parks Subcommittee legislative hearing, I asked the National Park Service to provide the Committee with a list of all of the youth programs that the service is reviewing, and what the Service is focusing on during that review. I also asked how the Service engages with other federal agencies, like the Department of Education, and non-federal entities like the Corps network that would have an interest in enhancing these youth programs. I am requesting again that the Service provide this information to the committee.

Response: The Department of the Interior submitted the list of youth programs to the committee on October 12, 2017 as part of the responses to the Questions for the Record from the July 19, 2017 hearing.

The NPS engages primarily with other bureaus in the Department of the Interior, the Corporation for National and Community Service, the U.S. Forest Service, and National Oceanic and Atmospheric Administration (NOAA). When engaging with the Forest Service, it is typically in areas where parks and national forests are in close proximity and we share resources and youth participants.

Our interaction with the Corporation for National and Community Service is primarily through our non-profit youth serving service and conservation corps through participant enrollment in the Americorps Education Grants Program. The NPS has entered into interagency agreements with NOAA to support some of their scientific internship

**U.S. Senate Committee on Energy and Natural Resources
Subcommittee on National Parks**

**September 27, 2017 Hearing: *Encouraging the Next Generation to Visit National Parks*
Questions for the Record Submitted to Ms. Lena McDowall**

programs that utilize service and conservation corps with which the NPS has existing cooperative agreements.

The Corps Network is a primary non-federal partner for youth engagement programs. The NPS coordinates natural and cultural resource conservation project opportunities with the Corp Network's one hundred plus member organizations.

The NPS collaborates with the National Environmental Education and Training Foundation on two youth projects: Hands on the Land and Tribal Schools Science Technology Engineering and Mathematics.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

DEC - 4 2017

The Honorable Doug Lamborn
Chairman
Subcommittee on Water, Power and Oceans
Committee on Natural Resources
House of Representatives
Washington, D.C. 20515

Dear Chairman Lamborn:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's October 12, 2017, legislative hearing on H.R. 3144 and H.R. 3916.

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

Sincerely,

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

Enclosure

cc: The Honorable Jared Huffman
Ranking Member

House Committee on Natural Resources
Subcommittee on Water, Power, and Oceans
1324 Longworth House Office Building
October 12, 2017
10:00 AM

Legislative Hearing on

H.R. 3144, To provide for operations of the Federal Columbia River Power System pursuant to a certain operation plan for a specified period of time, and for other purposes, and H.R. 3916, To amend the Endangered Species Act of 1973 to vest in the Secretary of the Interior functions under that Act with respect to species of fish that spawn in fresh or estuarine waters and migrate to ocean waters, and species of fish that spawn in ocean waters and migrate to fresh waters. "Federally Integrated Species Health (FISH) Act"

Questions from Rep. Jeff Denham on H.R. 3916 for: Alan Mikkelsen, Acting Commissioner of the Bureau of Reclamation.

- 1) Section 3(c)(1)(A) of the bill says that all "*orders, determinations, rules, regulations, permits, grants, loans, contracts, agreements, certificates, licenses, and privileges....issued by the Department of Commerce.....in effect on the effective date of this Act shall continue in effect according to their terms until modified..*" by law or the President.

In 2014, NMFS issued a "*Recovery Plan for Sacramento River Winter-run Chinook, Central Valley Spring-Run Chinook, and Central Valley Steelhead.*" The recovery plan is regarded by local water agencies as a policy document rather than a scientific determination or a rule or regulation, but NMFS uses the plan as the basis and justification for ESA regulatory actions in the Central Valley.

Under Sec. 3(c)(1)(A), which agency – NMFS or USFWS -- would be responsible for implementing the 2014 recovery plan? If USFWS would be responsible for implementation, when would USFWS take over from NMFS and how would that transition be accomplished?

Response: Should H.R. 3916 become law, the U.S. Fish and Wildlife Service (FWS) will be responsible for implementing the 2014 Recovery Plan for Sacramento River Winter-run Chinook, Central Valley Spring-Run Chinook, and Central Valley Steelhead upon enactment. While we cannot speak to the specifics of how the transition would be accomplished at this time, the FWS would work closely with the National Marine Fisheries Service (NMFS) regarding past and current implementation of the plan in order to ensure a smooth and seamless transition of management responsibility.

- 2) Section 3(c)(2)(A) of the bill says "*This Act shall not affect any proceedings or any application for any benefits, service, license, permit, certificate, or financial assistance pending on the date of the enactment of this Act before an office transferred by this Act.*"

The section appears to allow NMFS to retain ESA jurisdiction in an on-going FERC hydroelectric licensing proceedings where NMFS can exercise its "mandatory conditioning" authority to force FERC to require that licensees carry out certain actions, such as providing fish passage over Central Valley dams, regardless of cost.

Under the bill, does NMFS retain its ESA authorities in current FERC licensing proceedings? If so, when is a FERC licensing process deemed to be "pending" – underway – under the bill? For example, does the process "start" when the applicant for a hydro license files its first *Notice of Intent*, or when FERC issues a formal *Request for Environmental Assessment (REA)* to NMFS, USFWS and other agencies after the final license application is filed?

If NMFS-mandated fishery actions become part of a final hydro license issued by FERC, what role, if any, does NMFS have in overseeing implementation of its mandated license conditions? Does the bill anticipate post-licensing ESA authority will reside with NMFS or USFWS? If the latter, how will that transition be accomplished?

Response: Should H.R. 3916 become law, at the time of enactment, any Federal Energy Regulatory Commission (FERC) hydrolicensing proceeding NMFS had begun work on in any way would be grandfathered and not transferred to the FWS. NMFS would continue to participate in these projects until the proceedings are concluded. Once the proceedings are concluded, FWS would assume responsibility for overseeing implementation of any license conditions that specify a role for NMFS, as well as any post-licensing monitoring. While we cannot speak to the specifics of how the transition would be accomplished at this time, FWS would work closely with NMFS to ensure a smooth and seamless transition of management responsibility.



United States Department of the Interior

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Washington, DC 20240

DEC - 1 2017

The Honorable Rob Portman
Chairman
Permanent Subcommittee on Investigations
Committee on Homeland Security and Governmental Affairs
United States Senate
Washington, D.C. 20510

Dear Chairman Portman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's July 12, 2017 oversight hearing examining the federal permitting process for major infrastructure projects.

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

Sincerely,

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

Enclosure

cc: The Honorable Tom Carper
Ranking Member

Questions for the Record
Submitted to Gary Frazer Assistant Director for Ecological Services
U.S. Fish and Wildlife Service
“Cutting through the Red Tape: Oversight of Federal Infrastructure Permitting and the
Federal Permitting Improvement Steering Council”
September 7, 2017

From Chairman Rob Portman

Please provide policies regarding and examples of how your headquarters are communicating the FAST-41 requirements to your field offices.

RESPONSE:

The U.S. Fish and Wildlife Service (Service) headquarters has used a variety of mechanisms to actively communicate about FAST-41 and its requirements to our Regional and Field Offices. We designated a national lead point-of-contact (POC) who has worked with Service leadership and our field and regional staff to share information about and implement the FAST-41 requirements. This includes disseminating FAST-41 materials; providing updates and question and answer sessions during monthly calls with regional counterparts; working one-on-one with regional and field staff to help educate them on FAST-41’s requirements; and hosting a national webinar on FAST-41, among other activities. Specific examples include:

- July 2016 – September 2017: The POC provided information via multiple conference calls and emails regarding FAST-41 implementation, the Permitting Dashboard, and the Federal Permitting Improvement Steering Council’s January 13, 2017 Guidance Document and January 18, 2017 Best Management Practices document to an expanded list of the regional coordinators and field staff tasked with FAST-41 and other environmental review responsibilities.
- September 28, 2017: Headquarters staff hosted an hour-long video conference on FAST-41 and related infrastructure initiatives (Executive Order 13807 and Secretarial Order 3355) for Service employees across the country. Headquarters staff presented information on the initiatives, recommended best practices for coordination, and answered employees’ questions.

From Ranking Member Tom Carper

In May, the EPW Committee heard from Leah Pilconis of the Associated General Contractors, that better shared databases on natural resources, and other such tools could help improve coordination between agencies. Do you agree that this could be helpful, and are there other digital tools or technologies that could help agencies review projects more quickly and effectively?

RESPONSE: Yes. The Service is building efficiencies into our review and permitting processes to improve and expedite review consideration for many projects. For example, our Information for Planning and Consultation (IPaC) online platform allows project applicants to quickly and

easily identify Service-managed resources that may be affected by a project (e.g., threatened and endangered species or National Wildlife Refuges) and, in some cases, seek concurrence that a project is not likely to adversely affect threatened and endangered species or is consistent with a programmatic Endangered Species Act (ESA) consultation. Other streamlining tools and efficiencies include recent Service guidance for expediting ESA consultations for certain restoration and recovery projects; increased use of programmatic consultations that address multiple projects; and large-scale Habitat Conservation Plans that allow for the efficient permitting of numerous individual projects within a geographic area.

One goal of the reforms we're discussing today is to encourage agencies to review projects they have a role in vetting concurrently to the maximum extent possible so that necessary reviews take less time. What progress has the Council made since it began its work in achieving this goal? What obstacles might prevent agencies from coordinating their work so that reviews can be done at the same time rather than back to back?

RESPONSE: The Federal Permitting Improvement Steering Council (Council) issued guidance and best practices for environmental reviews and authorizations in January of 2017. In addition, the Council has issued quarterly assessment reports on each covered project, which provides each agency with information on the progress made to date on the projects and needed improvements. Historically, the agencies were not always aware of individuals in other agencies working on the same project, and this lack of awareness created an obstacle to communication. This problem has been addressed by the Council's Permitting Dashboard (an online tool for Federal agencies, project developers, and interested members of the public to track the Federal government's environmental review and authorization processes for large or complex infrastructure projects), which includes contact information for each of the agencies and has improved project-level communication.

Earlier this year, the Inspector General at the U.S. Department of Transportation reported that DOT had implemented just over half of its planned actions from MAP-21 to accelerate projects, and that the FAST Act changes delayed the benefits of some already-implemented actions. Would you agree that legislative uncertainty and implementation delays can hinder our ability to achieve intended benefits, such as accelerating project delivery and reducing project costs?

RESPONSE: As a general rule, legislative uncertainty and implementation delays can hinder our ability to achieve intended benefits. However, we are not aware of any specific circumstances related to legislative uncertainty or delay that have affected implementation of FAST-41 within the Service.

Our witness on the first panel from the Natural Resources Defense Council argued that infrastructure projects are often held up not because of federal environmental reviews, but because of lack of funding or state and local laws and zoning requirements. When it comes to the latter, I understand that state and local governments are permitted but not required to participate in the Federal Permitting Improvement Steering Council's work. It seems to me that there would be some value in having state and local governments participating as much as possible given the role they play in getting a project off the ground. What are

your thoughts on state and local participation when it comes to coordinating permitting and other reviews and how can we and the Council encourage it?

RESPONSE: Environmental reviews and authorizations result in better outcomes and often proceed more quickly when all stakeholders are engaged early in the project design and review process. For example, early coordination that includes relevant state and local governments helps ensure that project sponsors are not asked or required to implement contradictory measures. The best way the Federal Permitting Improvement Steering Council can encourage local and state participation in coordinating permitting and other reviews is through information sharing and communication. Local and state governments need to be able to see how re-directing resources to increase coordination will result in better outcomes and benefit their communities.

One of the main responsibilities given to the Federal Permitting Improvement Steering Council is to maintain the Permitting Dashboard that shows schedules and other information for agencies' consideration of major projects. What benefits can this transparency bring, and what steps can be taken to improve the Dashboard and the quality of information published on it?

RESPONSE: The Permitting Dashboard provides other agencies, as well as project sponsors, an awareness of the permitting and other review processes required for a particular project or location. In addition, the Dashboard provides contact information for the project sponsors and agency POCs, facilitating communication among all of the project stakeholders.

The Service suggests two potential steps to increase the quality of information on the Permitting Dashboard: (1) increased coordination by agencies submitting data to the Permitting Dashboard; and (2) increased collaboration between the Service and the Federal Permitting Improvement Steering Council regarding appropriate milestones to track on the Permitting Dashboard.

This hearing has focused on the risks and uncertainties for projects prior to being built, which is important. However there can also be risks to infrastructure once it is built, particularly in low-lying areas that may see impacts from sea level rise. How do you believe that public agencies and project sponsors should be integrating climate change projections and sea level rise into project reviews?

RESPONSE: The Service recommends that public agencies and project sponsors use the best available scientific information when planning, reviewing, and implementing projects.

As we consider the potential for FAST-41 to improve the permitting process for an array of infrastructure projects, I believe we should pay particular attention to those projects that protect, restore, and enhance our natural infrastructure. Several projects currently covered under FAST-41 involve significant ecological restoration and resiliency components, including projects in areas ravaged by previous storms and hurricanes. One of these — the Mid-Barataria Sediment Diversion in Louisiana — is specifically designed to, among other things, re-establish natural processes needed to build wetlands and reverse habitat losses on the lower Mississippi River. So delays on a project like this could have

severe ecological consequences. Can you offer your perspective on opportunities we might have to expedite projects like this under FAST-41?

RESPONSE: Inclusion as a covered project under FAST-41 provides a variety of opportunities to expedite project reviews. For example, the increased early coordination associated with FAST-41 will help ensure that potential issues are identified early in the process, thereby avoiding potential delays. As another example, inclusion of the project on the Permitting Dashboard will provide an awareness of the various permitting and other review processes, as well as a mechanism for accountability.

From Senator Steve Daines

Mr. Frazer, thank you for testifying. I am engineer by trade. I am not a career politician, rather an engineer who spent 28 years in the private sector identifying and fixing inefficiencies.

As we work towards President Trump's goal of a one trillion dollar infrastructure package, a surefire way to make the American taxpayers dollars go farther is to eliminate redundancies and streamline the Federal permitting process.

Mr. Frazer, you mentioned that the Fish and Wildlife service is currently participating in numerous FAST-41 projects across all of your service regions. How successful has FAST-41 been in streamlining the review process and are there any areas in which you would recommend improvement?

RESPONSE: FAST-41 is well positioned to deliver enhanced communication, coordination, transparency and accountability for covered projects, providing an effective framework for streamlining environmental reviews and authorizations. The increased early coordination associated with FAST-41 will help ensure that potential issues are identified early in the process, thereby avoiding potential delays. Additionally, inclusion of a project on the Permitting Dashboard will provide an awareness of the various permitting and other review processes, as well as a mechanism for accountability. However, FAST-41 is relatively new and to recommend specific improvements at this time is premature.

The Service is currently a participating or cooperating agency in 22 covered projects "in progress" on the FAST-41 Permitting Dashboard (see attached list).

From our limited experience working on FAST-41 covered projects, the Service suggests two potential steps to increase the quality of information on the Permitting Dashboard: (1) increased coordination by agencies submitting data to the Permitting Dashboard; and (2) increased collaboration between the Service and the Federal Permitting Improvement Steering Council regarding appropriate milestones to track on the Permitting Dashboard.

“IN PROGRESS’ FAST-41 PROJECTS WITH CURRENT SERVICE PARTICIPATION OR COOPERATION

Alaska LNG Project

Atlantic Coast Pipeline, Atlantic Coast Pipeline Amendment, Supply Header, and ACP-Piedmont Lease Project

Boardman to Hemingway Transmission Line Project

Cardinal Hickory Creek Transmission Line Project

Chokecherry-Sierra Madre Wind Energy Project

Denbury Riley Ridge to Natrona CO2 Pipeline Project

Desert Quartzite Solar Energy Project

Gateway West Segments 8 & 9 Transmission Line Project

Gulf LNG Liquefaction Project

Jordan Cove LNG Terminal and Pacific Connector Gas Pipeline Project

Liberty Development and Production Plan

Mid-Barataria Sediment Diversion Project

Mountain Valley and Equitrans Expansion Project

Penn East Pipeline Project

Plains and Eastern Clean Line Transmission Project

R.C. Byrd Project

Swan Lake North Pumped Storage Project

Ten West Link Transmission Line Project

Tennessee Gas Abandonment and Capacity Restoration Project

Transwest Express Transmission Line Project

Venture Global Calcasieu Pass Terminal and TransCameron Pipeline Project

WB Xpress Pipeline Project



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

DEC - 1 2017

The Honorable Steve Chabot
Chairman
Committee on Small Business
House of Representatives
Washington, D.C. 20515

Dear Chairman Chabot:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Committee's October 11, 2017 oversight hearing on the Paperwork Reduction Act.

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

Sincerely,

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

Enclosure

cc: The Honorable Nydia M. Velazquez
Ranking Member

QUESTIONS FOR THE RECORD
Submitted to Stephen Guertin, Deputy Director for Policy
U.S. Fish and Wildlife Service
“Evaluating the Paperwork Reduction Act Part II: Are Burdens Being Reduced?”
House Committee on Small Business
October 11, 2017

Chairman Chabot

1. What flexibilities does the Service provide to help small businesses comply with information collections?

Response: The U.S. Fish and Wildlife Service (Service) strives to reduce the information collection burden on the public, particularly small businesses, as much as possible. For example, we are actively working to automate our most frequently used permit applications via the Service’s new ePermits System. We are modernizing the permit process from the current Adobe PDF form to a new streamlined electronic forms process, which will enhance the user experience and simplify the process for permit applicants. Once this new process is in place, the amount of time necessary for an applicant to apply for a permit will be drastically reduced. The Service also plans on eliminating the necessity for physical mail-in applications, thus reducing costs as well. With this modernized process, an applicant will be able to track and get notifications on the status of their application as it moves along the process.

In addition to targeted improvements in our permit processes, the Service also provides small businesses and other parties the opportunity to seek special accommodations related to our information collections. All information collection instruments administered by the Service include the contact information for the Service’s Information Collection Clearance Officer (ICCO). This information is included to solicit feedback regarding our burden estimates and other aspects of the information collection on an ongoing basis. Although we are unaware of any specific requests from small businesses for assistance with complying with Service collections of information, we are committed to working with the requestor to determine the appropriate accommodation to ease any burden. If the requested accommodations are outside the scope of the approved information collection, the Service’s ICCO will work with the program to revise the information collection for approval by OMB, if appropriate.

2. In your testimony, you stated that the Service reported to the Office of Management and Budget’s Office on Information and Regulatory Affairs (OMB-OIRA) for its 2017 Information Collection Budget that the Service had a decrease of 24,863 burden hours and a decrease of \$497,080 in annual costs. What steps did the Service take to create this decrease in burden hours and costs? How can this be applied to other agencies to reduce their paperwork burdens on small businesses?

Response: The reductions reported to OMB in the 2017 Information Collection Budget were the result of a thorough review of existing information collections that allowed for the elimination of unnecessary reporting requirements; changes in burden estimates due to decreased submissions;

and the discontinuation of completed information collections that were no longer needed. Examples of collections discontinued by the Service include:

- Monitoring of the Peregrine falcons, closed following the species' recovery and delisting under the Endangered Species Act;
- Reporting requirements for the Coastal Impact Assistance Program, which no longer issues financial assistance awards; and,
- Surveying of residents' attitudes on jaguar conservation, which is now completed.

The Service remains keenly aware of the need to monitor information collections affecting small businesses. Our ICCO works with the relevant programs to identify appropriate actions to minimize the burden placed upon small businesses. The Service's ICCO also works closely with agency rulemaking staff to thoroughly analyze all documents to determine whether or not information collection is included, changed, discontinued, and/or relocated within the regulations, or if they include new information collections requiring OMB approval. The close coordination between the ICCO and agency rulemaking staff has helped the Service to continuously review and update many of our collections of information. Other agencies would likely benefit from the same level of collaboration between their ICCO and rulemaking staff.

Representative Kelly

1. How does the Service measure burden hours to calculate the estimate? How do you know your estimates are accurate?

Response: The Service's ICCO works with Service programs to review actual submission statistics for the previous 12-24 months to develop a sound understanding of the anticipated number of respondents and responses for the renewal period. If appropriate, we adjust the burden estimates to account for any unusual events, pending rulemaking actions, or anticipated changes in statutory requirements.

The Service endeavors to validate our time burden estimates through targeted outreach to individuals familiar with the collections of information. The targeted outreach solicits feedback on:

- The necessity and practical utility of the information collection;
- Estimate of the time required to comply with the information collection;
- Any suggestions to enhance the quality, utility, and clarity of the information collection; and,
- Ideas to minimize the burden on respondents.

Based on the feedback from targeted outreach, the Service has: revised our burden estimates, as appropriate; consolidated similar information collection instruments to streamline compliance; and, automated processes to reduce burden time on respondents whenever possible.

2. How does the Service calculate the cost of an information collection request? How do you know your calculations are accurate?

Response: The Service's ICCO works with Service programs to review actual submission statistics for the previous 12-24 months to develop a sound understanding of the anticipated number of respondents and responses for the renewal period. If appropriate, we adjust the burden estimates to account for any unusual events, pending rulemaking actions, or anticipated changes in statutory requirements.

When calculating the dollar value of the "annualized labor hours burden" estimates for information collections, the Service uses the most recently published Bureau of Labor Statistics "Employer Costs for Employee Compensation". As appropriate, we use more specific labor cost tables when dealing with significantly higher or lower paid respondents in industries such as oil and gas (higher) or international manufacturing (lower).

The Service calculates the "non-hour cost burden" estimates associated with permit application fees and other allowable costs using data from the previous 12-24 month period, as well as data from the targeted outreach process.

Representative Bacon

1. The PRA encourages agencies to consider whether conducting pilot tests of an information collection is feasible. Does the Service conduct pilot tests of its information collection requests? If so, can you point to an instance where you lessened the burden on small entities after a pilot test?

Response: The Service has not recently conducted any pilot tests of its information collection requirements.

2. How often does the Service work with other agencies such as EPA or the National Oceanic and Atmospheric Administration (NOAA) to see whether there is any overlap in paperwork requirements from other agencies?

Response: The Service strives to prevent duplicative and overlapping information requirements in several ways. First and foremost, we rely on the expert knowledge of our program staff. Program staff work closely with their counterparts in other agencies (e.g., EPA and NOAA) and can identify, and eliminate, potential duplicative information collections under laws that we have split jurisdiction with another agency.

When seeking OMB-approval for new collections of information, the Service's ICCO first reviews existing approvals published on OMB's website to make sure that we are not duplicating the information collection requirements of other agencies. We also use government-wide common forms, when applicable. The ICCO also works closely with her counterparts at other agencies and actively participates in the Council of Agency PRA Officers (CAPRA) to share information and identify potential duplication. CAPRA consists of federal agency/departmental level PRA Officers who ensure compliance with the Paperwork Reduction Act.

The Service details efforts to identify and eliminate duplication in the supporting statement for all of our information collections.

Representative Norman

1. How does the Service periodically review existing information collection requirements to determine whether the information collection is still necessary or should be changed or removed?

Response: The Service's ICCO thoroughly reviews all rulemaking actions to provide an ongoing analysis of existing information collections to determine if they are still accurate and necessary. Additionally, the Service's ICCO initiates reviews of all collections approximately 9 months in advance of the collection renewal to determine whether the collection is still necessary and, if so, whether any requirement has changed or is no longer necessary. If appropriate, the ICCO works with the Service program to submit a request to OMB to revise or discontinue collections with changed or unnecessary requirements.

2. Since the Service is responsible for many different laws and regulations, how does the Service keep track of its authority to collect information?

Response: The Service's programs and rulemaking staff immediately notify the ICCO of any changes to Service authorities that affect existing collections of information or necessitate a new collection of information. The ICCO works closely with the appropriate program to determine the impact of such changes on collections to determine what action, if any, is deemed necessary.

3. In your testimony, you mentioned that the Service is taking steps to streamline the NEPA (National Environmental Protection Act) process. Can you explain in more detail what those steps are?

Response: The Service is working with the Department of the Interior (Department) to implement Secretarial Order 3355 on Streamlining National Environmental Policy Act (NEPA) Reviews and Implementation of Executive Order 13807, "Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure Projects". One of the primary directives of the Secretarial Order is to ensure timely completion of Environmental Impact Statements (EIS) by setting a target of one year from the issuance of the Notice of Intent to prepare an EIS to the completion of the Final EIS. The Secretarial Order also instructs bureaus to reduce paperwork and streamline the NEPA process by setting a page limit of 150 pages for EISs, or 300 pages for unusually complex projects. The Service is also considering other actions to streamline the NEPA process such as: developing tools such as Environmental Assessment templates to provide a consistent and streamlined approach to NEPA analysis and preparation; conducting a review of Categorical Exclusions to identify those needing updates and opportunities for the development of new Categorical Exclusions; and promoting the use of programmatic NEPA analyses to streamline routine actions.

4. We learned in a hearing in September that the NEPA process can take many years to complete. How does your agency plan to make sure NEPA decisions are made in one year?

Response: The Secretarial Order instructs bureaus to implement improvements, identify impediments, and recommend actions to streamline the NEPA review process. Some of the actions the Service is exploring include providing staff with training and tools such as templates, streamlining the document-approval process, and promoting early engagement by Service staff in NEPA reviews, especially for priority projects.

Representative Blum

1. There are instances of information collection requests that are posted on the Office of Information and Regulatory Affairs (OIRA) that have hundreds or thousands of hourly burdens on respondents, but there are zero costs. Why are there instances where there is a large hourly burden to collect information, but zero costs?

Response: The Regulatory Information Service Center & OIRA Consolidated Information System (ROCIS) only captures “non-hour cost burden” estimates associated with information collections, not “annualized labor cost burden” estimates associated with information collections. The Service reports annualized labor cost burdens to OMB in the Supporting Statement “A”, but OMB does not track that data through ROCIS.

When applicable, the Service does report “non-hour cost burden” estimates in ROCIS. These cost burden estimates take into account costs associated with generating, maintaining, and disclosing or providing the information (including filing fees paid for form processing, permit/application fees, etc.). Several of the Service’s information collections have no associated non-hour cost; thus, the dollar amount reported through the ROCIS platform will be zero.

Representative Knight

1. What is your agency doing to address concerns that agencies are not utilizing more electronic forms and other paperwork requirements?

Response: Through the use of online platforms, the public can quickly and easily conduct business with the Service that was previously more time consuming. The Service has endeavored to make processes easier for the public, as well as to make our operations more efficient, by making forms available electronically through our website. The Service has nearly 200 forms available to the public online, ranging from the “Horseshoe Crab Tagging Release Form” to the “Oil and Gas Operations Special Use Permit Application”.

Another example of the Service’s use of online platforms is the recently launched electronic version of the Federal Duck Stamp that allows users to buy stamps online through participating state licensing systems. A printed receipt, available immediately, is valid for 45 days, during which time a physical duck stamp is mailed. There currently are 23 states that participate in the e-stamp program. The stamp represents the permit required by the Migratory Bird Treaty Act of 1918 to hunt waterfowl and is required to be carried by every waterfowl hunter who is more than 15 years old.

2. For the information that you collect electronically, what is your agency doing to protect small businesses' privacy and sensitive data?

Response: The information that is collected through public-facing electronic forms is stored and protected within the DOI/FWS network on the relevant systems. Depending upon where the data is stored, it is generally secured with access level control (permissions); is encrypted while in transit; and can be further protected within associated databases. Once the information is collected and stored within the Service system, the data is only accessible to Service employees unless specified and approved for public consumption.