



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 27 2020

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

Dear Chairman Murkowski:

Enclosed are responses prepared by the Bureau of Land Management to questions for the record submitted following the October 31, 2019, legislative hearing to consider S. 1665, the *SOAR Act*, and S. 1967, the *Recreation Not Red Tape 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 Joe Manchin III, Ranking Member
Committee on Energy and Natural Resources

Questions for the Record
Senate Committee on Energy and Natural Resources
Pending Outdoor Recreation Legislation
October 31, 2019

Questions from Chairman Lisa Murkowski

Question 1: What is the average time it takes to process a permit for an outfitter or guide business?

Response: Time to process an application widely varies according to the complexity and uniqueness of the proposed activity. If the activity is common in a specific area, and similar permits have been issued in the past, a permit could typically be processed within a few weeks. If the activity is complex, unique, and has the possibility of affecting other resources, public users or permittees, the processing time could take longer.

Question 2: What is the average cost that it takes to process an outfitter or guide permit? Does the applicant pay back those costs?

Response: The BLM may recover direct and indirect costs related to a Special Recreation Permit (SRP) when it is determined that a proposal will take more than 50 hours of BLM staff time to process. . This includes the costs for multi-disciplinary resource specialists who analyze the effects of the proposal for NEPA compliance, the permit administrator's time, and the time the BLM spends monitoring the activities in the field. The BLM processes over 1,000 SRP applications per year, and fewer than 50 typically take more than 50 hours of processing time.

Question 3: In S. 1665 and S. 1967, how would being unable to recover costs for the first 50 hours of administering a permit affect the overall performance of the recreation permit program?

Response: Losing the ability to recover costs for the first 50 hours of processing a permit would require BLM District and Field Offices to cover these costs with appropriated funds. This could reduce the available resources for such offices and could reduce their capacity to respond to additional permit requests.

Questions for the Record
Senate Committee on Energy and Natural Resources
Pending Outdoor Recreation Legislation
October 31, 2019

Questions from Ranking Member Joe Manchin III

Question: I understand that Senator Heinrich’s bill, the SOAR Act, has a provision whereby someone who holds a permit can return unused days on their permit back to the Agency. Then, the Agency would be able to make those unused days available to other businesses to use. Ms. Haskett, can you give us a better idea about how this program might work? Specifically, who might be able to use these extra days and in what kind of situation? In places where the agency allocates a set number of permits for businesses and a set number of permits for members of the general public, would you be supportive of allowing some of the unused days to be reallocated to the general public, instead of businesses?

Response: The bill references “unused service days” which can be returned for other permittees’ use. The BLM does not use service days, however; therefore, this language would have no effect on the BLM. Nevertheless, the BLM is committed to finding new ways to increase flexibility for permit applicants.

Questions for the Record
Senate Committee on Energy and Natural Resources
Pending Outdoor Recreation Legislation
October 31, 2019

Question from Senator Steve Daines

Question: While still new, Recreation.gov appears to be helping more Montanans recreate by creating a one-stop shop for permits, tickets, tours and more. However, not all federal recreation opportunities are participating online and therefore visitors cannot see the full picture and may miss out on opportunities to visit certain parks, campsites and trails in Montana. How can the administration further incentivize more federal locations to participate on Recreation.gov?

Response: Recreation.gov has been adding new enhancements and functionalities that enable more of our varied recreation sites to participate. There are currently about 3,500 recreation areas and more than 100,000 individual reservable locations within the Recreation.gov inventory. There are also numerous locations in the process of bringing their recreation opportunities onto the platform. Our Federal recreation site managers across agencies continue to work with Recreation.gov to innovate and pilot new processes that enable more of these sites to use the platform.

Questions for the Record
Senate Committee on Energy and Natural Resources
Pending Outdoor Recreation Legislation
October 31, 2019

Questions from Senator John Hoeven

Question: Title II of the Recreation Not Red Tape Act directs agencies to work with branches of the military to improve veterans' and servicemembers' opportunities to engage in outdoor recreation. What practices does BLM currently have in place to promote recreation opportunities for servicemembers, veterans, and their families? How does the Recreation Not Red Tape Act align with your current efforts?

Response: The Department recognizes the great value of outdoor recreation to our military families, and the provisions in the *Recreation Not Red Tape Act* provide tools that align well with our current efforts. At the BLM, where one in five of our employees is a veteran, we partner with organizations that promote disabled veterans' recreation on public lands as part of their recovery. These include Project Healing Waters, Disabled Sports USA, FishingCommunity.org, and many others. It should also be noted that disabled veterans are eligible for free lifetime "America the Beautiful - National Parks and Federal Recreational Lands Passes."

The Department also greatly appreciates that veterans often choose to continue their service to the country by volunteering on public lands. The BLM, for example, has hosted volunteers from the Department of Defense Operation Warfighter Program and the non-profit Wounded Warrior Project.



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JAN 27 2020

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Chairman Huffman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's September 24, 2019, legislative hearing on multiple bills pertaining to the Service.

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 McClintock
Ranking Member

Question from Chairman Huffman

1. **Mr. Guertin, during the hearing you made a commitment to comply with my request for a copy of agency communications with the Westlands Water District and other non-federal parties on the biological opinions that are currently being developed for the Central Valley Project. Will this requested information be provided by October 11, 2019, as I and Chairman Grijalva have requested?**

Response: I understand that a production of responsive documents was transmitted to the Committee on November 15, 2019 and that the Department is continuing to identify and process documents responsive to this request.

Questions from Rep. Nydia Velazquez

2. **Mr. Guertin, as you may know, in 2017 the U.S. Fish and Wildlife Service's career scientists completed a draft biological opinion regarding the impacts of three toxic pesticides (malathion, diazinon, chlorpyrifos) on endangered species, and that review was effectively killed by Secretary Bernhardt for political reasons.**

The scientists concluded that chlorpyrifos, a deadly pesticide that causes neurological developmental problems in children, is putting 1,399 species on a path to extinction. Can you please tell me what steps the Service is taking right now to implement on-the-ground conservation activities to protect any endangered species from chlorpyrifos?

Response: The U.S. Fish and Wildlife Service (Service) has no regulatory authority over the use of chlorpyrifos. Our focus with regard to addressing the potential effects of chlorpyrifos use on threatened and endangered species is to complete a section 7(a)(2) consultation with the EPA regarding the re-registration of that chemical and two other organophosphate pesticides. The Service has been working extensively with EPA, USDA, and the pesticide industry to obtain better information on actual usage of these chemicals to inform our consultation, and we are now preparing biological opinions that evaluate these chemicals based on the actual usage data that is available. While this has delayed the completion and release of the biological opinions, it will ultimately ensure that the final biological opinions are based on the best scientific and commercial data available, as required by the Endangered Species Act (ESA).

3. **Similarly, Mr. Guertin, the career scientists at the Service expressed alarm that many endangered plants could be wiped out by pesticides because even just a single exposure could kill the pollinators that these plants depend upon.**

Given the Service's decision in 2018 to reverse a ban on neonicotinoid insecticides on wildlife refuges and the Service's continued failure to complete - or even take any

meaningful action - to make progress on pesticide consultations, please tell me what specific conservation actions on-the-ground that the Service is taking right now to protect pollinators from pesticides?

Response: Each proposed use of a pesticide on lands and/or waters managed by the Service or use of a pesticide by a Service employee requires a pesticide use proposal, which is reviewed for non-target resource impacts (including pollinators). An ESA intra-Service section 7 consultation is completed for the site-specific use of a pesticide to analyze the potential impacts to federally-listed, proposed or candidate species or designated critical habitat. These proposed pesticide use reviews and analyses can result in implementation of best management practices specific to the site and its wildlife and habitat resources. Best management practices may include adjusting the timing of a pesticide application to periods of the day when pollinating insects are less active or application of a pesticide when plants are not in bloom.

Question from Rep. Gregorio Sablan

- 4. Mr. Guertin - Where is U.S. Fish and Wildlife's strategic management plan for the Marianas Trench Marine National Monument? On January 6, 2009, President George W. Bush issued Presidential Proclamation 8335 establishing the Marianas Trench National Monument, in recognition of the unique biological, ecological, geological and cultural heritage of the lands, waters, and submerged lands of the Mariana Ridge. The Monument proclamation ensured the protection of rare and scientifically significant marine resources including the biologically rich waters of the archipelago's northern islands, as well as the unique geological and volcanic phenomena of the Mariana Ridge. Before and after the proclamation signing, promises were made to the people of the Northern Marianas by federal officials that have not been kept.**

Secretarial Order 3284 issued on January 16, 2009 - just ten days after the Monument proclamation - granting authority to the Secretary of Interior to manage the monument was delegated to the U.S. Fish and Wildlife Service. Fish and Wildlife was directed to prepare management plans and promulgate implementing regulations in two years - by January 2011.

Over eight and a half years later there is still no management plan. Little to no federal resources have been expended to promote the Monument. There is no Visitors Center and no plans for one. There has been scant public education and outreach programs. As a result, scientific exploration and research, tourism and recreational activities have not been realized. My constituents have been asking the federal government to make good the promise of the Monument from day one.

What can you tell me about the status of the Strategic Management Plan that is supposed to be provided by the Fish and Wildlife Service? When will it be issued? What work has Fish and Wildlife done in preparations for completion, and what steps if any are still needed? Will we ever see a management plan?

Response: This summer, a number of steps were taken to address and resolve important outstanding issues between the Service and National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NOAA Fisheries) regarding the draft Monument Management Plan and associated Environmental Assessment for the Marianas Trench Marine National Monument.

The Service and NOAA Fisheries are now coordinating with the Commonwealth of the Northern Mariana Islands before preparing a final draft Monument Management Plan for public review and comment. On September 3, 2019, the two agencies met with Lieutenant Governor Palacios and Chief of Staff Demapan for a briefing and open discussion on the draft Monument Management Plan.

Currently, the Service and NOAA Fisheries are awaiting comments from the Commonwealth government before putting the document out for public review. We will then work with partners for additional discussion and final review, and intend to publish a draft Monument Management Plan for public review and comment soon after. The Service will keep your staff updated as this process moves forward.

Questions from Rep. Jeff Van Drew

- 5. FWS does a lot of work with the National Fish Habitat Conservation Partnership. The National Fish Habitat Conservation Partnership is an established program that already has a list of success stories. How would this bill contribute to the current efforts?**

Response: At the national level, the Service implements the National Fish Habitat Partnership (NFHP) program by providing technical assistance and project oversight to eligible Fish Habitat Partnerships. The Service allocates congressionally appropriated funds for operations and through a competitive and results-driven process for partnership projects. Since its inception, the Service has provided executive representation on the NFHP Board and has provided staff support. At the regional and local levels, our staff administers financial assistance agreements, assists with required environmental compliance and permitting tasks, provides technical and engineering support, and coordinates the habitat conservation work of Fish Habitat Partnerships with other Service programs. The Service relies on a portion of the annual funding provided by Congress to support staff salaries that are essential to the sound execution of this program. Under the current model, the Service oversees implementation of the NFHP program and ensures that partnerships utilize available funding to meet fish habitat conservation goals.

Questions for the Record
Committee on Natural Resources
Subcommittee on Water, Oceans, and Wildlife
Legislative Hearing
September 24, 2019

H.R. 1747 seeks to vest the authority for administrative oversight and funding decisions of the NFHP program in the NFHP Board. This action would significantly impair the Service's ability to provide robust management, oversight, and accountability to the NFHP program. The bill would also reduce funds currently utilized by Service staff to administer this program by more than two-thirds. If this legislation were to become law, the Service would continue to engage with the program, as appropriate, and to the best of its ability. However, the altered funding and oversight model contemplated by H.R. 1747 would likely result in the Service reassigning field staff to other duties, which will curtail the Service's ability to continue as an effective member of this partnership, as it is currently administered.

6. Can you give some examples of how public-private partnerships have been successful under the North American Wetlands Conservation Act?

Response: The North American Wetlands Conservation Act (NAWCA) is the only federal grant program dedicated to the conservation of wetland habitats for migratory birds. Since 1989, funding has advanced the conservation of wetland habitats and their wildlife in all 50 U.S. states, Canada and Mexico while engaging more than 6,200 partners in nearly 3,000 projects. Examples of three projects that were recently approved by the Migratory Bird Conservation Commission include:

- Missouri River Valley Wetlands – Ducks Unlimited, Inc. will use \$1 million to acquire, restore and enhance 4,618 acres within major wetland and grassland complexes in the Missouri River Alluvial Plain in western Iowa and northwest Missouri, benefitting northern pintail, lesser scaup and many other species. Twenty-two partners will provide more than \$2,396,000 in match to achieve this project.
- Upper Snake River – The Teton Regional Land Trust will use \$1 million to protect and enhance 1,691 acres of migrating, breeding and wintering habitat in eastern Idaho. Twelve partners will provide more than \$2,391,000 in match. Species that will benefit include trumpeter swan, northern pintail and mallard.
- Border Prairie Wetlands VI – Pheasants Forever, Inc. and Ducks Unlimited, Inc. will use \$1 million to protect, restore, and enhance 1,655 acres of wetlands in Minnesota. Four partners will contribute more than \$3,582,000 in match to deliver this project. Species that will benefit include redhead, mallard, Northern pintail, canvasback, and ring-necked duck.

7. How much could coastal districts who rely heavily on healthy habitat to support fisheries and other wildlife for birdwatching, recreation, fishing, and tourism stand to lose economically should wetlands continue to be lost?

Response: Coastal habitats in the United States provide crucial habitat for fish and wildlife, as well as a wide array of social and economic benefits to their surrounding communities. With 90 percent of the nation's recreational harvest of fish and shellfish coming from coastal areas, and 85 percent of waterfowl and other migratory birds relying on coastal habitats, \$48.4 billion is generated in coastal habitats through the recreational fishing and migratory bird hunting industries. ¹Similarly, coastal habitats are a frequent tourism destination with Americans taking more than 900 million trips to coastal areas annually, providing \$44 billion in economic benefits through associated travel spending.

8. How do wetlands benefit hunters and fishermen?

Response: Wetlands provide important habitat for fish and important breeding, resting and wintering habitat that meets the needs of many migratory birds that are sought by hunters and others up and down the flyways on both public and private lands. NAWCA projects benefit hunters and anglers and others by providing public access, which may include one, some, or all of the following activities: hunting, fishing, trapping, wildlife observation, birdwatching, hiking/snowshoeing, canoeing/kayaking, tours, and educational activities. Other benefits provided by NAWCA wetlands include flood control, erosion control, and infrastructure protection. Additionally, wetland and associated upland conservation on NAWCA projects protect and improve surface water quality, filtering sediment and nutrients - enhancing fish populations, attenuating flood waters, and protecting surface drinking water supplies.

9. How will the \$18 million increase in annual appropriated funds further wetland conservation?

Response: NAWCA provides matching grants for wetlands conservation projects in the United States, Canada, and Mexico. NAWCA projects often include multiple tracts of land that are acquired, restored, and/or enhanced with grant funds, matching partner funds, or both. A NAWCA project must include non-Federal match that equals or exceeds the grant request (a 1:1 match). The project must have a clear connection between money spent and long-term, on-the-ground wetland benefits, and be cost effective. There is a great deal of interest by State, Federal, and local agencies, non-governmental organizations, and others in participating in the voluntary, non-regulatory NAWCA grant program. The program remains highly competitive with many worthy projects unfunded each year.

In addition to providing answers to the above questions, we respectfully request a follow-up to the commitments that you made to Committee members during the hearing. These include:

¹ U.S. Fish and Wildlife Service. 2016. National Survey of Fishing, Hunting, and Wildlife Associated Recreation.

10. In response to Mr. Huffman's concern over the delay in the Section 7 changes to the Endangered Species Act potentially affecting biological opinions, you committed to following up personally with the Department and to Mr. Huffman.

Response: The revisions to the regulations implementing Section 7 of the ESA went into effect on October 28, 2019, following a 30-day extension to provide for additional time for Service and other Federal agency staff to assimilate and be trained on the effect of these revisions on their consultation activities. The revised regulations do not have retroactive effect, so any biological opinion issued before the effective date is not affected.

11. In response to Mr. Grijalva's requests for documentation regarding potential political appointee changes to the new Endangered Species Act regulatory rules, and providing biological opinions on pesticides, you committed to speaking with the Department about the importance of transparency in this process.

Response: I have spoken with leadership in the Department of the Interior about the importance of transparency in the conduct of these ESA activities.

12. In response to Mr. Cox's question regarding the value of the rate of return per nutria trapped, you committed to providing for the record an estimate of the value of wetlands lost to nutria.

Response: It can cost anywhere from \$1,000 to \$15,000 to restore an acre of wetland. Previous calculations in the early 2000's have shown that Maryland was losing \$3,744,401 per year in direct economic damages and \$168,709 in ecological services, and \$541,079 in social damages, due to nutria.

A more recent example is the Shorter's Wharf Tidal Marsh Restoration project at Blackwater National Wildlife Refuge. The project cost \$1.4 million for 40 acres, which includes design, survey, construction, and planting. This project equates to \$35,000 per acre, and that is with dramatic improvements in the science and technology of restoration.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 23 2020

The Honorable Debra Haaland
Chair
Subcommittee on National Parks, Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, D.C. 20515

Dear Chair Haaland:

Enclosed are responses to follow-up questions from the April 3, 2019, oversight hearing entitled "*Examining the Spending Priorities and Mission of the National Park Service.*" These responses were prepared by the National Park Service.

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

Sincerely,

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

Enclosure

cc: The Honorable Don Young
Ranking Member

**U.S. House of Representatives
Committee on Natural Resources
Subcommittee on National Parks, Forests, and Public Lands
Examining the Spending Priorities and Mission of the National Park Service
April 3, 2019**

Questions from Chair Haaland:

Question 1: I want to follow up on my question regarding a department and/or agency level report documenting resource damage resulting from the department's decision to leave parks open during the shutdown.

- a. What parks were directed to remain open or reopen during the shutdown?
- b. What was the timeframe during which these sites were using FLREA funds to provide park services?
- c. What were the personnel and operational expenditures for each park that was open during the shutdown?
- d. Which of these expenditures were paid for using FLREA funds?
- e. What damage occurred and where?
- f. What is the estimated monetary damage to resources?
- g. What is the timeframe for mitigating this damage at each site?
- h. What funding accounts will be used to mitigate these damages?
- i. When does the NPS expect to complete this report?
- j. When can the public and this committee expect to receive a copy of the report?

Response: During the Fiscal Year 2019 lapse in appropriations, decisions were made initially about opening/closing parks in accordance with the National Park Service's (NPS) January 2018 contingency plan. That plan was modified in early January 2019, after the decision was made to allow the use of Federal Lands Recreation Enhancement Act (FLREA) revenue to pay for basic visitor services such as maintenance of bathrooms and sanitation, trash collection, campground operations, and staffing entrance gates as necessary to provide safety information. FLREA revenue also paid for excepted activities during the lapse that were appropriate to charge to FLREA accounts, including but not limited to law enforcement and emergency services. The NPS has since moved the costs of activities funded during the lapse through FLREA revenues to the appropriate accounts.

A final accounting of costs per park incurred on FLREA accounts during the lapse is attached. The NPS did not capture costs associated with basic visitor services and excepted activities that were not paid for with FLREA funds.

Regarding impacts to parks, using FLREA funds for maintenance and other visitor services enabled the NPS to provide more protection to park resources than would have been the case without the use of those funds.

Question 2: In April 2018, NPS finalized two proposals to increase park entry fees, standardize requirements, and impose fees for Commercial Use Authorization (CUA) permits. Although the CUA final plan does not go into effect until October 1, 2019, various parks have already started enforcing the new requirements, causing confusion and raising further concerns for the motor coach, tour and travel industry.

- a. Was this proposed change included in the Federal Register or was a federal docket established?
- b. How has the NPS engaged with stakeholders as directed by P.L. 115-765?
- c. In terms of implementation by NPS, where do the increases in park entry fees and the new CUA requirements stand?
- d. Are individual parks implementing both of these proposals and, if so, are they being implemented uniformly?
- e. What actions has the Department/NPS taken to work with the motor coach, tour and travel industry, to address their concerns and alleviate unnecessary burdens?
- f. What outreach or training has NPS provided to the park personnel in support of implementation?
- g. What outreach has NPS provided to the motor coach, tour, and travel industry to prepare them for the changes?
- h. Does NPS plan on making additional changes to the park entry fee or CUA final plan? If so, should, at a minimum, the October 2019 date and any actions taken by the individual parks be suspended until appropriate modifications to the plan are finalized to provide stability for the industry?

Response: On October 24, 2017, the NPS issued a press release requesting public input on two separate proposals: increases to fees at highly visited national parks during peak visitor seasons, and revised fees for road based commercial tours. The public comment period for both proposals was initially scheduled to close on November 23, 2017, but was extended through December 22, 2017. The proposed peak-season fee increase was revised to provide more modest year-round increases, and those are being implemented according to a park-by-park schedule. The CUA plan was originally scheduled to go into effect in October, 2019; but implementation will be delayed as necessary to ensure concerns have been adequately addressed.

The NPS has engaged in constructive dialog with stakeholders both prior to the request for comments on the CUA proposal and since the close of the comment period through participation in conferences, meetings, and phone calls. Notice of the public comment period was posted on the NPS Commercial Use Authorization web site and communicated to a variety of commercial bus tour industry association representatives. The NPS has also held multiple, public webinars on changes to the program since the close of the public comment period.

The NPS has taken a number of steps to address the concerns of industry stakeholders. Following the recommendations of the commercial road-based tour industry, the CUA changes will be uniformly implemented with a fee structure consisting of a \$300 application fee and a \$5 per-person CUA management fee. In addition, the per-person CUA management fee will be deducted from the cost of the per-person entrance fee at those parks that charge an entrance fee. Finally, the NPS plans to launch a service-wide CUA application and reporting website that will

allow a tour company to submit a single application for multiple parks and simplify the reporting process.

In order to facilitate the implementation of the new requirements, the program office has hosted multiple webinars for NPS staff on various aspects of the road-based commercial tour CUA program, including CUA insurance requirements and CUA accounting. The NPS also maintains a robust internal web site with guidance and tools available to all NPS employees.

Question 3: I want to follow up on my questions regarding first amendment rights.

- a. During the hearing you mentioned NPS received 180,000 public comments, but only 71,000 were substantive. Can you please provide a breakdown of 181,000 comments – are the majority of the comments in support of the changes to the regulation or not?
- b. What does the NPS consider “substantive” vs. non-substantive?
- c. What date will the proposed regulations be made public?

Response: In August 2018, the NPS proposed to revise regulations related to First Amendment demonstrations and special events at the National Mall and Memorial Parks and President’s Park in Washington, D.C. This included simplifying and streamlining regulations, increasing opportunities for the public to exercise their rights and enhancing tools to protect the iconic landmarks, views, and grounds for use and enjoyment by current and future generations.

The NPS received more than 140,000 comments (not 180,000, as was mistakenly stated during the hearing) on the potential changes, of which 71,000 were substantive. A substantive comment questions, with reasonable basis, the accuracy or appropriateness of the proposed change. It may also offer an alternative. A non-substantive comment states an opinion or an unsupported preference.

After reviewing the comments, on October 29, 2019, the NPS withdrew the proposal to revise these regulations. Therefore, demonstrations and special events at the National Mall and Memorial Parks and President’s Park will continue to be managed in accordance with the existing regulations.

Question 4: The NPS is seeking to revise Title 36, Parts 60 and 63 of the Code of Federal Regulations through a rule-making process that would alter listing in the National Register of Historic Places. NPS’s proposed changes would give large landowners – including extractive industry interests – an undue influence in the inclusion of properties on the National Register of Historic Places and would make it more difficult for State and Tribal Historic Preservation Offices to ensure the listing of appropriate sites. Concerningly, NPS has made the determination that this rule-making will have no significant impact on tribes. Based on this determination, NPS claims formal government-to-government consultation with tribal governments is not warranted. I find it hard to believe that giving landowners or agency personnel veto power over Tribal Historic Preservation Officers regarding the protection of tribal activities is a change that will have no significant effect on tribes.

- a. Why has the agency determined that this rule making is beneficial or necessary?
- b. How does the agency justify its finding that this rule making will have no direct effect on tribes?

- c. Why should private landowners in the vicinity of sites be given veto authority over the protection of historic resources? How is this consistent with the protection of historic resources?
- d. Will NPS solicit any tribal input on these changes beyond their potential input during the public comment period?

Response: As part of the National Park Service Centennial Act (P.L. 114-289), Congress amended the National Historic Preservation Act (NHPA) by adding a new paragraph (54 USC 302104(c)) establishing an exclusive process for the nomination by Federal agencies of properties to the National Register. On March 1, 2019, the NPS published a proposed rule to revise certain regulations in 36 CFR parts 60 and 63, regarding the listing of properties in the National Register and determinations of eligibility of properties for such listing. (See 84 FR 6996).

The proposed rule would revise existing regulations so that they are consistent with the new NHPA provisions. The proposed changes are also intended to give individual private property owners more control over whether their property is listed in the National Register as part of a historic district. For districts that cannot be nominated due to owner objection, the Keeper of the National Register (Keeper) would still make a determination of eligibility. Additionally, the changes would extend the timeline for the Keeper of the National Register to respond to appeals, in order to give the nominating authority sufficient time to provide its position and any relevant information regarding the appeal, and for the Keeper to consider any information provided by the State Historic Preservation Officer. Finally, the rule includes additional minor changes to the regulations that no longer reflect the current practice of how properties are listed in the National Register.

During the public comment period, representatives from several Tribes expressed concerns regarding the effect of the proposed rule on Tribes, and some Tribes specifically requested that government-to-government consultation be conducted regarding the proposed rule. Accordingly, on May 24, 2019, we announced that we would be conducting Tribal consultation to obtain input from Tribes on proposed changes to regulations governing the National Register. (See 84 FR 24179). We hosted two Tribal consultation sessions and established a 45-day comment period to obtain additional input from interested Tribes. A total of 65 Tribes and Tribal organizations submitted comments during the public comment period for the rulemaking and an additional 21 Tribes submitted written comments through the consultation process.

The NPS recognizes that Tribes maintain significant cultural, historical, and spiritual ties to many Federal lands, and is keeping this in mind while analyzing the more than 3,200 comments received during the public comment period and during Tribal consultation.

Question 5: NPS is struggling to fill and retain key positions at all levels of the organization.

- a. What is NPS's plan to fill senior leadership positions and retain top talent within the bureau?
- b. Per Secretary Zinke's FY2019 budget hearing, in 2019 16% of DOI employees were eligible for retirement, in five years the number of employees eligible for retirement

- will jump to 40%. What succession planning efforts are underway to transfer institutional knowledge and ensure continuity of operations?
- c. What practices are being implemented throughout the NPS to improve morale and motivate employees?

Response: We recognize that it is critically important to the smooth functioning of the NPS to have a full complement of leaders on board, and we are working diligently to fill our vacant Senior Executive Service (SES) positions. While we work through that process, we have capable employees filling those roles on an acting basis, gaining experience that will be useful if they seek permanent SES positions. To maintain a pipeline of potential senior leaders, we are encouraging high-caliber employees to apply to programs such as the SES candidate development program that will prepare them for higher levels of responsibility.

Although not all employees retire as soon as they are eligible for retirement benefits, we realize that a wave of retirements is approaching due to the aging of our workforce. In an organization that promotes sharing information and working in teams, the passing of institutional knowledge from older to newer employees is a natural part of our everyday work. In addition, to ensure continuity, the NPS has training programs for employees at every level of the organization to help develop the knowledge, skills, and experience they need to be successful in their fields.

With respect to employee morale, in our supervisory trainings, we stress the importance of making sure our employees feel safe, respected, and valued. To improve morale and motivate employees, the NPS uses the valuable data gathered through employee discussions and surveys, including the Federal Employee Viewpoint Survey, to make improvements in the work environment. The pervasiveness of harassment continues to be one of our largest concerns, which we are addressing by ensuring employees at all levels understand how to identify and report harassment and the consequences of engaging in harassing behavior. Our work with employee forums, such as the NPS Workforce Ambassadors and Employee Resource Groups, provides the opportunity to identify solutions that are meaningful to the workforce. We will continue to improve communications to the workforce on all of these efforts to gain an across-the-board assurance that the NPS leadership is dedicated to ensuring respect, civility, and inclusiveness among our employees.

Question 6: While NPS was already struggling to fill and retain senior management, then-Secretary Zinke began efforts to reorganize DOI into twelve unified regions.

- a. Does NPS intend to hire five new regional directors to cover the difference between NPS's seven regions and DOI's twelve regions?
- b. Does NPS intend to shuffle current regional directors again? Does NPS plan to promote current staff?
- c. What exactly is the NPS/DOI plan?
- d. What is the cost of this reorganization overall and at the impact of what budget accounts?

Response: The unified boundaries went into effect in August 2018, pursuant to a Congressional reprogramming. The NPS does not intend to hire five new regional directors; instead, some of the current regional directors have been assigned responsibility for more than one region.

The Department worked with each of the relevant bureaus to finalize their 2019 implementation strategies once the funds became available in February 2019, and took a careful and methodical approach in order to spend this money wisely. The 2019 funding helped implement changes needed within the bureaus to align their field operations to the new unified regional structure. This funding has also been used to identify the best strategies for implementing smarter ways of doing business through shared services at the regional, bureau, and national levels.

In FY 2020, the Department plans to continue implementing the reorganization effort, including standing up the unified regions, and improving operations through the use of technology, shared services and consistent best practices.

Question 7: News Reports have indicated that Acting Secretary Bernhardt is reviewing all proposed FLREA projects.

- a. Why is the Acting Secretary reviewing all FLREA projects?
- b. How many projects are currently under review?
- c. What criteria is the Acting Secretary using to review these projects?
- d. What is the anticipated review time for all projects?
- e. Is this review impacting seasonal hiring for day laborers associated with FLREA projects?

Response: We reviewed over 1,800 projects planned to be funded from recreation fees in FY 2019 to ensure they reflected legal and appropriate expenditures consistent with the six categories of expenditures allowed under the Federal Lands Recreation Enhancement Act (FLREA): facility repair, maintenance, and enhancement related to visitor enjoyment, access, and health and safety; visitor information and services; habitat restoration related to wildlife-dependent recreation; law enforcement related to public use and recreation; program operating or capital costs; and fee management agreements. This review caused no substantial delay in hiring or execution of projects. Most projects were approved to continue; approximately 6% of projects required additional review to ensure consistency with FLREA. We will continue to monitor projects, as necessary.

Question 8: Last year then-Secretary Zinke announced that he was sending law enforcement staff from national parks around the country to the U.S. Mexico border, taking rangers and officers away from already underfunded and understaffed parks.

- a. How many law enforcement officers were sent, and from which park units were they sent?
- b. Where was the funding for these transfers taken from and what work went undone as a result?
- c. If this is a priority, why did you request a decrease for NPS park protection funding in FY2020?
- d. Are you seeking to transfer current FY19 funds from park's accounts to support moving NPS personnel to the border?

Response:

The NPS has a long history of cooperation with the U.S. Border Patrol (USBP), which was formalized on March 31, 2006, through a Memorandum of Understanding (MOU) with the Department of Homeland Security.

In accordance with the President's commitment to secure our Nation's borders, the Department of Homeland Security requested that the Department of the Interior provide increased staffing levels on certain lands administered by Interior that are located on our Nation's southern border. As affirmed in the MOU, our commitment to this surge mission is assisting USBP in further preventing illegal cross border activities into the United States, and is further protecting our Federal lands and the natural and cultural resources they contain, as well as enhancing visitor safety.

For law enforcement activities across the NPS, the Fiscal Year 2020 budget request included \$324 million supporting roughly 2,277 Federal law enforcement officers. As of July 8, 2019, in FY 2019, the NPS had deployed 178 officers to work at the southwest border in support of the DOI Support Plan.

**Interior, Environment, and Related Agencies Appropriations
National Park Service**

Federal Lands Recreation Enhancement Act (FLREA) Costs
Basic Visitor Services and Excepted Activities, FY 2019 Lapse in Appropriations

Park	Amount*
Acadia NP	\$ 29,701
Amistad NRA	\$ 51,540
Andersonville NIS	\$ 4,886
Arches NP & Canyonlands NP	\$ 103,625
Assateague Island NS	\$ 26,531
Big Bend NP	\$ 83,183
Big Cypress NPres	\$ 28,386
Big Thicket NPres	\$ 14,527
Biscayne NP	\$ 23,218
Blue Ridge Parkway	\$ 75,283
Bryce Canyon NP	\$ 22,639
Buffalo NR	\$ 91,118
Cape Hatteras NS	\$ 6,335
Castillo de San Marcos NM	\$ 21,215
Channel Islands NP	\$ 4,636
Chickasaw NRA	\$ 3,043
Chiricahua NM & Fort Bowie	\$ 10,117
Christiansted NHS	\$ 9,827
Colonial NHP	\$ 46,892
Congaree National Park	\$ 5,356
Coronado NMcm	\$ 763
Crater Lake NP	\$ -
Cuyahoga Valley NP	\$ 106,559
Death Valley National Park	\$ 119,631
Delaware Water Gap NRA	\$ 91,693
Devils Tower NM	\$ 4,910
Dry Tortugas NP	\$ 9,766
Everglades NP	\$ 186,256
Florissant Fossil Beds NM	\$ 5,245
Fredericksburg & Spotsylvania NMP	\$ 22,863
Gateway Arch National Park	\$ 107,023
Gateway NRA	\$ 119,025
George Washington Memorial Parkway	\$ 67,392
Gettysburg NMP	\$ 5,198
Glacier NP	\$ 11,781
Glen Canyon NRA & Rainbow Bridge	\$ -
Golden Gate NRA & Muir Woods NM	\$ 198,048
Grand Canyon NP	\$ 578,768
Grand Teton NP	\$ 160,426
Great Smoky Mountains NP	\$ 239,608
Haleakala NP	\$ 72,153
Hawaii Volcanoes NP	\$ 87,044
Hot Springs NP	\$ 32,015
Hovenweep NM & Natural Bridges NM	\$ 8,238
Independence NHP	\$ 133,328
Joshua Tree National Park	\$ 271,524
Kaloko-Honokohau NHP	\$ 13,590
Lake Mead NRA	\$ 221,547
Lassen Volcanic NP	\$ 46,470

Interior, Environment, and Related Agencies Appropriations

National Park Service

Federal Lands Recreation Enhancement Act (FLREA) Costs

Basic Visitor Services and Excepted Activities, FY 2019 Lapse in Appropriations

Park	Amount*
Little River Canyon NPRes	\$ 5,552
Lowell NHP	\$ 7,155
Martin Luther King, Jr NIIP	\$ 5,664
Mojave NPRes	\$ 20,936
Mount Rainier NP	\$ 99,402
National Capital Parks-East	\$ 91,228
National Mall & Memorial Parks	\$ 110,523
New River Gorge NR	\$ 34,856
Nez Perce NHP, Whitman Mission NHS, Big Hole NB	\$ 1,895
Olympic NP	\$ 105,612
Oregon Caves NM	\$ 2,434
Organ Pipe Cactus NHS	\$ 82,573
Ozark NSR	\$ 44,952
Pea Ridge NMP	\$ 3,736
Point Reyes NS	\$ 12,867
Pu'uhonua O Hoonanau NIIP	\$ 13,852
Redwood NP	\$ 69,012
River Raisin NBP	\$ 2,217
Rock Creek Park	\$ 39,817
Rocky Mountain NP	\$ 133,283
Saguaro NP	\$ 26,318
San Antonio Missions NHP	\$ 23,409
San Juan NHS	\$ 137,773
Sequoia NP & Kings Canyon NP	\$ 221,920
Shenandoah NP	\$ 164,695
Sleeping Bear Dunes NL	\$ 11,136
Statue of Liberty NM, Ellis Island & Castle Clinton	\$ 418,606
Sunset Crater Volcano NM	\$ 2,584
US Park Police	\$ 3,543,886
Vicksburg National Military Park	\$ 11,345
Virgin Islands National Park	\$ 28,558
Voyageurs NP	\$ 19,241
War in the Pacific NIIP & American Memorial Park	\$ 26,777
Western PA Parks (Allegheny Portage, Flight 93, Fort Necessity, Friendship Hill, Johnstown Flood)	\$ 5,886
Whiskeytown NRA	\$ 42,962
White House	\$ 54,966
World War II Valor in the Pacific NM	\$ 27,256
Yellowstone NP	\$ 394,508
Yosemite NP	\$ 386,781
Zion NP	\$ 153,015
Regional & Central Indirect Costs	\$ 121,658
Total	\$ 10,293,768

*Amount does not include impact of retroactive pay raise to January 1st



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN 22 2020

The Honorable Jared Huffman
Chairman
Subcommittee on Water, Oceans, and Wildlife
Committee on Natural Resources
House of Representatives
Washington, DC 20515

Dear Chairman Huffman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's October 17, 2019, hearing on H.R. 2795, the Wildlife Corridors Conservation Act of 2019 and H.R. 3742, the Recovering America's Wildlife Act of 2019.

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 McClintock
Ranking Member

Questions from Rep. Sablan

- 1. My district, the Northern Mariana Islands, is home to several animal species that exist nowhere else on earth. Dozens of species of wildlife endemic to the Marianas, such as the Mariana Skink, the Micronesian Megapode, and the Mariana Wandering Butterfly, are listed as endangered by the Fish and Wildlife Service.**

H.R. 3742, the Recovering America's Wildlife Act would provide much needed additional resources, \$1.3 billion in dedicated funds to help all states and territories protect and recover endangered species through conservation actions prescribed in individual wildlife action plans.

H.R. 3742 would set aside 1.85 percent, approximately \$24 million in administrative funding to the Fish and Wildlife Service. Mr. Guertin, as you should be aware, despite great teams doing great work the territories generally have significantly limited resources and funding available to do what's necessary to recover endangered and threatened species and to support effective fish and wildlife conservation activities. With the additional funding this bill would provide to FWS, how would your agency support conservation efforts in the territories.

Response: The U.S. Fish and Wildlife Service (Service) is fully committed to supporting the work of the territories to recover endangered and threatened species. If signed into law, the Service would support the financial directive under the Recovering America's Wildlife Act and would also seek input as to what additional activities or services would assist territories in achieving their species goals. We recognize the importance of many of the endangered and threatened species in territorial areas and welcome recommendations from the territories about their needs for additional support.

- 2. Under current law, funding apportionments to each of the insular areas provide just 0.167 percent of the Wildlife Conservation and Restoration Account, whereas each state gets a minimum of one percent. Do you believe 0.167 percent is enough to implement effective wildlife action plans for the territories? Would you support legislation to give each territory state-equal funding allocations?**

Response: The Service is committed to restoring trust and fulfilling responsibilities to insular areas, and recognizes the importance of their natural resources. To inform further consideration, we would be happy to provide an analysis on how the overall apportionments to states and territories would be affected if an equal percentage was provided to states and territories. A notable change for territories to consider is if the existing law was to be changed to an equal percentage, the territories (not including Puerto Rico) would no longer have the matching requirement of \$200,000 for each grant waived. Due to the financial

Questions for the Record
House Natural Resources Committee
Subcommittee on Water, Oceans, and Wildlife
Hearing on H.R. 2795, the Wildlife Corridors Conservation Act and
H.R. 3742, the Recovering America's Wildlife Act
October 17, 2019

constraints realized by the territories, the match requirement is currently waived according to 48 U.S.C. 1469a(d); however, this waiver would no longer apply if territories and states received equal percentages.

(Following 48 U.S.C. 1469a, the Regional Director must waive the first \$200,000 of match to establish the final non-Federal match requirement for a project that includes funding from only one grant program or subprogram. If a project includes funds from more than one grant program or subprogram, the Regional Director must waive the first \$200,000 of match applied to the funds for each program and subprogram.)



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JAN - 9 2020


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

Dear Chairman Lee:

Enclosed are responses prepared by the BLM to the questions for the record submitted following the February 7, 2018, hearing before the Senate Committee on Energy and Natural Resources' Subcommittee on Public Lands, Forests, and Mining to consider pending legislation including *S. 1219, the Lake Bistineau Land Title Stability 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 Ron Wyden, Ranking Member
Subcommittee on Public Lands, Forests, and Mining

Questions from Senator Cassidy

- Mr. Steed, could you please identify other instances where property had been in private hands or State hands before the Federal Government made a claim that it owned the land?
 - If so, in which states and localities?
- Could you please provide the Committee with a complete list of information of every notification the agency has ever sent out regarding the re-survey of these lands including who the notification was sent to, the date it was sent, what type of notification it was (for example: whether a letter was sent to a landowner or it was listed in the Federal Register), whether the agency received any responses to any notifications, and any other relevant information.
 - What documents does BLM possess that verify individual landowners were individually notified? What documents does BLM possess that show that the offices that verify title to a property in the affected areas were notified so that title could be updated? Please provide these documents to the committee.
- Has BLM asserted its claim to these omitted lands?
- Were these omitted lands previously private or state land?
- Did BLM use Color-of-Title to assert its claim?
- Are PILT payments now being made to these states for these specific areas?

Response: As the Committee is aware, the legislation intended to provide stability to the underlying land title became law when President Trump signed the John D. Dingell, Jr. Conservation, Management, and Recreation Act on March 12, 2019. The lands identified in the Lake Bistineau Land Title Stability Act were purchased by the United States from France in 1803 and have not been conveyed out of Federal ownership. As such, the Federal lands near Lake Bistineau in Louisiana have never been in private or state hands, and are considered 'omitted lands.' While there is no formal method to track the exact number, the Bureau of Land Management (BLM)'s General Land Office Records website hosts images of and information about official survey records and is available to the public at gloreCORDS.blm.gov; additional information, including correspondence with affected landowners, is kept by relevant BLM State Offices. Finally, PILT payments were made to the State of Louisiana for these parcels while they were in federal ownership.