

U.S. House of Representatives
Committee on Appropriations
Subcommittee on Interior, Environment, and Related Agencies
Department of the Interior FY 2022 Budget Request Hearing
April 20, 2021

Questions for the Record – Department of the Interior

Questions from Chair Pingree:

Greater Sage-Grouse

The US Geological Survey issued a report in March which documents an 80% range-wide decline since 1965 and a nearly 40% decline since 2002 in the Greater Sage Grouse population numbers. In prior hearings we have discussed the Bureau of Land Management’s work with the U.S. Fish and Wildlife Service, Forest Service, states, ranchers, and NGO’s on a collaborative, science-based conservation strategy for the greater sage-grouse and its habitat on Bureau of Land Management and National Forest System administered lands. There is currently litigation on amendments by the previous Administration to some of Bureau of Land Management land management plans and grazing in priority habitat.

Pingree Q1: With the sobering information from the USGS report about the documented decline in the sage grouse and the possible extirpation of this species in various projections, how does the Department plan to reexamine and revise Bureau of Land Management land management plans to afford greater protections for the sage grouse?

- How will the Bureau of Land Management and the U.S. Fish and Wildlife Service use the monitoring framework developed by USGS to assess the effectiveness of Bureau of Land Management conservation efforts and analyze factors that contribute to habitat loss and greater sage-grouse population change?
- How will this information help make strategic management decisions?

Response: The U.S. Geological Survey’s (USGS) findings are alarming and point towards the need to further enhance our collaborative efforts to conserve greater sage-grouse and its habitat. The BLM’s 2015 greater sage-grouse land use plans, which are currently in effect, provide a strong framework for improving habitat conditions, appropriately managing land uses, and collaborating with our partners to conserve and restore this species. In each of these land use plans, there are commitments to adapt our management based on the latest population and habitat trends in collaboration with our partners. The BLM relies on science and research provided by our partners, including USGS’ monitoring framework, to inform our management decisions. The BLM has also recently confirmed its intent to assess and update the governing management plans, including taking into account the most recent information. The BLM will coordinate with USGS, the U.S. Fish and Wildlife Service, and the U.S. Forest Service to assess the best

available science and what actions are needed to conserve greater sage-grouse and the sagebrush habitats on which they depend.

Pingree Q2: Under the Biden Administration has there been a renewed effort at reinvigorating a collaborative, science-based conservation strategy for the greater sage-grouse and its habitat?

Response: The Administration is strongly committed to science informed conservation of our Nation's lands and waters, particularly important ecosystems. The conservation of sagebrush ecosystems warrants a landscape-scale approach to conservation, restoration, and management, as guided by the best available science and latest data. The BLM has maintained its focus on collaboration with our Federal, State, Tribal and non-governmental partners to collectively ensure the long-term resilience of this iconic species. In addition, the BLM has recently confirmed its intent to assess and update the governing management plans, including taking into account the most recent information.

Wild Horse and Burro Management

The Wild Horse and Burro issue is one of the most difficult issues confronting the Department. With approximately 98,000 animals on the range today when the Appropriate Management Level is 26,715, this is a problem that impacts the health of the land, the potential for wildfires due to the increased incidence of cheatgrass replacing native grass species, the health of the animals and other species on the range, and the ability for the land to sequester carbon.

Pingree Q3: Just in outlining the problem it is very apparent there is a nexus to the missions and goals of other Interior bureaus. Have you considered approaching this issue at a Departmental level so you can leverage resources and expertise to address this problem?

Response: The Department and the BLM agree that the management of wild horses and burros is a Department-level challenge; moreover, we see this challenge as an all-hands issue, in partnership with other Federal agencies; States; and local governments; Tribal governments; and non-governmental sectors. While only those wild horses and burros managed by the BLM and USFS are under the protection of the 1971 Wild Free-Roaming Horses and Burro Act, we recognize this is a complex issue that transcends the BLM and USFS as these animals move across National Park Service, Tribal government, State-managed and private lands.

Within the Department, the BLM works closely with the USGS to develop increasingly effective population survey methods and research into long-lasting humane population growth suppression methods; the U.S. Fish and Wildlife Service to consult and coordinate where threatened and endangered species habitat overlaps Herd Management Areas; and the National Park Service when wild horses and burros move onto their lands.

Orphaned/Abandoned Oil and Gas Wells and Mines

EPA's latest Draft Inventory of U.S. Greenhouse Gas Emissions and Sinks estimates that there are approximately 3.2 million abandoned onshore wells and only around one third of the abandoned well population in the U.S. is plugged.

The total universe of orphaned wells on federal land is not well established. The Bureau of Land Management has identified more than 200 orphaned wells, the U.S. Fish and Wildlife Service has identified more than 400 orphaned wells, and the U.S. Geological Survey has identified 30 wells that need to be plugged.

With less than 1,000 identified wells out of an estimated universe in the millions, it is evident that a complete inventory is necessary. Nevertheless, we know orphaned wells can leak greenhouse gases into the atmosphere and negatively impact the quality of the air we breathe, the water we drink, and the ecosystem services we depend on.

President Biden's American Jobs Plan includes \$16 billion to plug orphaned oil and gas wells and restore and reclaim abandoned mines. These efforts will create natural carbon sinks, reduce pollution, and provide employment.

Pingree Q4: What portion of that \$16 billion is estimated for the Department of the Interior?

- The FY 2022 President's budget provides over \$450 million to remediate thousands of orphaned oil and gas wells and reclaim abandoned mines on Federal and non-Federal lands. Which is estimated to create 250,000 good paying jobs.
 - How will this funding be allocated among the Bureaus?
 - What plan has been developed to coordinate this program among the Bureaus?

Response: The 2022 budget proposes to invest over \$450 million in increased funding to support reclamation jobs to address environmental and safety risks while bringing new jobs to hard-hit communities. The Reclamation Jobs initiative supports jobs plugging oil and gas wells and reclaiming and restoring abandoned coal, hardrock, and uranium mines on Interior lands as well as supporting similar work on non-Federal lands through States and Tribes.

The FY 2022 President's Budget includes a total of \$461.3 million, an increase of \$300.0 million from FY 2021 for the Reclamation Jobs Initiative. This includes \$93.7 million for BLM oil and gas well cleanup and \$24.2 million for the reclamation of abandoned hard-rock mine sites on BLM lands. The request also includes \$30.0 million for BSEE to address offshore oil and gas decommissioning needs, and \$165.0 million for Abandoned Mine Land and Economic Revitalization program grants. The budget also includes \$169.2 million for a new Energy Community Revitalization Program will provide additional funds to support reclamation

activities within Interior and \$90.0 million to support reclamation work on State and Tribal lands.

Pingree Q5: How do you envision this effort employing fossil fuel workers and newer recruits from the proposed Civilian Climate Corps?

Response: The President’s Budget outlines discretionary funding for science-driven conservation which includes support for a Civilian Climate Corps. The objectives of the CCC – to develop the next generation of conservation workers and create a new pathway to good-paying jobs may complement the Reclamation Jobs initiative. The CCC program will build upon existing programs and partnerships that share the same objectives—to tackle climate change on the ground, provide a living wage, provide skills and a pathway to employment, and reflect the diversity of America.

Pingree Q6: Is the Department in the process of developing a verifiable inventory of the wells located on public lands?

Response: The Department’s inventory of reclamation requirements varies bureau by bureau and a comprehensive inventory has not been completed. The budget includes funding in a new Energy Community Revitalization Program to inventory reclamation requirements on Interior-managed lands and lands managed by States and Tribes.

Pingree Q7: The Idle and Orphan Oil and Gas report documents on average it costs \$18,940 for states to plug an orphan well. A 2019 GAO report (GAO-19-615) states that the average value of bonds held by BLM for oil and gas wells was only \$2,122, which is a reduction from 2008 when the average value of bonds held was \$2,207.

- This bond is clearly not sufficient to plug a well. Is BLM currently analyzing what would be a more appropriate amount to require as a bond for oil and gas wells on public lands to provide sufficient financial assurance to reclaim orphaned oil and gas wells and make sure the American taxpayer is not bearing the cost of reclamation?

Response: The BLM recognizes the importance of operators providing adequate bonds to protect taxpayers from paying cleanup costs if an operator fails to properly plug and reclaim oil and gas sites. Current bond levels were established in 1960 – 61 years ago. The Department is currently undertaking a comprehensive review of its oil and gas program to evaluate whether the current bonding requirements reflect expected reclamation costs for wells today – this analysis

and any recommended changes will be intended to ensure that taxpayers are not unfairly burdened with the responsibility of cleaning up these sites.

President Biden recognizes the importance of cleaning up abandoned and often hazardous sites that are contaminating the air and water and causing ongoing public health and environmental damage. His commitment to this issue is reflected in the American Jobs Plan, which proposes \$16 billion to address orphaned wells and abandoned mines, and the President's FY 2022 budget request of over \$480 million, including in a new Energy Community Revitalization Program, which is more than double the FY 2021 enacted discretionary level. The BLM is currently engaged in a comprehensive review of known orphaned and idled (nonoperational) wells to verify orphaned well inventory on BLM-managed lands and is updating its policy regarding the orphaned well review process.

Pingree Q8: What Interior base resources will you devote to addressing this problem?

- What timeline are you assuming for the completion of this work?

Response: The FY 2022 budget request will provide additional details on base resources being devoted to addressing this issue. There are thousands of wells and mines that require reclamation on and off Federal lands. The Office of Surface Mining Reclamation and Enforcement estimates that remediation of abandoned coal mine sites will cost more than \$10 billion so it will take quite some time.

Within BLM Oil and Gas Management's FY 2022 request of \$120.1 million, there is an \$8.6 million increase for Orphan Wells and an \$18 million increase for Alaska Legacy Wells.

Timely Reports

Since Fiscal Year 2020 the Committee has been waiting for a report from the U.S. Fish and Wildlife Service outlining how the Cooperative Landscape Conservation program deviates from that which was presented to Congress in the annual budget justifications. I note the Department also never formally requested a reprogramming. It has been two years and we are still awaiting this information.

Pingree Q9: Can I have your commitment that you will send this report immediately?

- Will you also commit to more timely responses to Committee directives and adhere to the timelines directed by Congress for receipt of this information?

Response: The Report on the Cooperative Landscape Conservation program is currently being reviewed and will be provided shortly to the Committees. The Department is working to adhere to the Committee's timelines.

Civilian Climate Corps

Last week the Chief of the Forest Service testified before this Subcommittee that she was working daily with your Department to put forward recommendations on the President's proposed Civilian Climate Corps.

Pingree Q10: When do you anticipate the recommendations you are developing with the Forest Service will be finalized?

- How will you ensure there is no duplication of effort with other programs?
- How quickly can this effort be stood up?

Response: The Interior Department, in collaboration with the Agriculture Department and other relevant agencies, are working to finalize and share the initial principles for a Civilian Climate Corps in the coming months. We are engaging key agency program staff in relevant bureaus. They have been essential in providing input to ensure existing programs are supported and strengthened by the initiative, not duplicated.

Completing Hurricane Sandy Restoration Work

The House report accompanying the Interior bill has carried report language for the past two years encouraging the U.S. Fish and Wildlife Service to prioritize maintenance and restoration of units within the refuge system that were damaged by Hurricanes Sandy and Irene. This work is important as we seek to tackle climate change and reduce the impact of greenhouse gases on our atmosphere because coastal ecosystems capture carbon and when they are damaged or destroyed, they lose their capacity to sequester carbon.

Pingree Q11: When do you anticipate all the Hurricane Sandy repair and restoration work will be completed?

- To ensure your efforts were effective and lasting you undertook monitoring studies. Those studies are examining projects through 2023. Can you share any information you have to date regarding ecological and socioeconomic benefits and the cost effectiveness of your resilience and restoration efforts?

Response: The remaining Hurricane Sandy Restoration work includes three projects located at Chincoteague NWR, Prime Hook NWR and a multi refuge hydrologic modeling project.

- The Chincoteague NWR wetland restoration project will be completed by December 31, 2022. Sea level rise is a constant management concern to the natural salt marsh habitats of the refuge, with marsh submergence having a major negative impact on marsh-nesting species such as clapper rails, black rails, saltmarsh sparrows, seaside sparrows, American oystercatchers, and the American black duck. Restoring the tidal flow to the impounded salt marsh system will improve habitat quality, restore marsh transgression corridors, create salt marsh, and benefit salt marsh dependent species through the removal of impoundment dikes. Sediment from impounded wetlands will be used to restore elevation to existing over grazed salt marsh through elevation enhancement and revegetation. The removal of these impoundments is expected to provide additional storm buffering capacity (wave attenuation, flood attenuation and shoreline stabilization) for the island. Salt marshes are important in coastal hazard mitigation and climate change adaptation. The reestablishment of elevation in these systems is key to their storm buffering capacity and improvements to these systems are expected to provide for a landward transgression corridor to facilitate low and high marsh establishment as sea level increases.
- The Prime Hook NWR project will complete their adaptive management actions by December 31, 2021. Prime Hook National Wildlife Refuge accomplished the largest tidal marsh restoration project in the eastern U.S. The project restored a highly damaged tidal marsh/barrier beach ecosystem covering about 4,000 acres within the former freshwater impoundment system on the refuge. The result is a functioning beach/dune/salt marsh system with a restored hydrology that can keep pace with sea level rise, i.e., it is sustainable. This restored complex provides benefits to fish and wildlife resources by providing functioning habitat, provides storm surge and flood protection to local communities, as well as other ecosystem services such as carbon sequestration and enhanced recreational opportunities. Since completion of the project the marsh has continued to recover, with acres of marsh increasing each year since completion. The refuge has become a regionally important nesting areas for piping plovers and least terns, both of which are species of conservation concern. In addition, water quality has improved, river herring, hickory shad, and American eels have returned, and record numbers of horseshoe crabs are using the beach habitat. A noticeable reduction in flooding to access roads and communities has also been observed.
- The multi refuge hydrologic modeling project will be completed by December 31, 2022. This project will focus on collection of hydrologic data and development of a hydrologic model for the 575-acre East Pool impoundment at E.B. Forsythe National Wildlife Refuge. This work will assist the Refuge in the long-term management of the impoundment, which was constructed in a former tidal salt marsh in the 1950s and 1960s. The hydrological model will help in answering questions such as how much sediment would need to be added to the pool to allow full revegetation. Options to be considered

include a scenario with fully unrestricted tidal flow. In addition, to the E.B. Forsythe project, 3-5 other refuges that fall within the footprint of the Hurricane Sandy Recovery Grant work area will be evaluated.

The Department of the Interior's Hurricane Sandy Coastal Resilience program, administered through both the Department of the Interior (DOI) and the National Fish and Wildlife Foundation (NFWF), invested more than \$302 million, funding 160 projects primarily through the U.S. Fish and Wildlife Service and competitive grants administered by NFWF. Projects focused on: habitat restoration (rivers, marshes, beaches, and dunes); green infrastructure (living shorelines, water control structures); new science and tools (data collection, modeling, mapping); and community resilience planning. The program made significant achievements in all focus areas, including: 373 miles of river habitat restored; 190,000 acres of marsh habitat restored; 80 acres of beach and dune habitat along 11 miles of shoreline restored; 10 miles of living shoreline, mostly oyster reefs, installed at 29 sites; 160 rain structures installed, such as, gardens, basins and permeable paving; more than 500 science tools developed, e.g., models of storm impacts, tools to identify vulnerable areas, analyses of storm surge dynamics, maps of elevation changes; and 289 resilience plans, assessments, tools or engineering designs provided to communities. Projects were implemented in 12 States and collectively benefitted residents in more than 220 communities.

A key component of the Hurricane Sandy Coastal resilience program was to have an independent, third party evaluation, on the effectiveness of projects to improve resilience and provide ecological and community benefits. The evaluation includes a main report as well as six in-depth case studies, each of which is focused on understanding the impacts and effectiveness of projects. The evaluation has documented that the Hurricane Sandy Program has improved ecological and human community resilience in the region affected by Hurricane Sandy.

Initial findings are that projects have reduced flood risk and improved human safety through the removal of dams, including dams categorized as hazardous; culvert improvements; restoring and protecting coastal habitats that reduce storm surge; and provide for better management of stormwater. Additionally, projects have been found to improve water quality and provide habitat that is benefitting fish and wildlife species, in particular, migratory bird and fish species and species of conservation concern either at the State or federal level. Links to the main evaluation report and the in-depth case studies are provided below.

The program has successfully moved through the stages of project planning and implementation, funding a wide range of projects that have provided direct on-the ground benefits as well as catalyzed future resilience activities through better science and planning. Recognizing the need for long-term, systematic data collection to assess restoration success, NFWF and DOI supported additional, long-term monitoring at 38 projects through 2023. This phase of the program will provide the ability to measure and evaluate additional ecosystem services or benefits that can be realized through implementing natural and green infrastructure approaches, such as habitat

restoration and living shorelines, to improve coastal resilience. This monitoring work is intended to further advance and inform decision-making regarding how best to achieve sustainable coastal resilience at local, State, and national levels. Plans are underway to conduct another third-party assessment of resilience projects following completion of the monitoring program in December 2023. This evaluation will more fully characterize the resilience of restored ecosystems and document ecological and community benefits. As such, remaining resilience (mitigation) funds will be obligated by December 31, 2023.

1. Main Report: Evaluation of Hurricane Sandy Coastal Resilience Program

[https://www.nfwf.org/hurricane-sandy-coastal-resiliency-competitive-grant-program/hurricane-sandy-monitoring-and-evaluation;](https://www.nfwf.org/hurricane-sandy-coastal-resiliency-competitive-grant-program/hurricane-sandy-monitoring-and-evaluation)

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-evaluation-final-report.pdf>

2. Case Study: Improving Marsh Resilience through the Hurricane Sandy Coastal Resilience Program - findings suggest that investments the Hurricane Sandy Program has made in restoring marshes are generally on track to providing enhanced ecological resilience to marsh and nearby ecosystems.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-marsh-restoration-case-study.pdf>

3. Case Study: Cost-Effectiveness of Reducing Coastal Erosion through Living Shorelines in the Hurricane Sandy Coastal Resilience Program - Hurricane Sandy Program investments in living shorelines appear to be a cost-effective and ecologically sound approach for reducing coastal erosion and improving resilience.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-living-shoreline-case-study.pdf>

4. Case Study: Restoration of Aquatic Connectivity in the Hurricane Sandy Coastal Resilience Program -findings suggest that Hurricane Sandy Program investments in improving aquatic connectivity have increased the resilience of natural and human communities close to restored areas.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-aquatic-connectivity-case-study.pdf>

5. Case Study: Restoring Beaches and Dunes through the Hurricane Sandy Coastal Resilience Program - Hurricane Sandy Program investments in restoring beaches and dunes are generally on track to improve ecological and community resilience in nearby areas.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-beach-dune-restoration-case-study.pdf>

6. Case Study: Community Resilience Planning in the Hurricane Sandy Coastal Resilience Program - findings suggest that investments in the Hurricane Sandy Program have catalyzed resilience benefits by attracting additional funding for on-the-ground resilience activities and promoting resilience activities to a broader set of communities.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-community-resilience-planning-case-study.pdf>

7. Case Study: Advancing Coastal Resilience Science through Data, Mapping, and Modeling in the Hurricane Sandy Coastal Resilience Program - Hurricane Sandy Program investments in coastal resilience science projects have filled key knowledge gaps and helped to directly improve resilience-related decision-making.

<https://live-nfwf-2019.pantheonsite.io/sites/default/files/hurricanesandy/Documents/hurricane-sandy-coastal-science-case-study.pdf>

Office of Navajo and Hopi Indian Relocation

The Office of Navajo and Hopi Indian Relocation Commission was established to implement the settlement of a land conflict between the Navajo and Hopi Indian tribes. To fulfill its mission, the Commission assists with the relocation of Navajo and Hopi citizens off certain lands belonging to the other tribe. While many citizens are still eligible to appeal their denial of relocation benefits, there are only three families deemed eligible for relocation benefits remaining to be relocated. Consequently, Congress needs to determine next steps for the closure of the Commission and how to ensure any remaining Commission duties are fulfilled. One option considered under the Trump Administration was transferring any remaining duties to the Office of the Special Trustee, assuming a clean audit.

Pingree Q12: What are your thoughts on the potential for the Office of the Special Trustee or another Interior Department entity assuming the remaining Commission duties?

Response: The Department of the Interior recommends entering into consultation with the Navajo Nation and Hopi Tribe of Arizona to allow the Tribes to inform options for next steps regarding the functions of ONHIR. Interior is willing to assist with coordination of the consultation process, including producing a summary of recommendations that are communicated during consultation. The consultation summary can be used by the Administration and Congress to inform a transition plan for ONHIR responsibilities, including any statutory changes necessary to implement a transition.

Office of the Special Trustee of American Indians

In fiscal year 2019, Congress did not object to the prior Administration moving the Office of the Special Trustee (OST) from under the Office of the Secretary to under the Assistant Secretary of Indian Affairs. We made clear, however, that this move was not to make the Special Trustee permanent. At some point, the prior Administration decided that OST could not be moved under Indian Affairs. Instead of consulting with Indian Country or discussing with Congress, the prior Administration decided to, and began taking steps to, create a new bureau under Indian Affairs.

The Trump Administration then included a proposal to create a new bureau in its fiscal year 2021 budget request. Both the National Congress of American Indians and the Affiliated Tribes of Northwest Indians objected to the creation of this new bureau. The House of Representatives passed its version of the fiscal year 2021 bill in July 2020 noting concerns with the proposal to create a new bureau. Despite the House' concerns, the Trump Administration proceeded to begin creating a new bureau. In December 2020, Congress rejected the proposed budget structure for a new bureau and continued funding for the OST, rather than a new bureau, in fiscal year 2021.

Both Tribes and Congress are concerned that transferring all duties and functions of OST to a new bureau is an attempt to circumvent the sunset provision of the 1994 Indian Trust Reform Management Act. In addition, Congress, along with Tribal leaders, expressed concern about potential fragmentation and duplication of functions between OST and the Bureau of Indian Affairs. Specifically, there are serious questions about whether OST needs to continue performing any duties unrelated to its financial and accounting functions. As a result, in the fiscal year 2021 appropriations bill, Congress noted that it expects you to conduct your own analysis of the Department's trust responsibilities under the 1994 Trust Reform law and subsequent laws by the end of June.

Pingree Q13: Do you intend to engage in Tribal consultation when conducting an analysis of the trust responsibilities under the 1994 American Indian Trust Reform Act and subsequent laws?

- Some Tribes indicated they believe the last Administration did not truly consider their concerns on the future of OST's duties and functions. If you decide to propose moving forward with the creation of a new bureau in fiscal year 2022, how will you ensure

meaningful and sufficient weight is given to Tribal concerns and ideas on how to sunset the Special Trustee given the opposition already stated on creating a new bureau?

Response: The American Indian Trust Fund Management Reform Act of 1994 set forth certain statutory trust duties. The requested legal analysis will be performed within the Department. The Department does not consult on legal analysis. The Department engaged in extensive Tribal consultations in 2016 and 2017 on the future of OST, and the creation of the Bureau of Trust Funds Administration (BTFA) was, in part, a response to the feedback received in those consultations. If the Department contemplates any future Departmental actions with Tribal implications, we will conduct Tribal consultations as appropriate.

The transfer of duties and functions from OST to BTFA was not intended to circumvent the sunset provision of the American Indian Trust Fund Management Reform Act of 1994, but to facilitate the eventual termination of OST. The Department has permanent financial trust management duties which predate the creation of OST in 1994 and those duties must be performed after OST ceases to exist. One of the lessons learned over the past 20 years is that the Department cannot go back to managing Indian trust funds as it did prior to the 1994 Act. It was the Department's judgment that returning to the status quo ante (BIA control of the accounting functions) was untenable and, therefore, a separate entity was created to perform those functions going forward.

Climate Crisis in Indian Country

The President's fiscal year 2022 budget proposes an increase of more than \$450 million to address the climate crisis in Indian Country. While the budget indicates this investment is to facilitate climate mitigation, resilience, adaptation, and environmental justice projects in Indian Country, there are not many details provided.

Pingree Q14: Please explain in more detail the type of activities included and how you propose to allocate these funds throughout Indian Country in a fair and efficient manner.

Response: The FY 2022 budget includes \$395.8 million for critical trust natural resources activities, a \$136.9 million increase over the 2021 enacted level. The increases affect nearly all natural resource programs to support Tribal communities in sustainable resource management and in preparing and responding to the impacts of climate change, such as drought, wildfires, changes in the plants and animals important to subsistence and culture, rights protection, coastal erosion, and sea level rise. Funds will support Tribes to develop science, tools, training, planning, and implementation of actions to build resilience into resource management, infrastructure, and community development activities.

The request for the Tribal Climate Resilience program increases from \$17.0 million in 2021 to \$61.0 million in 2022. This funding will be used to fund Tribal Climate Adaptation Grants,

Alaska Village Relocation Grants, and a Tribal Civilian Climate Corps (CCC). The budget also requests an additional \$10.0 million for Tribal land acquisition efforts on and off current reservations to support sustainable land practices. Meaningful and robust Tribal consultation to determine the formula for distribution of the additional funding will be conducted with respect for Tribal sovereignty and a commitment to the trust and treaty responsibilities, which are the Administration's priorities.

The budget includes a \$6.0 million increase for the Forestry Projects program. This program supports forest development, inventory and planning, woodlands management, and timber harvest. The increase supports the application of science to provide tools and technical assistance to advance adaptive resource management. Specifically, the increase will support resource planning and management by applying technology to spatially illustrate the effectiveness of forestry and fuels projects and to deliver geospatial capacity, tools, training, and technical support to Tribal forest managers for climate change vulnerability analysis and for adaptation planning tools.

The 2022 budget funds Minerals and Mining activities at \$67.0 million to support Tribal energy and economic development. The budget includes a \$40.0 million increase to focus investment on the deployment of clean energy in Tribal communities. Through the Minerals and Mining activity, the 2022 budget continues the Department's commitment to the Indian Energy Service Center, which coordinates Indian energy development activities across Interior's bureaus.

Indian Loan Guarantee Program

The Indian Loan Guarantee Program is widely supported by Indian Country and is responsible for generating Tribal economic development. Due to a high rate of loan defaults, the total dollar value of loans that BIA may insure through this program decreased by approximately \$100 million in fiscal year 2021.

Pingree Q15: How do you propose to turn this program around to decrease the volume and dollar amount of loans going into default and to ensure more robust oversight to limit future loan defaults?

Response: The Division of Capital Investment continues to exert strong management and oversight over the Indian Loan Guarantee Program to serve the access-to-capital needs for Indian Country. The program's overall loss rate has improved in recent years due to the creation of the Collections Coordinator position in 2016. That official is charged with making certain defaulted loans assigned to the program after a paid claim for loss are pursued for maximum recovery through negotiated settlements with borrowers, or assignment to the Department of Justice or the Department of the Treasury for enforced collection when necessary. As of the second quarter of FY 2021, that person has helped collect over \$4 million in old, unpaid loans assigned to the

program from lenders after guarantee or insurance payment. Some of the debts on where a recovery has been secured, go back decades. And since March 31, 2021, another \$1.1 million has been secured from a loss attributed to a 2004 loan.

The program has implemented new policies specifically requiring additional program review and protection whenever a loan guarantee application is for a very large loan, or one in an unfamiliar field of endeavor. The outsized losses experienced in those years are therefore far less likely to be repeated going forward.

Tribal Lease payments

Federal court decisions appear to create an entitlement to compensation for 105(l) Tribal lease payments under the Indian Self-Determination and Education Assistance Act. In fiscal year 2021, Congress established an indefinite appropriation account for these costs in the same manner as contract support costs. Congress also directed both the Bureau of Indian Affairs and the Indian Health Service to develop guidelines regarding lease costs and encouraged both agencies to engage in dialogue with one another and with Tribes to develop policy guidance. Finally, Congress encouraged both Departments to discuss the funding classification of 105(l) Tribal lease payments.

Pingree Q16: What is the status of the directive in the fiscal year 2021 report? Has the Department engaged in conversations with the Department of Health and Human Services on 105(l) policy guidance? Has the Department initiated discussion with Tribes? If none of these activities have started, when do you expect discussions to begin?

Response: On March 3, 2021, Indian Affairs published 80 Indian Affairs Manual (IAM) Chapter 7 that documents Indian Affairs policy and procedure for executing a lease under the authority of the Indian Self-Determination Education and Assistance Act (ISDEAA), 25 U.S.C. § 5324(l) (“105(l) lease”). This followed Indian Affairs Tribal Listening sessions on June 29 and July 1, 2020. The Department of the Interior and the Indian Health Service have begun discussions regarding a joint consultation with Tribes and Tribal organizations regarding agency regulations and policies that determine the amount of space and other standards necessary to carry out Federal programs under a section 105(1) lease. The desired approach is to participate in a joint opening session followed by separate sessions. We anticipate holding those sessions this summer.

Pingree Q17: What is your position on whether 105(l) and/or contract support costs should be classified as mandatory, rather than discretionary?

Response: I will do everything I can to fully support Tribal self-government which includes making sure Tribes have what they need to administer programs. These costs are legal obligations which must be funded. Thanks to the work of this Subcommittee to make this funding an indefinite appropriation, there is now flexibility to address the lease requirements as they are identified.

Contract Support Costs—The President’s FY 2022 budget reflects the Administration’s support for the principles of Tribal self-determination and strengthening Tribal communities across Indian Country by fully funding Contract Support Costs. Contract Support Costs enable Tribes to assume responsibility for operating Federal programs by covering the costs to administer the programs. The 2022 budget for the Contract Support Costs account is \$346.5 million, which fully supports estimated needs at the 2022 request level. The 2022 budget continues to request funding for Contract Support Costs in a separate, indefinite current account to ensure full funding for this priority. The budget also includes a proposal to reclassify Contract Support Costs funding needed to meet legal requirements to Tribes from discretionary to mandatory funding starting in 2023.

Payments for Tribal Leases—The President’s FY 2022 Budget proposes \$36.6 million to fully fund costs for signed lease agreements under section 105(l) of ISDEAA. The 2022 budget continues to request funding for Payments for Tribal Leases in a separate, indefinite current account to ensure full funding for this priority. The budget continues to propose this funding in one account, Payments for Tribal Leases, within the Indian Affairs budget structure, which would be used to administer both BIA and Bureau of Indian Education (BIE) section 105(l) leases. The budget also includes a proposal to reclassify the Payments for Tribal Leases funding needed to meet legal requirements to Tribes from discretionary to mandatory funding starting in 2023.

Land and Water Conservation Fund – Recreational Access

The Great American Outdoors Act created a permanent funding stream for the Land and Water Conservation Fund, and there are requirements for the Department to submit project lists of potential acquisitions and supplemental projects under law. There is also a requirement under Section 200306 of Title 54 that you develop a priority list for Recreation Access projects.

Pingree Q18: Will you be submitting this list, or otherwise incorporating this information into, the proposed project lists you will be submitting with the FY 2022 budget?

Response: Yes. The Department will be providing information on proposed Federal land acquisition projects that support Recreational Public Access, as required by Section 200306 of Title 54. *[The FY 2021 LWCF Recreation Access project list was sent to Congress on July 29, 2021]*

Questions from Ranking Member Joyce:

Missing and Murdered Indigenous People

As a former prosecutor and co-founder of the Bipartisan Task Force to End Sexual Violence, I am encouraged by the Department's recent announcement to form a new unit within the Bureau of Indian Affairs Office of Justice Services to provide leadership and direction for work involving missing and murdered American Indians and Alaska Natives.

I am pleased to see that the Department is continuing this important work, given it remains a shared priority, and this subcommittee has been supporting the Operation Lady Justice initiative started under the previous administration.

Joyce Q1: What parts of Operation Lady Justice have been working well?

Response: Currently, we are implementing Operation Lady Justice components in advanced training and evidence response teams that are strengthening BIA's functional role in the Missing and Murdered American Indians and Alaska Natives Task Force set up in 2019. This better positions BIA to marshal law enforcement resources across Federal agencies and throughout Indian country.

Joyce Q2: Where do you see room for improvement that led you to establish this new unit?

Response: The Missing and Murdered Unit (MMU) incorporates the 2019 Task Force focused on the same types of incidents. The MMU will provide leadership in our law enforcement program to get everyone within and outside BIA on the same page. Duties will include directing and coordinating interagency work involving missing and murdered American Indians and Alaska Natives, as well as putting the weight of the Federal Government behind investigations across agencies throughout Indian country.

Joyce Q3: What is the proposed fiscal year 2022 budget for this work?

Response: Secretary Haaland formed a new Missing & Murdered Unit (MMU) within the BIA OJS to provide leadership and direction for cross-departmental and interagency work involving missing and murdered American Indians and Alaska Natives. The MMU will help put the full weight of the Federal government into investigating those cases and marshal law enforcement resources across Federal agencies and throughout Indian Country.

The FY 2022 budget proposes to invest \$16.5 million, an increase of \$5.0 million, for Law Enforcement programs and Special Initiatives to increase coordination of investigations and resolution of those cases and ensure accountability. The MMU will coordinate with other Federal agencies in addressing the underlying causes behind those numbers, including—among others—sexual violence, human trafficking, domestic violence, violent crime, systemic racism, economic disparities, and substance use and addiction. Federal partnerships to address the number of missing and murdered Indigenous peoples will be governed by the Nation-to-Nation foundation of our relationship with Tribal governments and respect for Tribal sovereignty and self-determination. The challenges in Tribal communities will be met by solutions that are informed and shaped by Tribal leaders and Tribal governments.

Joyce Q4: Are there other pieces in the FBI or other agency budgets that we should be funding to help you succeed?

Response: Historically, the Department of Justice (DOJ) has funded liaison positions that proved valuable in collaborative efforts with the United States Attorneys' Offices. The FY 2022 DOJ budget provides details on those positions.

Opioids / Indian Country

The opioid epidemic has been affecting every person and household across the country, and the COVID-19 pandemic has made the situation worse. That is why Representative Derek Kilmer and I are working hard together this year to pass our bill, H.R. 654, the Drug-Free Communities Pandemic Relief Act.

The situation is perhaps more dire in Indian Country than anywhere else, which is why this subcommittee has strongly supported the Department's Joint Opioid Reduction Task Force, begun under the previous administration, and led by the Bureau of Indian Affairs.

Last year, the Task Force led 14 operations across seven states, resulting in more than 313 arrests and the seizure of 2,607 pounds of illegal narcotics with an estimated street value of \$19.6 million, more than double the price tag from the previous year.

Joyce Q5: Does the Department intend to keep the Task Force going? If so, what additional resources are needed to build on last year's success?

Response: As long as opioids continue to plague our communities, we will keep up our efforts. The Task Force is part of a government-wide effort targeting opioid and other substance abuse prevention. In terms of successes, BIA's canine teams have been very effective in disrupting drug trafficking routes.

30x30 / Private Landowners

I mentioned in my opening remarks some of the concerns that I and others have with interpretations of the President's so-called "30-by-30" goal. His Executive Order does not say federal lands—it says our lands. It also does not say preserving or protecting—it says conserving.

The Secretary has been leading an effort to solicit input and send recommendations to the President's National Climate Task Force by April 27.

Joyce Q6: Does the Department agree that urban and suburban residents can play a vital role in conservation for pollinators and other small critters that do not depend on large acreages, and have you found a way to include them in the 30-by-30 goal?

Response: Yes, President Biden has encouraged Americans to join in the conservation of at least 30 percent of our lands and waters by 2030. Rather than simply measuring conservation progress by national parks, wilderness lands, and marine protected areas in the care of the Federal government, the vision includes conservation efforts by private and non-Federal landowners, and the vital importance of investing in conservation in urban and suburban areas where over 80 percent of Americans live. The suburban and urban conserved areas include playgrounds, trails, and open spaces. These urban and suburban greenspaces improve public health, increase property values, and strengthen communities, as well as improving biodiversity, ecosystem services such as air quality and reduced storm water runoff, moderating local climate and provide aesthetic and recreational values to communities.

Great Lakes Restoration Initiative

The Great Lakes are especially vital to my district in Northeast Ohio. The Lakes are the largest freshwater system in the world, providing drinking water for 48 million people and generating more than 1.5 million jobs and \$60 billion in wages annually.

Given the environmental and economic importance of the Great Lakes, I have made it a top priority to fight for their protection in Congress. That is why I was pleased to see that the Administration's infrastructure plan recognizes the need to invest in the protection and restoration of major water resources, like the Great Lakes.

Joyce Q7: Does the fiscal year 2022 budget request support ongoing Great Lakes restoration projects that the Department's bureaus – including the Fish and Wildlife Service and the U.S. Geological Survey – are carrying out in partnership with EPA through the Great Lakes Restoration Initiative?

Response: The FY 2022 Budget includes a total of \$103.2 million to support the restoration of the Great Lakes, an increase of \$13.0 million, which include programs in the U.S. Geological

Survey, the Fish and Wildlife Service, and the National Park Service. This funding is in addition to the joint work with EPA and other agencies through the Great Lakes Restoration Initiative.

Joyce Q8: Why is continuing work to prevent the spread of invasive carp and harmful algal blooms important for the long-term health and economic vitality of the Great Lakes ecosystem?

Response: The Great Lakes provide drinking water, transportation, power, and recreational opportunities to the 30 million people and holds 95 percent of the surface fresh water in the United States. The lakes are the heart of industries responsible for more than 1.5 million jobs and \$62 billion in wages. Environmental degradation has left the Great Lakes imperiled. USGS and FWS work alongside partners to protect, restore, and maintain the Great Lakes ecosystem.

More than 180 non-native species are established in the Great Lakes. The most invasive of these reproduce and spread so quickly that they out-compete native species. The addition of invasive carp to the ecosystem would further degrade habitat and disrupt food webs. Early detection, risk assessment, and development of control tools and strategies are intended to prevent the establishment of invasive carp in the Great Lakes and to reduce their impacts in the Mississippi River Basins and elsewhere.

An algal bloom may be called harmful because of resulting reductions in dissolved oxygen concentrations, alterations in aquatic food webs, unsightly scums along shorelines, production of taste-and-odor compounds that cause unpalatable drinking water and fish flesh, or the production of toxins potent enough to poison aquatic and terrestrial organisms. Harmful algal blooms have been confirmed in inland reservoirs and lakes in Ohio, Kentucky, and Indiana, in the Ohio River, and in Lake Erie. Economic damages related to HABs include loss of recreational revenue, decreased property values, and increased drinking-water treatment costs.

Land and Water Conservation Fund – Recreational Access

The Great American Outdoors Act created a permanent funding stream for the Land and Water Conservation Fund and nearly doubled the annual funding amount. Included in the statute is the requirement that acquisitions to improve recreational access total not less than three percent of the appropriation. The Congressional Research Service reports that the extent to which agencies prioritize acquisition funding for recreational access might vary among agencies and from year to year.

Joyce Q9: How will the Department define recreational access under the new Administration? How much of a factor will it play in the agency’s prioritization of annual acquisition projects?

Response: Because each bureau seeks to address recreational access challenges unique to their lands, the Department employs a broad definition or approach to encompass and reflect the

diverse nature of its portfolio. Recreational access continues to be an important factor in the Department's prioritization of annual acquisition projects.

National Park Service – Replacement of GPS Devices

Over the last two years, Congress has provided \$6 million to help the National Park Service replace its GPS data collection devices because roughly 25 percent of them were reliant on an outdated operating system.

Joyce Q10: What percentage of the devices have been updated?

Response: The NPS appreciates the funds provided by the Subcommittee and is investing them to ensure we have a lower-cost, more robust system that will be easier to maintain in the long-term. The NPS will have replaced a majority of the devices with the funding provided in FY 2021.

Joyce Q11: Does replacing these devices help the Park Service improve visitor safety, facilities planning, and lands administration?

Response: The funding provided helps the NPS modernize its capabilities. This modernization supports all operations, including visitor protection, facilities planning, and lands administration.

Joyce Q12: How does this effort align with the Department's IT security requirements?

Response: Modernization of NPS mobile data collection devices supports DOI IT security efforts by ensuring that the operating system for these devices and the way in which they are used in the field is consistent with security requirements for other mobile devices, smartphones, laptops, desktops, and servers.

Increased Federal Spending / Stewardship of Taxpayer Dollars

As a result of the COVID-19 pandemic, Congress has provided trillions of dollars in economic stimulus and relief to help Americans tackle unique challenges.

On the heels of this unprecedented spending, the President's fiscal year 2022 budget request calls for over \$1.5 trillion in discretionary funding, which includes a \$2.4 billion increase for the Department.

Joyce Q13: Given it is essential that we as appropriators work to restore fiscal responsibility when examining the fiscal year 2022 request, can the Department explain why these funding increases are necessary in the wake of record-breaking deficit spending?

Response: The FY22 Budget Request will provide additional supporting detail demonstrating why these funding increases are necessary.

Joyce Q14: Should Congress enact the fiscal year 2022 budget request, as well as the President's proposed infrastructure plan, does the Department have the financial controls in place to protect such a significant amount of funding from waste, fraud, and abuse?

Response: Interior takes its stewardship of taxpayer dollars seriously and actively works to prevent waste, fraud, and abuse through implementation of bureau and office administrative control of funds systems, as prescribed in OMB A-11 Appendix H.

Interior's Financial Business Management System (FBMS) is a significant tool in each bureau's/office's Administrative Control of Funds system and is designed to be used in conjunction with other funds control tools and processes. FBMS has built-in system tools that assist bureaus and offices with monitoring execution against OMB-approved apportioned funding levels. In addition to the built-in controls in FBMS, there are a number of reporting tools and monitoring activities bureaus and offices incorporate into their Administrative Control of Funds systems to achieve positive funds control. For example:

- FBMS includes separation of duties as a general management control tool to ensure proper management of funds and which enables multiple staff members to review funds availability during the execution process.
- Administrative Control of Funds systems require bureaus/offices to assign staff to conduct periodic reconciliation of funds control records with accounting records or other fund status reports available in FBMS used to determine availability of funds.
- Quarterly certification of the SF-133 execution report to Treasury. DOI bureau budget offices are required to review and provide concurrence on quarterly SF-133's. This process also allows bureaus/offices to validate sufficient apportionment of the amount of budget authority realized.
- The OMB Apportionment system, which is available to all bureaus and offices, provides a comparison report between apportioned and executed amounts using the latest published SF-133 (execution) data.
- FBMS includes a robust reporting tool (EMIS) that allows bureaus and offices to develop recurring status of funds reports to provide daily (or any frequency desired) snapshots of execution at any level of the hierarchy. These reports allow bureaus/offices to review nearly real-time execution (data updates each night) against apportioned levels.
- Bureau budget personnel are annually invited to participate in a 3-hour apportionment training course conducted by the Department. The course covers the apportionment

process and discusses recommended monitoring activities (such as review of posted recoveries, regular review of SF-133/SF-132 levels, posting sequestration reductions throughout the fiscal year for SF-133 validation, etc.)

Deployed under the full-scale funds control system of each bureau and office, tools, and processes such as these enable Interior to successfully execute and monitor appropriated funds while vigilantly guarding against waste, fraud, and abuse.

Energy and Mineral Development

Market-driven development of energy and mineral resources on federal lands and waters remains essential to our nation's security, our economy, and a smooth transition to a clean energy future. I am deeply concerned that the President's so-called "pause" on new oil and natural gas leases on public lands and waters may be the first step of a larger strategy to price domestic fossil energy out of the market and force Americans to pay more for less reliable, less secure, and less clean sources of energy.

Please update the subcommittee on the Department's comprehensive review and reconsideration of oil and gas permitting and leasing, specifically:

Joyce Q15: Besides whether to adjust royalties, what other changes is the Department looking at and why?

Response: Section 208 of Executive Order (EO) 14008 — Tackling the Climate Crisis at Home and Abroad — directs the Secretary of the Interior to conduct "a comprehensive review and reconsideration of Federal oil and gas permitting and leasing practices." This provides an important opportunity to look critically at our programs to ensure that they best meet the needs of our Nation. As part of the review, the EO calls for the Secretary to consider adjusting royalties and other actions to ensure a fair return to the American taxpayer and account for the climate costs of oil and gas resources extracted from offshore waters. The comprehensive review of the agency's oil and gas programs will focus on and advance efforts to improve stewardship of public lands and offshore waters, create good paying jobs, and build a just and equitable energy future.

Joyce Q16: Does the fiscal year 2022 President's Budget propose any changes associated with preliminary findings of the Department's comprehensive review?

Response: The FY 2022 President's Budget requests for BOEM and BLM will not propose any changes associated with the comprehensive review findings because the review remains ongoing.

Joyce Q17: When does the Department anticipate completion and release of the comprehensive review and reconsideration?

Response: At this time, there is no timeline for the completion of the comprehensive review. The Department is working to develop an interim report, which will be released later this year, that will include initial findings on the state of the Federal conventional energy programs and outline analyses and proposals to better ensure these programs align with the Administration’s broader effort to transition to a clean energy future.

Land and Water Conservation Fund – GrantSolutions

The Ohio Department of Natural Resources has been struggling with funding some projects through the Land and Water Conservation Fund (LWCF). Their most recent understanding of the status is that the grant awards are in process by the Department of the Interior using the new system, GrantSolutions. However, there has been an issue as the new system requires a new format for the grant agreement, which is not yet final and available to states.

Joyce Q18: When does the Department expect the LWCF agreement template to be available so that the awards can be processed?

Response: The template is almost complete, and the NPS expects it to be released to the States soon.

Question from Representative Kilmer:

Permits for Trophy Hunting of Threatened and Endangered Species

Madam Secretary, as you are aware, the United States forbids the trophy hunting of threatened and endangered species in our country that are listed under the Endangered Species Act (ESA). For example, the hunting of grizzly bears or Florida panthers is prohibited under the ESA.

However, the U.S. Fish and Wildlife Services is able to grant import permits for trophy hunters who killed foreign species—such as African elephants and African lions—which are also listed as protected species under the ESA. This appears to be a disparity in wildlife conservation strategy that the House of Representative has previously attempted to rectify through recent Department of Interior spending legislation.

Kilmer Q1: Madam Secretary, how does the Department intend to address this inconsistency in the application of the ESA, and does the Department intend to impose new restrictions on imports of threatened and endangered species trophies that are protected under the ESA?

Response: The Department is reviewing this topic and will provide additional information to the Committees when a decision is made.

Questions from Representative Cartwright:

USFWS MOU with NRA

Cartwright Q1: Just a week before the end of the previous administration, the U.S. Fish and Wildlife Service (USFWS) signed an MOU with the National Rifle Association (NRA), seeming to signal a collaborative effort to promote hunting and hunter safety. However, this MOU has created confusion among State fish/game/wildlife agencies and appears to indicate that the NRA is the preferred vendor of hunter safety education. Has the USFWS or DOI conducted a review of this document to ensure that the policy positions of the USFWS and DOI, as guided by the Biden Administration, are accurately and appropriately represented in the MOU with the NRA?

Response: The Fish and Wildlife Service is currently reviewing this MOU and expects to make a decision soon.

Cartwright Q2: What steps are being taken by the Agency or Department to ensure a level playing field for all qualified providers of hunter safety education?

Response: The Service's rules allow States to implement hunter education programs in a myriad of ways to best address the needs of the State and their users. States may carry out their training programs by partnering with a wide range of partners to include individuals, nonprofit groups, or vendors in the delivery of their hunter education training. These flexibilities allow States to design their programs based on their priorities. States rely heavily on volunteers and nonprofit organization donations of goods and services to secure a large portion of their required cost share for their hunter education programs. Financial assistance regulations and Service rules recognize the market value of these contributions and permit States to claim these donations as in-kind costs in their hunter education programs. States may also contract with vendors that provide high quality online training solutions. Those vendors may elect to provide part of their services as donations to States and the value of those donations may be counted as cost share toward the required match. The purpose of the Hunter Education program is to develop safe and ethical hunters, there are a multitude of strategies the States may employ to accomplish the program objectives. Service rules do not inherently favor one approach or one provider over another. Ultimately the program implementation decisions rests with the individual State.

Native and Invasive Species

Cartwright Q4: According to government agencies and outside experts, promoting the use of native plants on federal lands is beneficial to wildlife, human health, and the environment.

Unfortunately, of the 20,000 known native plant species in North America, approximately 30 percent are at risk of extinction because of habitat loss, invasive species, temperature shifts, and pesticide use. What is the Department's current plan to mitigate of the effect of invasive plant species and promote native plants?

Response: To mitigate the effects of invasive plant species and promote native plants, the Department of Interior's bureaus are guided by the Invasive Species Policy (Policy, 524 DM 1) updated in 2020, and Invasive Species Strategic Plan (Plan) developed in 2021 pursuant to the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law 116-9).

It is the policy of the Department to cost-effectively prevent the introduction, establishment, and spread of invasive species; detect and rapidly respond to invasive species; eradicate or control populations of invasive species that are established; and implement these actions in collaboration with states, tribes, territories, and others as appropriate. Where consistent with applicable laws and regulations, the Department prioritizes invasive species management that benefits human health and safety and the economy or reduces the need to list native species under the Endangered Species Act.

The Department's Invasive Species Strategic Plan 2021-2025 (Plan) is a public document that establishes the goals, objectives, and strategies, as well as crosscutting principles that guide mitigation efforts for non-native plants over the next five years. The strategies reflect both work that is ongoing and opportunities to focus on emerging priorities. Recognizing that the bureaus often have their own invasive species management plans, the Plan outlines a comprehensive approach across the Department that builds upon an existing and overarching strategy.

Additionally, to promote native plants, the Departmental bureaus participate collaboratively in the National Seed Strategy for Rehabilitation and Restoration (National Seed Strategy). The National Seed Strategy, led by the Bureau of Land Management (BLM), charts a course for a coordinated supply of native seeds with 12 Federal agencies and over 300 non-Federal partners from Tribal, State, local and private affiliates.

Cartwright Q5: How would native plants on federal lands improve flora, fauna, and climate health for our communities?

Response: Native plants on Federal lands generate habitat for wildlife and ultimately improve health outcomes for American communities. Greater biodiversity across landscapes with resilient species richness leads to greater environmental stability. Plant species with greater levels of genetic diversity that are adapted to a wide variety of conditions are more likely to be able to withstand environmental disturbances, stress from wildland fire, disease, insect herbivory, and climate change. Ultimately, Departmental efforts to conserve native plants will result in benefits

for American public health, providing clean air, fresh water, medicines, food security, and stabilizing or reducing the effects of climate change.

Cartwright Q6: Recently the predatory northern snakehead was caught in the Upper Delaware River for the first time. What is the Park Service doing to address these issues and to educate the public?

Response: NPS officials, the New York State Department of Environmental Conservation, and the Pennsylvania Fish and Boat Commission are monitoring the Upper Delaware River for the northern snakehead. The Upper Delaware Scenic and Recreational River continues to conduct public outreach by issuing press releases and has developed materials and signage instructing anglers not to re-release snakehead, and to report any specimen that are caught to the NPS or state authorities. In conjunction with partners, the NPS continues to conduct sampling and assessments to determine quantity and distribution of the northern snakehead in the river. More robust data from the continued research will allow the NPS and its partners to evaluate and assess the threat to area resources and options for control/eradication.

Chesapeake Bay Program

Cartwright Q7: Last year, with overwhelming bipartisan support, Congress passed the America's Conservation Enhancement Act. Among many other conservation measures, Congress established a new program at the Fish and Wildlife Service, the Chesapeake Watershed Investments for Landscape Defense (WILD) that supports habitat restoration throughout the Bay region. Unfortunately, although the WILD Act's funding authorization began in FY 2021, it was signed into law too late in the year to be included in the appropriations process and the program is now a year behind. Are you considering supporting funding for this program and how are you prioritizing getting it up and running quickly?

Response: The U.S. Fish and Wildlife Service (FWS) moved swiftly to begin developing the Chesapeake WILD program authorized by Congress. After enactment, FWS connected with the Chesapeake Conservation Partnership (CCP), a well-known regional partnership representing Federal, Tribal, State, and non-profit entities, to inform the process for developing shared priorities and strategies for the Chesapeake WILD program. Representatives of the EPA Chesapeake Bay Program (Bay Program) and the tristate legislative body Chesapeake Bay Commission are among the key leaders of the CCP Steering Committee. Because of its unique structure and governance, and the diverse cross-section of partners and stakeholders it represents, the CCP is an ideal forum for convening and engaging the agencies and organizations called for in the Chesapeake WILD legislation.

Together with CCP, FWS convened more than 120 partners and stakeholders for a series of stakeholder sessions on March 23, 2021. These sessions identified ideas, actions, and strategies

to inform the Chesapeake WILD program. Information generated in facilitated breakout groups was organized into themes associated with five “pillars”: 1) habitat conservation; 2) climate adaptation; 3) outreach, education, and civic engagement; 4) access for outdoor recreation; and 5) clean water for wildlife and people. The sessions also reinforced a universal commitment that collaborative efforts will emphasize diversity, equity, inclusion, and justice practices and policies that foster a safe, diverse, equitable, and inclusive work environment that allows for new and impactful partnerships.

While there are no supporting appropriations with which to establish a grant program at this time, FWS and our partners are developing the infrastructure needed to effectively distribute grant funds once Congress makes them available. Chesapeake WILD will complement, not replace, existing work and associated funding in the watershed, by increasing coordination between partner agencies and organizations, and identifying conservation and restoration priorities with unmet funding needs that would be eligible to compete for program funds, as appropriated. In this context, Chesapeake WILD will enhance the successes of the Bay Program, with a coordinated emphasis on the living resources and habitats, and climate change considerations prioritized by the Bay Program and Executive Order 13508 Chesapeake Bay Protection and Restoration. FWS is preparing a high-level Chesapeake WILD Framework document that will be sent to Congress later this year.

Questions from Representative Stewart:

Bonneville Salt Flats Restoration

The Utah Department of Natural Resources and the BLM have entered into a cooperative agreement for the restoration of the Bonneville Salt Flats in Wendover, Utah, which are managed by the BLM. Bonneville has provided dramatic landscapes for photography, film, recreation, and it has played a dramatic role in land speed racing. Unfortunately, the salt crust at Bonneville has diminished over many decades, as it was once measured there in feet and is now less than a few inches. Stakeholders have crafted a broadly supported strategy for restoring the Salt Flats and Congress provided funding that was intended for this project in the Consolidated Appropriations Act, 2021 (Public Law No: 116-260), which has yet to be released. The law also included report language stating that the Appropriations Committees “expect the Department to implement cooperative agreements with the State of Utah to restore the Bonneville Salt Flats. The Committees direct the Department to brief the Committees on this effort within 45 days of enactment of this Act.”

Stewart Q1: When will the BLM provide Congress the report, which was due by mid-February?

Response: BLM briefed House Interior Appropriations staff and Representative Stewart’s personal staff on Monday, May 17, 2021.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 21, 2021

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

Dear Chairman Schatz:

Enclosed are responses prepared by the Office of the Assistant Secretary – Indian Affairs to the questions for the record submitted following the May 12, 2021, oversight hearing entitled, “Examining the COVID-19 Response in Native Communities: Native Tourism Economies One Year Later.”

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

Sincerely,

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

Enclosure

cc: The Honorable Lisa Murkowski
Vice Chairman

Questions for the Record
U.S. Senate Committee on Indian Affairs
Oversight Hearing “Examining the COVID-19 Response in Native
Communities: Native Tourism Economies One Year Later”
May 12, 2021

Questions from Chairman Schatz

In your testimony, you stated that Indian Affairs will announce a round of competitive grants for Tribes to perform infrastructure and/or workforce development needs assessments for tourism-related economic development. COVID-19 exacerbated the need for infrastructure investment in Native communities.

Question 1. What are the major infrastructure needs faced by Native communities that limit the potential growth of Native tourism?

Response: The major infrastructure challenges that inhibit the potential growth of tourism include road improvements, workforce development for Native communities that focus on the hospitality and tourism industry, and access to affordable and reliable broadband. Tribes have identified more than \$70 billion in transportation needs over the next 20 years, which translates to approximately \$3.5 billion per year. Overall, the tourism industry adage of “a nice place to visit is a nice place to live” is helpful in illustrating that successful Native tourism relies on adequate infrastructure of all kinds: roads and bridges, workforce development, broadband, and access to clean water.

The American Jobs Plan will invest in infrastructure to build and repair roads, bridges, and water systems, and provide investments for Native communities to recover from the effect of COVID-19 and help build back better.

Question 2. What assistance will the American Jobs Plan provide to drive a Native tourism recovery?

Response: The American Jobs Plan will help drive Native tourism by investing in equitable workforce development and job training programs; bridging the digital divide by achieving 100 percent coverage of high-speed broadband; supporting clean and safe drinking water; doubling the Transportation Program; expanding and rehabilitating Indian Housing; fixing rural bridges; strengthening community resilience for communities at risk for climate-driven disasters; and plugging orphan wells and cleaning up abandoned mines.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

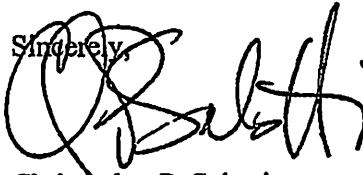
September 21, 2021

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

Dear Chairman Schatz:

Enclosed are responses prepared by the Office of the Assistant Secretary – Indian Affairs to the questions for the record submitted following the July 21, 2021, legislative hearing on S. 1797, S. 1895, and H.R. 1688.

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

Sincerely,


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

Enclosure
cc: The Honorable Lisa Murkowski
Vice Chairman

Questions from Chairman Schatz

Question 1. Several members of the Committee and I sent a letter on May 20, 2021, to the Bureau of Indian Education asking about the Bureau's COVID-19 response. To date, we have not received an answer to those questions. Please provide the Bureau's answers to the questions in the letter, copied below.

- a. What are the BIE's current policies and procedures for COVID-19 testing and screening at Bureau-funded schools?**

Response: On August 16, 2021 the Department sent a response to your May 20, 2021 letter.

- b. How is the BIE working with the Indian Health Service, Tribal health departments, and other public health agencies to ensure Bureau-funded schools have the tools needed to implement consistent COVID-19 screening strategies on campuses that open for in-person instruction?**

Response: On August 16, 2021 the Department sent a response to your May 20, 2021 letter.

- c. Is the BIE able to accommodate requests from Bureau-funded schools that wish to work with Tribal and State governments to offer COVID-19 testing on BIE campuses that re-open for in-person instruction? If so, what is the Bureau doing to expedite approval of these requests? If not, what statute or regulation prevents this type of collaboration?**

Response: On August 16, 2021 the Department sent a response to your May 20, 2021 letter.

- d. Does the BIE need any additional authorizations or resources from Congress to assist with COVID-19 screening at Bureau-funded schools?**

Response: On August 16, 2021 the Department sent a response to your May 20, 2021 letter.

Questions for the Record
U.S. Senate Committee on Indian Affairs
Legislative Hearing on S. 1797, S. 1895, and H.R. 1688
July 21, 2021

Questions from Vice Chairman Murkowski

Question 1. Ms. Todacheene, I have been proud to work on many legislative efforts to protect the vulnerable, whether that is supporting Native children, reducing domestic violence against Native women, or addressing the ongoing epidemic of missing or murdered Indigenous women. Often what we need to do to address these vulnerabilities and disparities is strengthen tribal institutions, improve coordination, and support Indian self-determination.

This is important because we know Native children face overwhelming obstacles, including experiencing levels of post-traumatic stress, dramatically increased risks of suicide, and lower high school graduation rates than any racial or ethnic demographic in the country. In NICWA's testimony, they point out that in Alaska, Native children make up over 62% of the state foster care system, but they are only 15% of the state's youth population.

H.R. 1688 allows for the National Indian Child Resource and Family Services Center, with the assistance of its Advisory Board, to develop intergovernmental agreements between Tribes and states relating to family violence, child abuse, and neglect. Alaska Tribes have been able to access BIA funding for their Tribal courts to oversee cases that may involve child welfare and domestic violence, and this includes the drafting of codes relating to child and family protection.

How would this bill provide stability for Tribal courts to better operate and develop stronger relationships with states? Additionally, how might intergovernmental agreements improve existing tribal-state relations?

Response: The bill renames the Indian Child Resource and Family Services Centers as the National Indian Child Resource and Family Services Center. It also requires the Center, among other things, to develop model intergovernmental agreements between tribes and states to prevent, investigate, treat, and prosecute incidents of family violence, child abuse, and child neglect involving Indian children and families. State-tribal agreements to coordinate prevention, investigation and treatment services, will build stronger intergovernmental relationships to identify and coordinate child abuse, investigation, and prosecution services between governments, which depending on location, may not currently exist or could strengthen these efforts.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 21, 2021

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

Dear Chair Leger Fernández:

Enclosed are responses prepared by the Bureau of Indian Affairs to the questions for the record submitted following the June 17, 2021 oversight hearing entitled, "Examining Federal Facilities in Indian Country."

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

Sincerely,

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

Enclosure

cc: The Honorable Don Young
Ranking Member

Questions for the Record
U.S. House Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States
Oversight Hearing on “Examining Federal Facilities in Indian Country”
June 17, 2021

Questions from Chair Leger Fernández

Question 1. How did BIE’s deferred maintenance backlog affect the agency’s ability to adequately respond to the Coronavirus pandemic and create safe learning environments for its students?

Response: As most schools operated using distance learning supports, the maintenance backlog was not a major factor during the initial year of the pandemic. In addition to general school campus upgrades, BIE is working directly with its Indian Affairs partners to prioritize projects and address the deferred maintenance backlog as school sites plan to reopen for the 2021-2022 School Year. Projects include those to address ventilation issues and heating, ventilation, and air conditioning (HVAC) circulation upgrades to create safe learning environments and ensure BIE schools are following the latest Centers for Disease Control and Prevention (CDC) guidelines. BIE field staff are working with their respective school leaders throughout the summer to provide technical assistance to support site reopening, which includes addressing local maintenance needs to the extent possible.

Questions from Rep. Grijalva

Question 1. How does the President’s budget address facilities needs for tribal courts?

Response: The budget includes \$43.2 million for tribal courts; this includes a \$5 million increase for Operation and Maintenance (O&M) funding for tribal court facilities.

Question 2. The DOI Office of Inspector General conducted a report on BIA’s detention facilities in 2003, and updated in 2016. A key finding was BIA’s inability to adequately maintain complete and accurate information regarding the detention facilities, which contributed to a likely underestimate of BIA’s maintenance backlog needs.

a. Are you able to share with us a current update on BIA’s data collection practices regarding the maintenance and construction needs of BIA detention centers?

Response: Indian Affairs organizations are coordinating on actions to improve information regarding detention center maintenance backlog needs. The Indian Affairs Division of Facilities Management and Construction (DFMC) and the Bureau of Indian Affairs (BIA) Office of Justice Services (OJS) meet regularly to determine facility repair needs at Detention Centers. OJS meets regularly with individual detention center staff, Regional OJS Special Agents in Charge (SAC) and BIA Regional Facilities to review detention facility needs, identify new deficiencies, and prioritize repair needs. OJS also reviews the Detention Facility Condition Index ratings to compare the number of facilities in good, fair and poor conditions to identify highest deficiency repair needs for submittal for project funding requests.

There are also actions specifically focused on the information systems which are used to identify deficiencies and ensure there are funded projects to abate the deficiencies. These systems include the Indian Affairs Facility Management System (IA-FMS), which integrate work management (Deferred Maintenance) and asset management (Facility Condition Index). OJS has correctional staff trained on IA-FMS and are creating work orders for repair funding submittals. Further, DFMC is working with Tribal personnel to make the IA-FMS, which is used to track facility projects, more accessible to Tribal employees who work at Tribal contracted and compacted detention centers. Asset data and deferred maintenance data management improvement is an on-going effort to review for accuracy and updates by DFMC and OJS personnel.

The Public Safety and Justice Site Assessment and Capital Investment (PS&J SA-CI) process is under development in FY 2021. Indian Affairs will implement a PS&J SA-CI pilot program, now under development, to prioritize and select annual replacement/renovation projects for OJS. Implementing this pilot will use a standardized, data-driven, transparent process thus expanding the amount of information available to understand the condition of facilities.

Question 3. Overall, how much would it cost to replace the law enforcement and detention centers that are currently in poor condition?

Response: The average cost of facility replacement is \$20 million. There are currently 14 locations in Poor Condition. We estimate at least \$280 million to replace facilities listed in Poor Condition. Given the current increases in construction equipment and services we estimate \$20 million in contingency funding would be needed and \$15 million (5 percent of total project funding) for additional administrative surge needed to support implementation. Taking all factors into account the cost would be \$315 million.

a. What infrastructural deficiencies define a BIA detention center as being in “poor condition?”

Response: In general, the Facility Condition Index (FCI) is calculated by dividing the total Deferred Maintenance (DM) for the building or site and dividing by its Current Replacement Value (CRV). If the result is $>.10$, the location is considered to have an FCI Condition of “Poor.”

DM at the location is the cost to address outstanding deficiencies related to safety, health, Americans with Disabilities Act, environmental, structural, mechanical, grounds, quarters, etc. and costs to bring the facility into compliance with IA-adopted codes, policy and mandatory standards. The deterioration of facilities threatens the health and safety of occupants and impairs effective utilization of the facility. Deferring cyclical and regular maintenance also increases the need for costly major repairs and/or early replacement. There maybe additional infrastructure needs related to the facilities, such as non-BIA roads or water, power, or broadband infrastructure that need upgrades but are outside the control of Indian Affairs because they are not owned by BIA.

b. What did the poor condition of BIA detention centers impact inmate populations during the Coronavirus pandemic?

Response: Older facilities in poor condition generally lack negative-pressure isolation cells (i.e. isolation rooms with ventilation that does not flow into the general ventilation systems) which impacted being able to quarantine new inmates being booked into the facility or quarantine inmates testing positive for the COVID-19 virus.

Question 4. Generally, in what ways are tribal governments impacted by BIA’s deferred maintenance backlog?

Response: The facilities in the Indian Affairs inventory are either occupied by tribal staff and students or federal staff that are carrying out services for tribal communities. When these facilities do not receive proper maintenance, they fall into disrepair or become unsafe and the services

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U.S. House Committee on Natural Resources
Subcommittee for Indigenous Peoples of the United States
Oversight Hearing on “Examining Federal Facilities in Indian Country”
June 17, 2021

provided cannot be carried out at the optimum level. Reduced service levels have a direct detrimental impact on the tribal communities and students being served.

Maintaining the physical structures and school environments and PS&J facilities that are safe, clean, and secure is even more important given the recent lessons learned from COVID and the disproportionate impact on Tribal communities that resulted in greater rates of infection, hospitalization, and death.

Question 5. The BIA budget includes a proposal to re-establish the Indian Land Consolidation Program in the Bureau of Indian Affairs.

- a. **Can you explain the history behind this program and why it is vital to tribal infrastructure.**

Response: The Land Buy-Back Program was established by Secretarial Order to ensure implementation of the land consolidation aspects of the *Cobell v. Salazar* Settlement, which made \$1.9 billion available for purchasing fractional interests in trust or restricted lands within a 10-year period. Fractionation has been reduced substantially through the Land Buy-Back Program. However, resources made available through the *Cobell* Settlement are not sufficient to purchase all fractional interests and many will remain after the Land Buy-Back Program ends in 2022. Without sustained land consolidation efforts, Indian lands will continue to fractionate and lose trust status.

Fractionated ownership of allotted Indian lands is a pervasive problem which hinders the Federal Government’s ability to administer and manage the lands, and maintain accurate, up-to-date ownership records and trust fund accounts. Land consolidation assures the optimum integrity and usefulness of systems in terms of trust asset/resource management. A disproportionate share of budgetary resources is required to administer services on fractionated lands.

The investment in Indian land consolidation is critical to providing tribes with greater control over their reservations. When lands are fractionated, tribes have to work with numerous individual fractional owners, many of whom do not live on the reservation, before they can move forward with land-based projects important to their communities. With less fractionated lands, tribes are better able to manage larger blocks of their lands for economic development purposes, natural resources management, and infrastructure.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 13, 2021

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

Dear Chairman Grijalva:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to the questions for the record submitted following the June 22, 2021, legislative hearing on H.R. 3764, *Ocean-Based Climate Solutions Act of 2021*.

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

Sincerely,

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

Enclosure
cc: The Honorable Bruce Westerman
Ranking Member

Questions for the Record
House Natural Resources Committee
Legislative Hearing on H.R. 3764
Ocean-Based Climate Solutions Act of 2021
June 22, 2021

Question from Rep. Sablan

Question: Several parts of this bill call upon the Department of Interior to leverage their resources and improve the resilience of the insular areas, tribes, and indigenous communities to the rapidly worsening effects of climate change. How will focusing on equity while lifting up these historically neglected and underrepresented areas and communities benefit everyone in our fight against climate change?

Response: Although climate change affects everyone, we know that it disproportionately affects historically disadvantaged and underrepresented communities. These communities are often hit the hardest by climate stressors like sea level rise and flooding but have the fewest resources available to address or prevent climate impacts. In addition, there are many communities that have been underrepresented in discussions about how to address climate change.

To advance climate adaptation and resilience in these areas, we will first listen. Then, we will work together and leverage our resources to support climate adaptation and resilience projects in these communities. These projects will improve the health and safety of populations in the most vulnerable situations, prevent damage to homes and infrastructure, minimize economic losses, and create new jobs, recreational opportunities, and access to nature to support healthy ecosystems, thriving fish and wildlife populations, and vibrant communities. These social, economic, and environmental outcomes benefit all Americans.

Questions for the Record
House Natural Resources Committee
Legislative Hearing on H.R. 3764
Ocean-Based Climate Solutions Act of 2021
June 22, 2021

Question from Rep. Graves

Question: South Louisiana is home to a truly unique ecosystem – the coastal forest. These forests comprise over one million acres of cypress-tupelo swamp, and represent the final stretch of land connected to the Mississippi River Watershed before it deposits into the Gulf of Mexico. The forests were formed over centuries from the hydrologic patterns of the Mississippi River, which provided alternating periods of drying followed by several months of seasonal flooding on an annual basis. The net result of these hydrologic patterns over thousands of years was an environment uniquely adapted for bald cypress and water tupelo trees to establish and thrive.

However, due to a multitude of natural and man-made changes to the landscape over the past century, these forests are declining at a staggering rate. The loss of these valuable ecosystems represents a significant loss of biodiversity, valuable wildlife habitat, floodwater retention and control, and hurricane and storm surge buffering. Yet perhaps most alarming, these forests would convert from a beneficial carbon sink to a detrimental carbon source.

Restoring the coastal forests of south Louisiana would fulfill many of the enumerated goals of the Ocean-Based Climate Solutions Act. Moreover, the grant programs included in this legislation could provide a valuable lifeline to these forests. Unfortunately, I am worried they will not be included in these programs because they are 100% freshwater systems.

Would these forests be considered “blue carbon” under the Ocean-Based Climate Solutions Act and, if not, how can we work to have them included in these future grant programs?

Response: H.R. 3764 defines “blue carbon ecosystem” to mean “vegetated coastal habitats including mangroves, tidal marshes, seagrasses, kelp forests, and other tidal or salt-water wetlands that have the capacity to sequester carbon from the atmosphere for a period of not less than 100 years.” The Service does not believe this definition includes freshwater systems like the coastal forests referenced in your question.

The Service agrees that these ecosystems can provide numerous ecosystem services, including carbon sequestration. While freshwater systems do not appear to qualify as blue carbon under the Ocean-Based Climate Solution Act of 2021, the Service has financial and technical assistance programs that can support conservation of these coastal forests, including our Coastal Program and Partners for Fish and Wildlife Program. We would be happy to work with your office to identify existing financial assistance programs available to these ecosystems.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 15, 2021

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

Dear Chair Huffman:

Enclosed are responses prepared by the Department of the Interior to written questions submitted following the appearance of the Department's witness, Stephen Guertin, Deputy Director for Policy, U.S. Fish and Wildlife Service, at the July 29, 2021, legislative hearing on a number of conservation-related bills.

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

Sincerely,

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

Enclosure

cc: The Honorable Cliff Bentz
Ranking Member

**Questions for the Record
House Natural Resources
Subcommittee on Water, Oceans, and Wildlife
Legislative Hearing
July 29, 2021**

Questions from Rep. González-Colón

Question 1: I'm a cosponsor of H.R. 2773, the Recovering America's Wildlife Act, bipartisan legislation that would provide nearly \$1.4 billion in annual funding for States, Territories, and Tribes to implement their State Wildlife Action Plans. I'm pleased the bill would also revise the Wildlife Conservation and Restoration Subaccount formula for Puerto Rico, ensuring the Island receives more equitable funding to address our species of greatest conservation need.

It is my understanding that currently, the main source of funding to carry out State Wildlife Action Plans is the State and Tribal Wildlife Grant Program, which is typically funded at approximately \$65 million per year.

- a. Can you briefly discuss the purpose of State Wildlife Action Plans and how limited funding has impacted States and Territories' ability to fully implement them? For instance, in your testimony you mentioned "a backlog of work identified in the Action Plans."**

Response: The purpose of the State Wildlife Action Plans is to serve as conservation "blueprints" to benefit a diverse array of our Nation's fish, wildlife, and associated habitats, preventing species declines, and supporting proactive strategies to avert the need for new federal listings under the Endangered Species Act. The Action Plans vary in their approaches, but all 56 of them identify "Species of Greatest Conservation Need (SGCN)" and their habitats, threats, and related information. SGCN represent state, commonwealth, and territory priorities for species and habitat conservation. SGCN lists serve as science-based, comprehensive collections of at-risk or imperiled species in need of immediate conservation interventions to prevent further declines and potential federal listing. States, commonwealths, and territories are required to update their Action Plans at least every 10 years. In 2017, the U.S. Fish and Wildlife Service and the Association of Fish and Wildlife Agencies issued new guidance for updating plans that encourages continual review and adjustment of plans and supports strategic adaptive management.

Under current funding levels provided through the State Wildlife Grant Program, states, commonwealths, and territories must prioritize the conservation actions identified in the Action Plans. FWS managers observe that most states, commonwealths, and territories are able to address only a fraction of their identified SGCN. H.R. 2773 would provide our partners additional resources to address SGCN, which include threatened and endangered species.

- b. Relatedly, how would higher levels of funding, as proposed in H.R. 2773, facilitate and enhance efforts to restore the populations of species of greatest conservation need across our States and Territories?**

**Questions for the Record
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Legislative Hearing
July 29, 2021**

Response: H.R. 2773 would allow states to assign more resources to their Action Plans and implement strategic actions to address a greater percentage of the SGCN identified in their Action Plans. Even with well-informed, science based, and public-supported Action Plans, states, commonwealths, and territories must currently, in some cases, triage efforts to those species closest to the brink of extinction. Additional conservation efforts would avert the need for listing many more SGCN and assist states, commonwealths, and territories in recovering those SGCN that are already federally listed.

Question 2: State Wildlife Grant funding has been crucial in supporting efforts to protect and restore the Puerto Rican Parrot.

- a. **Can you briefly discuss some of this work, as well as other wildlife conservation initiatives the Service has been able to support in Puerto Rico through the State Wildlife Grant Program? This with the understanding that State Wildlife Grant funding for Puerto Rico is unfortunately inadequate, as the formula limits the Island to receiving no more than 0.5% of funds, whereas each State can receive between 1% and 5%.**

Response: The State Wildlife Grant Program has helped Puerto Rico address a variety of conservation needs for species identified in the Puerto Rico Wildlife Action Plan. As noted in its Action Plan, Puerto Rico has adopted the Puerto Rican parrot as an emblematic and surrogate species for advancing the conservation of other wildlife and habitats. Puerto Rico utilizes SWG funds to support efforts to conserve the Puerto Rican parrot through habitat restoration, propagation support, reintroduction, and monitoring survivorship. Puerto Rico has received SWG funds for research projects to better understand conservation needs for other species, including American eel, bats, and sea cucumbers. Additionally, SWG funds have been crucial in the removal of non-native, invasive species known to lower survival and reproductive success of some declining species in Puerto Rico.

Question 3: H.R. 2848, the Marine Mammal Research and Response Act, would reauthorize the John H. Prescott Marine Mammal Rescue Assistance Grant Program. It is my understanding that last year was the first year the Service distributed Prescott Grant awards, which included two projects totaling \$200,000 to support manatee rehabilitation and stranding response efforts in Puerto Rico.

- a. **Could you discuss how the Service intends to leverage funding under the Prescott Grant Program to support the rescue, treatment, and rehabilitation of marine mammals under its authority, including the Antillean manatee? How would H.R. 2848 improve or impact these efforts?**

Response: Section 408(e) of the MMPA requires a minimum 25% non-federal cost share for Prescott Grant Program awards. This cost sharing requirement leverages Prescott Grant Program funding with non-federal dollars and/or in-kind contributions. For example, the two \$100,000.00

Questions for the Record
House Natural Resources
Subcommittee on Water, Oceans, and Wildlife
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July 29, 2021

grant awards to Red Caribeña de Varamientos required a minimum \$50,000.00 non-federal cost share. Because H.R. 2848 would only redesignate current Section 408(e) of the MMPA as Section 408 (f), but not change the text of that provision, it would neither improve nor impact the Service's ability to leverage Prescott Grant Program funding. The FWS's Prescott Grant Program criteria and review and selection process continue to ensure the best applications are awarded funding.

H.R. 2848 would expand the Prescott Grant Program by establishing a new Rapid Response Fund to provide emergency financial assistance for response to certain marine mammal stranding or entanglement events. H.R. 2848 would also make clarifying changes to the Marine Mammal Unusual Mortality Event Fund, which provides financial assistance to stranding network partners who respond to Unusual Mortality Events (UMEs). The proposed changes would increase flexibility in the fund's administration, including authorizing the provision of funding throughout the occurrence of a UME and not solely as reimbursement after an event.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 21, 2021

The Honorable Jared Huffman
Chair, Natural Resources Subcommittee
on Water, Oceans, and Wildlife
U.S. House of Representatives
Washington, DC 20515

Dear Chair Huffman:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted following the May 25, 2021, oversight hearing entitled, "The Status of Drought Conditions Throughout the Western United States."

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

Sincerely,

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

Enclosure

cc: The Honorable Cliff Bentz
Ranking Member

Questions for the Record
Subcommittee on Water, Oceans, and Wildlife
House Natural Resources Committee
Oversight Hearing
Status of Drought Conditions Throughout the Western U.S.
May 25, 2021

Questions from Rep. Grace F. Napolitano

Question 1: There was a report issued by the Office of the Inspector General on April 1st of this year that discussed weaknesses in the USGS system. The evaluation specifically revealed control deficiencies for hardware and software asset management and configuration management. Can you outline how DOI is going to resolve these deficiencies? What would the consequences be if these vulnerabilities are not patched?

Response: The report identified 8 recommendations, 3 for the DOI Chief Information Officer and 5 for the USGS. Bureaus and offices across the Department of the Interior (DOI) are to update hardware within the DOI networks limited by the capabilities of the Continuous Diagnostic and Mitigation (CDM) tools in place and in accordance with program guidance. CDM is the Department of Homeland Security initiative to further secure Federal IT systems. Specifically, the Chief Information Security Officer (CISO) will conduct a review of the guidance, procedures, and tools in place to resolve this report's recommendation.

New CDM Software Asset Management tool(s) are being considered to replace previous CDM tools with the intention of fully addressing gaps. This selection, from Department of Homeland Security funding through implementation, does not have a projected resolution date. The DOI will utilize the CDM and other tools currently in place to maintain reasonable software inventory focusing on managing vulnerabilities, risks, and critical configuration requirements. Specifically, CISO will conduct a review of the guidance, procedures, and tools in place to resolve this report's recommendation.

The USGS Information Security Office (ISO) will update procedures for reviewing authorized ports, services, and protocols and restricting the use of unauthorized ports, protocols, and services at the host level. The USGS ISO will also work to determine if a Plan of Action and Milestones is needed to track compliance. The USGS will utilize the procedures provided by the USGS ISO to establish a listing of authorized ports, services, and protocols for the Landsat system. Where host-level restrictions may cause mission operational impact, the USGS Landsat Project will develop a Plan of Action and Milestones to ensure compliance.

The USGS ISO will update procedures to ensure that the process to identify and mitigate high-risk vulnerabilities within 30 days, as required by OCIO policy, is followed. The USGS ISO will also work to determine if a Plan of Action and Milestones is needed to track compliance. The specific finding in the report was corrected when alerted by the OIG and validated in February 2019 Enterprise Vulnerability Management System scan reports. The USGS has taken steps since the audit to improve vulnerability management compliance. The USGS will continue to follow all DOI and USGS vulnerability management guidelines. The USGS will audit and report that high-risk vulnerabilities are being mitigated within 30 days, as required by OCIO policy.

Questions for the Record
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House Natural Resources Committee
Oversight Hearing
Status of Drought Conditions Throughout the Western U.S.
May 25, 2021

Question 2: As you are aware, streamgages haven't been maintained and with the West in a dire drought, we need them operable to help agencies engage in stream flows. How many streamgages are currently operable? Where are they located and how many need repair?

Response: USGS maintains a network of 4,714 streamgages across the West, of which 3,552 monitor streamflow and 1,162 monitor only water-levels. These streamgages are supported by a mixture Federal appropriations and partner funding. The locations of all operational streamgages can be seen on our [USGS National Water Dashboard](#).

All streamgages operated by the USGS are actively maintained and thus, none is in need of repair. That said, across the West, 7 streamgages have been discontinued over the last year and an additional 19 streamgages are at-risk of being discontinued in 2021 due to a lack of funding. The locations of all at-risk or discontinued gages can be seen on our [Endangered, Discontinued, and Rescued Streamgage Mapper](#). A table of streamgages in the West by state is provided below, as of June 2, 2021.

Western State	Number of Operational Streamflow Gages	Number of Operational Water-Level-only Gages	Number of At-Risk Streamgages	Number of Streamgages Discontinued in the Last Year
Alaska	89	30	1	3
Arizona	170	32	1	0
California	437	138	1	0
Colorado	313	59	1	0
Idaho	196	32	0	1
Kansas	186	43	0	0
Montana	207	25	1	0
Nebraska	111	32	1	0
Nevada	133	24	1	0
New Mexico	156	36	0	0
North Dakota	104	32	0	0
Oklahoma	147	54	0	0
Oregon	200	119	1	1
South Dakota	105	56	2	0
Texas	542	324	0	0
Utah	133	14	2	0
Washington	235	100	6	2
Wyoming	88	12	1	0
Total	3,552	1,162	19	7

Questions for the Record
Subcommittee on Water, Oceans, and Wildlife
House Natural Resources Committee
Oversight Hearing
Status of Drought Conditions Throughout the Western U.S.
May 25, 2021

Questions from Rep. Lauren Boebert

Question 1: Under questioning, you indicated that you have prior experience in Endangered Species Act and water matters that were relevant to this drought hearing. The State Energy and Environment Impact Center (Center) at the New York University Law School, where you worked immediately prior to your current role, focused on such matters. For that reason, there are serious questions on whether you have a conflict of interest and should be recused on many matters at the Department of the Interior. As such, I asked you for a copy of your recusal list and inquired about your work with the Center. You consented and committed to providing your recusal list based on your conflicts of interest, but have failed to do so. You also offered to provide information about the work of the Center. Provide these documents by 5:00 p.m. on the day after you officially receive this request.

Response: The Department of the Interior responded to this question by providing information to the Committee on June 10, 2021.

Question 2: The Biden administration recently launched an interagency drought relief working group. Can you expand on what will be the priorities of the working group, what actions you anticipate coming from its efforts and what stakeholders the working will engage during its deliberations?

Response: The Drought Relief Working Group (Working Group) held its first meeting on May 7, 2021. The meeting provided guidance on the Working Group's focus on immediate responses and clarified how the Working Group will engage with National Drought Resilience Partnership (NDRP). The Working Group will build upon NDRP's existing work and look at emergency actions to be taken by the federal government. It is expected that the NDRP will focus on long term items related to drought and responses to climate change to build more resilient communities and protect the natural environment. Attendees from at least thirteen agencies from across the federal government were asked to identify gaps in their authorities to be able to better pursue actions needed. These gaps will inform policy decisions. Additional items identified were the need to leverage science and data and to address equity and environmental justice. The Working Group will seek input from affected communities and review the status of existing tools and make recommendations on what authorities are needed to address the imminent community needs facing us with drought.

Questions for the Record
Subcommittee on Water, Oceans, and Wildlife
House Natural Resources Committee
Oversight Hearing
Status of Drought Conditions Throughout the Western U.S.
May 25, 2021

Questions from Chair Jared Huffman

Question 1: The Administration recently launched an Interagency Drought Relief Working Group. What near-term actions does the Working Group plan to take?

Response: The Drought Relief Working Group (Working Group) held its first meeting on May 7, 2021. The meeting provided guidance on the Working Group's focus on immediate responses and clarified how the Working Group will engage with National Drought Resilience Partnership (NDRP). The Working Group will build upon NDRP's existing work and look at emergency actions to be taken by the federal government. It is expected that the NDRP will focus on long term items related to drought and responses to climate change to build more resilient communities and protect the natural environment. Attendees from at least thirteen agencies from across the federal government were asked to identify gaps in their authorities to be able to better pursue actions needed. These gaps will inform policy decisions. Additional items identified were the need to leverage science and data and to address equity and environmental justice. The Working Group will seek input from affected communities and review the status of existing tools and make recommendations on what authorities are needed to address the imminent community needs facing us with drought.

Question 2: How does the WaterSMART program help equip water users in the West to be more drought-resilient?

Response: Under the WaterSMART Program, the Bureau of Reclamation (Reclamation) makes cost-shared funding available for a wide range of water management activities to help water managers prepare for drought and other water supply challenges. Since 2010, Reclamation has provided over \$380 million for more than 1000 projects across the West, including water delivery system improvements, drought contingency plans, water recycling, and restoration planning by watershed groups. Cumulatively, Reclamation's WaterSMART and Title XVI-funded projects from 2010 to 2020 are expected to have resulted in water savings of 1,483,660 acre-feet. One acre-foot, or 325,851 gallons of water, supplies enough water for a family of four for one year.

Drought Resiliency Projects: Reclamation provides funding for projects to build resilience to drought, including increasing supplies for use during drought through aquifer recharge and recovery, lowering intakes, installing inter-ties, drilling wells, and installing pipes to connect to different water sources, treatment of groundwater to meet drinking water standards, and tools for water management and monitoring through the Drought Program. From 2019 to 2021, Reclamation has funded 48 drought resiliency projects, including almost \$32 million in Federal funding, \$261 million in non-Federal funding, for a total of \$292.6 million in investments.

Questions for the Record
Subcommittee on Water, Oceans, and Wildlife
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May 25, 2021

Basin Study Program: Reclamation works with stakeholders on a basin-wide scale to identify shortfalls between water supply and demand – including deficits caused by drought and climate change – and to identify strategies to address existing or potential shortfalls. Since 2009, 27 Basin Studies have been funded, of which, 18 are complete and 9 are ongoing. Funding is also provided for Applied Science Tools to support the development of modeling, forecasting, and data decision support tools. In 2020, Reclamation awarded \$3.5 million for 19 Applied Science Tools projects, in the first year of that program activity.

Question 3: There has been a significant amount of funding included in appropriations for WaterSMART grants. What has been accomplished to date with WaterSMART grants funding?

Response: Since 2010 (through FY 2021), Reclamation has provided over \$297 million for 546 WaterSMART Water and Energy Efficiency Grant projects to implement water conservation and efficiency projects, including projects that water managers implement to stretch limited supplies and to increase flexibility available during times of shortage. Those projects represent more than \$1.3 billion in water management improvements, including non-Federal funding of approximately \$1 billion. WaterSMART Grant projects have multiple benefits, including increasing water efficiency. Projects funded since 2010 are expected to save over 900,000 acre-feet of water each year, once completed.

Question 4: Do some smaller water districts and tribes pursuing small projects have trouble competing for WaterSMART grants funding against much larger projects?

Response: In 2017, Reclamation created a category of funding, WaterSMART Small-Scale Water Efficiency Projects to help to address this concern and provide an opportunity for water managers to seek relatively small amounts of funding. Applicants may request up to \$75,000 for projects that they have identified through their previous planning efforts. The evaluation criteria and application process for this category of funding has been streamlined as much as possible in recognition of the fact that the projects proposed are limited in scope.

Example (Oklahoma): The Chickasaw Nation in southern Oklahoma is using \$75,000 for the installation of 32 advanced water meters and a supervisory control and data acquisition system at Murray State College. The smart meters are one element of a more significant effort within the Nation to improve water infrastructure and maximize water reliability for its users. The project is expected to reduce water losses and better manage limited water supplies. The project is supported by the 2012 Oklahoma Comprehensive Water Plan, Lower Washita Watershed Planning Region, and the 2015 WaterSMART Drought Contingency Plan for the Arbuckle Simpson Aquifer.

Questions for the Record
Subcommittee on Water, Oceans, and Wildlife
House Natural Resources Committee
Oversight Hearing
Status of Drought Conditions Throughout the Western U.S.
May 25, 2021

Example (Arizona): The Colorado River Indian Tribes, located in western Arizona, is using \$75,000 in Federal funding (FY 2019) to install eight acoustic doppler velocity meter gauging stations on sublaterals of the Colorado River Irrigation Project, which will allow the Tribal Water Resource Department to obtain reliable, real-time flowrate data that will enable more efficient regulation of water distribution. This area of Arizona is vulnerable to drought, having experienced drought conditions for the past 19 years, and the Tribes rely on the Colorado River as their sole source of water. The project will minimize water losses due to over-delivery and excessive operational spills and improve accounting accuracy of the Tribes' Colorado River water allocation.

Question 5: The Reclamation States Emergency Drought Relief Act of 1991 is due to expire at the end of Fiscal year 2021. How will drought response activities be affected if the Act is not extended?

Response: Without an extension, starting in FY 2022, Reclamation would no longer be able to provide emergency drought assistance to minimize losses and damages resulting from drought conditions and Reclamation would also lose its authority to provide financial assistance for the development of drought contingency plans. Reclamation included language within the Fiscal Year 2022 Budget to extend this authority.

Question 6: What accomplishments have been realized through the Bureau of Reclamation's Drought Response Program?

Response: From 2019 to 2021, Reclamation has funded 48 drought resiliency projects, including almost \$32 million in Federal funding, \$261 million in non-Federal funding, for a total of \$292.6 million in investments. The Drought Response Program also provides funding for drought contingency planning. These plans are done for local and regional planning areas to predict and monitor drought, plan for infrastructure improvements to improve drought resiliency, and set forth drought response actions based on stages of drought. In the last few years (since 2019), Reclamation has funded 9 drought contingency plans across the west, including entities such as Pechanga Band of Luiseño Indians (CA), Santa Clara Valley Water District (CA), Pala Band of Mission Indians (CA), and the Washington County Water Conservancy District (UT).

Example 1: (CA-FY 2016, \$291,000) The City of Torrance, located in Los Angeles County, improved its resiliency to drought by drilling Well No. 10 in the North Torrance Well Field. The ongoing occurrence of extreme drought has affected the City's allocation of imported water from the Metropolitan Water District. The addition of this well will increase the local water supply available by 3,849 acre feet per year, an amount equal to 23.8% of its total supply. This project will allow the City to use more of its adjudicated supply of groundwater and reduce its dependence on imported supplies in dry years, which is identified as a priority in the City's drought contingency plan.

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Example 2: (AZ-FY 2021, \$1.5 million) The City of Scottsdale, Arizona will construct an aquifer storage and recovery well to provide a new, drought-resilient, supplemental drinking water supply. Approximately 87% of Scottsdale's water supply comes from its Central Arizona Project entitlement from the Colorado River and the Salt and Verde Rivers watersheds, which are prone to long-term drought. The well and associated pipeline will make available an additional 3,000 acre-feet per year of water during drought years. The recharge credits from this well will make up for the loss of water when a shortage is declared on the Colorado River system. This project, supported by the 2015 Scottsdale Drought Management Plan (2015-2019), will also improve the water quality in the aquifer and prolong the ability to pump groundwater in times of drought.

Example 3: (CO-FY 2015, \$200,000) The Dolores Water Conservancy District developed a drought contingency plan in partnership with the Ute Mountain Ute Tribe Farm and Ranch Enterprise and the Montezuma Valley Irrigation Company. The plan includes the areas served by the Bureau of Reclamation's Dolores Project, located in southwest Colorado, which provides irrigation water for approximately 36,600 acres of irrigated land, provides municipal and industrial water to the Ute Mountain Ute Tribe, the tribal community of Towaoc, several other towns and cities, and serves downstream fish and wildlife purposes. The plan includes a comprehensive evaluation of mitigation and response actions to reduce water shortages and improve drought resiliency for water users through collaboration with local agricultural districts, tribal farmers, municipal and industrial users, non-governmental organizations, and Federal and state agencies.

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Questions from Chair Raúl Grijalva

Question 1: In 2019, Congress passed the Colorado River Drought Contingency Plan Authorization Act to help address worsening drought conditions in the Colorado River Basin. Are there additional actions Congress should consider taking now to address short-term and long-term drought impacts on the 40 million people who rely on Colorado River water supplies and impacts on the Colorado River's ecological system?

Response: The Pilot System Conservation Program and the Colorado River Basin Drought Contingency Plans are two of the most recent examples of programs designed to reduce water use within the Basin in a manner that stretches the limited and declining reservoir water levels in the Colorado River Basin. Without these programs, the Colorado River Basin would be at much greater risk today.

However, despite these efforts, given the continuing historically-dry conditions in the Basin this year, and assuming these drying conditions continue or worsen, we know that significantly more action will be needed to avert our key Colorado River reservoirs from declining to critically low elevations, threatening the water supplies of millions in the United States and Mexico.

Passage of the Drought Contingency Plan Authorization Act demonstrated how essential it is to have support from a broad range of those that rely on the Colorado River: Basin States, Tribes, Water Districts, and non-governmental Organizations.

As DOI undertakes continued discussions with those entities regarding the development of additional tools and guidelines to address ongoing challenges in the Basin, we will need continued support from Congress to have the necessary staffing and resources necessary for such an important and large-scale effort.

We also believe it is important for Congress to support our ongoing efforts to create or conserve additional quantities of Colorado River water consistent with the Drought Contingency Plan Authorization Act and its implementing agreements.

Question 2: What strategies does the Interior Department expect to pursue to help mitigate short-term and long-term drought impacts on the 40 million people who rely on Colorado River water supplies and impacts on the Colorado River's ecological system?

Response: Since 2007, voluntary conservation and storage activities, in addition to the Drought Contingency Plans (DCP), have added significant water storage to Lake Mead, delaying a potential Lower Basin shortage condition by about six years. The Department of Interior intends to focus on projects that will generate water savings annually over a longer period, with longer-term projects taking some time to develop and become operational. Shorter-term projects and

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agreements that generate system water over the term of the DCP are being explored to help bridge this gap.

In the Upper Basin, based on current hydrologic projections, Reclamation has taken steps, working with the Upper Basin States, to assess drought response options. The Drought Response Operations Agreement (DROA) outlines drought response actions that can be taken to protect water supplies and critical elevations at Lake Powell. The Upper Basin is also assisting and providing funds to the Upper Colorado River Commission to conduct research over a four-year period on various issues related to the feasibility of demand management. The research will inform the demand management component of each Upper Basin State's DCP efforts. Finally, the Upper Basin continues to provide support to Upper Basin States in their analysis and implementation of other water saving initiatives.

Question 3: Under the Lower Basin Drought Contingency Plan, the Interior Secretary commits to take actions to conserve or create 100,000 acre-feet of water annually, subject to funding availability and other considerations. Can you provide the Committee with an update on the implementation of this provision and describe the specific actions that are currently being considered?

Response: Through Reclamation, the Department of Interior has been exploring existing and possible future projects and opportunities to create or conserve system water in the Lower Basin to help meet the Secretary's commitments under the Lower Basin Drought Contingency Plan (DCP). We intend to focus on projects that will generate water savings annually over a longer period, with longer-term projects taking some time to develop and become operational. Shorter-term projects and agreements that generate system water over the term of the DCP have been implemented previously and are also being explored to help bridge this gap.

Reclamation's Lower Colorado Basin Region has been coordinating its actions with its partners and stakeholders, including the Lower and Upper Basin States, water agencies, Tribes, non-governmental organizations, and the U.S. Section of the International Boundary and Water Commission (USIBWC).

In 2020, Reclamation entered into agreements with the Fort McDowell Yavapai Nation to create system conservation water in 2020, 2021, and 2022, and with the Mohave Valley Irrigation and Drainage District to create system conservation water in 2020 and 2021, with the option for a third year in 2022.

In addition, the 242 Wellfield Expansion Project, which conveys water pumped from the 242 Wellfield near the southerly land boundary with Mexico north to the Colorado River above the Northerly International Boundary, will generate approximately 25,000 acre-feet of system water

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per year. This Project is currently in an operational testing phase and is pending transfer to plant status after the final inspection report is complete.

Potential future projects or agreements to create or conserve additional system water are being developed, subject to applicable law including availability of appropriations, in coordination with our partners and stakeholders.

Question 4: When the Interim Guidelines and Drought Contingency Plan sunset in 2026, new management guidelines will be needed for the Colorado River. Please provide an update on the status of planning efforts and the anticipated negotiation timeline for the development of post-2026 management guidelines.

Response: The Department of the Interior will ensure that discussions on post-2026 operations will include our partners and stakeholders in the Colorado River Basin. We believe it is important to coordinate early and closely with our partners and stakeholders throughout the Basin, including the seven Basin States, Tribes, water districts, non-governmental organizations, and Mexico before initiating a formal process. To that end, we are currently working to listen to stakeholder input, review input received to date, and prepare internally for the administrative, technical, scientific, and coordination and compliance tasks ahead. On June 16, Reclamation announced the selection of the Senior Water Resources Program Manager for the Colorado River that will help to facilitate activities related to post 2026.

The Department of Interior also intends to use the months ahead to develop a robust public involvement approach that will appropriately include meaningful and timely engagement with the Basin States, Tribes, partners, and stakeholders to ensure their objectives and priorities are considered.

Together, development of these internal and external processes will ensure Reclamation has the appropriate resources and information in place for a robust formal process to address development of post-2026 operations.

Question 5: Can you describe the Interior Department's plans for ensuring that Tribes are properly consulted and meaningfully involved in the development of post-2026 management plans for the Colorado River? Please describe the anticipated role of Tribes in the development and negotiation of these plans, including Tribes with currently unquantified water rights.

Response: The Department of Interior is meaningfully engaging with Tribes in this region, which has been crucial to the success of a number of Reclamation's efforts over the years, including successful water conservation during the Intra-Arizona Drought Contingency Plan (DCP) discussions. The State of Arizona, Central Arizona Water Conservation District and

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Reclamation did extensive outreach to the Central Arizona Project water users and especially to the Tribes regarding implementation of the Intra-Arizona Plan.

We continue to work closely with our partners and stakeholders in the Lower Basin on shortage preparation, considering the likely declaration of shortage conditions in 2022.

For example, Reclamation staff worked closely with many in the Arizona water community and helped coordinate an Arizona Shortage Workshop public webinar held on April 29, 2021. The Workshop was hosted by the Arizona Department of Water Resources and the Central Arizona Water Conservation District, operator of the Central Arizona Project.

Previously, on February 26, 2021, the Inter-Tribal Council of Arizona (ITCA) and Reclamation executed a Memorandum of Understanding establishing a platform for ITCA members to engage directly with Reclamation on issues related to management of the Colorado River. Reclamation intends to engage the ITCA and its consortium of federally recognized Tribes in Arizona in discussion regarding shortage implementation.

As a result of voluntary water conservation and storage activities by Reclamation, the Basin States, Tribes, and Mexico since 2007, approximately 4 million acre-feet has been conserved in Lake Mead, increasing its elevation by approximately 50 feet.

Meaningfully engaging and encouraging the participation of Tribes in the Colorado River Basin was crucial to the success of key operational decisions and studies that have occurred during the last decade in response to drought: the Colorado River Basin Water Supply and Demand Study, the Pilot System Conservation Program, the Colorado River Basin Ten Tribes Partnership Tribal Water Study, and the Drought Contingency Plans.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

September 13, 2021

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

Dear Chair Huffman:

Enclosed are responses prepared by the Department of the Interior to written questions submitted following the June 29, 2021, legislative hearing on H.R. 1851, St. Mary's Reinvestment Act, H.R. 3877, Salton Sea Projects Improvement Act, H.R. 4099, Large-Scale Water Recycling Project Investment Act, and H.R. 1869, Technical Correction to the Shoshone-Paiute Tribes of the Duck Valley Reservation Water Rights Settlement Act of 2021.

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

Sincerely,

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

Enclosure
cc: The Honorable Cliff Bentz
Ranking Member

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June 29, 2021**

Questions from Representative Mike Levin

Question 1: Mr. Raff, as you note in your testimony, projects funded through Reclamation's Title XVI grant program delivered over 420,000 acre-feet of recycled water in 2020, helping to provide a new, reliable water source for numerous communities. Still, other witnesses have noted in their testimony that most of Southern California's wastewater continues to be discharged to the Pacific Ocean without being recycled. This unused water source could be reclaimed to provide significant new water supplies for my region. For example, one single large-scale recycling project we'll hear about today would increase the Southern California region's water recycling by 20 percent alone, and there are several other large-scale recycling projects being developed now in California. Would greater federal support for large-scale water recycling help make the communities we represent more climate resilient and better prepared for droughts driven by climate change?

Response: The Bureau of Reclamation (Reclamation) continues to believe that water recycling can provide communities with new water supplies providing increased flexibility during water shortages. Since recycled water is often a drought-resistant supply, increased water recycling could help communities be better prepared for droughts. In the past, a number of sponsors of water recycling and reuse projects have pointed out that Federal funding under the existing Title XVI program has been helpful, and in some cases has been critical to accelerating development and construction of projects. Water recycling, including large-scale recycling, could be a beneficial component of an overall strategy to increase water supplies in the western United States.

Question 2: The Colorado River supplies drinking water to tens of millions of people, including in my district, and we're seeing this key water source diminish year after year because of climate change and multi-year drought. Adequate, resilient, and safe drinking water supplies are fundamental to the health, economy, and security of our region and the entire country. Mr. Raff, do you agree that the federal government will have to play a much greater role in helping fund and advance water recycling projects in the years ahead to help insulate communities from the worst effects of drought and climate change?

Response: Water recycling projects, including large-scale recycling projects within the Colorado River Basin and in other parts of the West, would help to reduce demand on other available supplies. Water recycling projects, including projects completed through the Title XVI program, are a key component of efforts by Reclamation to help address water challenges facing many communities in the West. Reclamation supports funding for recycling projects as they provide new drought proof water supplies.

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Question 3: As we heard from witnesses testifying during the hearing, future water recycling projects will include smaller and moderately sized projects like those Title XVI was originally created to support, as well as large-scale projects that can produce enough new water for more than a million people every year in some cases. Mr. Raff, do you think there is a role for the federal government to provide greater support for these large-scale projects? What are some of the limitations under current law limiting the Department's ability to fund large-scale projects to the same degree they've been able to fund other types of water supply projects?

Response: Reclamation supports the objectives of the Large-Scale Water Recycling Project Investment Act to increase opportunities for recycling projects and does have a role to play in water recycling projects, particularly in projects with multiple partners designed to provide water supply benefits to areas that are experiencing severe drought. Under the existing Title XVI Program, Reclamation can provide 25% of the total cost of eligible non-Federal water recycling projects, up to \$20 million, which allows Reclamation to provide funding for planning, design, and construction without having to complete the same level of analysis and review that are required for projects with a larger Federal investment.

Question 4: Now I'd like to turn to Dr. Ruiz's legislation on the Salton Sea. As some may know, San Diego County has a water transfer agreement with the Imperial Irrigation District that was part of the 2003 Colorado River Quantification Settlement Agreement. The transfer agreement has been an important part of San Diego County's effort to diversify its water supply and ensure we have reliable sources of water as we plan for the future. The agreement is also beneficial for Southern California and the entire state, as we seek to address reduce imports from the Colorado River due to a decades-long drought. And importantly, the agreement benefits the Imperial Valley, which has been able to protect its water rights and has received funding for conservation. In fact, funding from San Diego County water agencies has paid for conservation projects, including wetlands and shoreline habitat restoration. So, Dr. Ruiz's bill not only helps communities in his district, but it also helps communities throughout Southern California, including in San Diego. It's not a local issue, instead it's a regional issue. The Salton Sea needs additional federal help, and I support Dr. Ruiz's work. Mr. Raff, what work is Reclamation currently doing at the Sea, and how will Rep. Ruiz's bill allow you to scale up that effort?

Response: Reclamation is working with the State of California, who leads the effort for restoration of the Salton Sea. This includes the implementation of the Salton Sea Management Program (SSMP) Phase I: 10-Year Plan (10-Year Plan) and the Dust Suppression Action Plan, as well as with Imperial Irrigation District (IID) to implement the Salton Sea Air Quality Mitigation Program 2019/2020 Proactive Dust Control Plan. Since 2016, Reclamation has provided approximately \$14 million in support of Salton Sea restoration projects, technical assistance, and program management using various authorities.

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Reclamation also participates in State-led committees and provides technical expertise, as requested, on activities such as evaluating water transfer plans for long-term restoration of the Sea. Reclamation convenes and leads regularly scheduled meetings with other Department agencies, U.S. Army Corps of Engineers (USACE), and U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) to coordinate activities and increase Federal collaboration at the Sea, as well as identify possible funding sources to implement projects. Reclamation has prioritized compliance and permitting of projects that affect Reclamation-owned lands at the Sea by providing program funding to support staff workload, increasing direct communications and coordination with State program leads, and strategically working with partners to determine compliance and permitting needs and schedules.

H.R. 3877 would increase the authorized appropriations ceiling, which would provide Reclamation flexibility to participate in additional partnerships for dust suppression and habitat improvement projects at the Sea. The bill also explicitly authorizes federal participation in dust suppression projects.

Question 5: I realize that the State of California has a primary role in restoration efforts at the Salton Sea, but the role of the federal government, local partners, and environmental stakeholders is critical as well, especially given the scale of the challenge. Mr. Raff, can you describe why the language in H.R. 3877 regarding partnerships is particularly important?

Response: H.R. 3877 would expand Reclamation's ability to work with non-governmental agencies and universities, who can access other funding sources for projects. For example, Reclamation is currently working with the National Audubon Society (Audubon) and the Imperial Irrigation District to fund wetland habitat and dust mitigation at Bombay Beach, which is a highly emissive area. Audubon needed funding from Reclamation to complete the project design, public outreach, and environmental compliance, which bridges a funding gap and allows them to access and leverage other grant funding to construct this project. Expanding our ability to partner will increase these cost-sharing opportunities.

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Question from Ranking Member Cliff Bentz

Question 1: The Interior Department has admitted that it inadvertently invested the funds related to H.R. 1869 prior to January 25, 2016 and, therefore, interest on those funds was generated in that time period. Thereafter, Interior turned over that interest to the U.S. Treasury. Please provide when that interest was turned over to the U.S. Treasury and the exact amount turned over to the U.S. Treasury.

Response: On September 29, 2016, the Department returned \$4,858,216.26 to the U.S. Treasury.