

**EXAMINING THE DEPARTMENT  
OF THE INTERIOR'S SPENDING  
PRIORITIES AND THE  
PRESIDENT'S FISCAL YEAR  
2017 BUDGET PROPOSAL**

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**OVERSIGHT HEARING**

BEFORE THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTEENTH CONGRESS

SECOND SESSION

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Tuesday, March 1, 2016

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**Tuesday, March 1, 2016  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, DC**

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The committee met, pursuant to notice, at 10:04 a.m., in room 1324, Longworth House Office Building, Hon. Rob Bishop [Chairman of the Committee] presiding.

Present: Representatives Bishop, Young, Lamborn, Fleming, McClintock, Thompson, Lummis, Benishek, Duncan, Gosar, Labrador, LaMalfa, Denham, Westerman, Graves, Newhouse, Zinke, Radewagen, Mooney, Hardy, LaHood; Grijalva, Bordallo, Costa, Sablan, Tsongas, Huffman, Ruiz, Lowenthal, Cartwright, Beyer, Torres, Dingell, Gallego, and Polis.

Also present: Representatives Walden and Luján.

The CHAIRMAN. All right, we are ready to get started here. This hearing will come to order.

We are examining the Department of the Interior's spending priorities in the Fiscal Year 2017 budget. Under Rule 4(f) any oral opening statements are limited to the Chair, the Ranking Minority Member, the Vice Chair, and a designee of the Ranking Minority Member. So we will allow that to happen.

Therefore, I ask unanimous consent that any other Members' opening statements, if they wish to have some, be included as part of the hearing record if you submit them to the Clerk by 5:00 p.m. today, Eastern Time, or the close of this hearing, whichever comes first. I had to lie about that one, too.

So, without objection, it will be so ordered.

I am also going to ask unanimous consent that Representative Greg Walden be allowed, if he is able, to join us to sit on the dais and participate in today's hearings.

[No response.]

The CHAIRMAN. Seeing no objection, it will be so ordered.

I am going to recognize myself first for 5 minutes.

**STATEMENT OF THE HON. ROB BISHOP, A REPRESENTATIVE  
IN CONGRESS FROM THE STATE OF UTAH**

The CHAIRMAN. As we begin this process, I sarcastically said the other day that the only thing positive about this budget is it is going to be the last one we are going to see. That is both sarcastic, an oversimplification, but, unfortunately, terribly accurate.

With a \$19 trillion deficit, this is a \$20 billion budget that is basically the same old. It rewards friends, it punishes enemies, it listens to some and ignores others. The people who need to be

cared about and need to be served are those that are not going to be heard in this particular budget.

The budget omits tens of millions of dollars that are going to be spent to defend against frivolous lawsuits that groups file against this Department. These lawsuits, together with more than 200 regulations it issued last year, stifle economic development, but without any compensation that benefits the land, wildlife, air, water, resources, the people who live in that area, or the people who come to recreate in those particular areas. Some of these rules include a hydraulic fracturing rule, which is legally deficient; rules that discourage onshore energy leases; plans to redirect millions from Gulf offshore resources toward a flawed climate action plan; the withdrawal of 10 million acres from mineral development of the West for a habitat for the Greater sage-grouse, which is doing poorly on Federal land, but is doing great on state and private land, because they know what to do; and ESA changes that designate critical habitat in areas that are not now nor have been occupied by any endangered species.

I am also perplexed by the Department's double standard of stringently enforcing ESA consultation. Apparently, on the EPA's Clean Power Plant rule, or when the EPA dumps 3 million gallons of crap into the Animas River, that is an "Oops, we will just white-wash the entire thing."

Last week, this committee did receive subpoenaed documents from the Army Corps and a partial response from the Interior Department. I know that staff will be reviewing those, and we will be following up, and await your full response for those issues.

Look, we have a \$19 billion backlog that is facing this Department, yet we still want to add more lands with an LWCF that needs to spend more on the stateside programs and less on land acquisitions. We are undercutting future grazing on Federal lands, with a sizable increase to grazing fees that is in addition to a 25 percent increase that already occurred last year. And, rather than informing Congress of the largest grazing fee increase in years, BLM chose to leak it to an online news agency. So I learned of it when a reporter asked me a question about it. That is not what I consider to be transparency.

The ESA regulations: we have a Department budget that does nothing to address the West's drought problems. When we could be putting 200,000 acres of land into agriculture productions, instead we are going to be diverting more water in California to the Delta smelt. You have a \$166 million program in there that deals with drought mitigation and rehabilitation. To those of us in the Republican areas of the northern part of the Colorado Basin, we are going to get \$3.5 million of that. The other \$162 million, we do not.

The drought hits all of the West. It is not a blue- or red-state drought, but you would not be able to recognize it by this budget. In fact, when we had a hearing the other day in St. George, we dealt with a land use plan that, by law, had to have consultation and coordination with local government. Yet the city had not been consulted in any way, and the county said when they made calls they were never returned. Yet a special interest group panelist who

happened to be there said, “I don’t understand; they always pick up my phone when I call.”

That is part of the problem that we have. There are some groups that are openly listened to, there are some groups that seem to be ignored, and this budget does that same thing again. It has no creative solutions. It will not expand or strengthen affordable domestic energy portfolio, it does nothing for catastrophic wildfires, does nothing for severe droughts across the West. But it does give opportunity for more regulatory red tape, more jobs going overseas, higher taxes, and especially higher fees for the American people.

Look, when we go into this, part of the process is when I turn it over to my friends on that side of the aisle, their job is to defend your budget. It is going to be a difficult task to do. There will be a whole lot of spin doing that. I understand. That is what I had to do in the last few years of the Bush administration, when we were in the Minority. You get to do that same thing.

I am just telling you, though, that your spin is going to be the envy of every Las Vegas contortionist, because this budget could have been a blueprint for future cooperation, and instead I think it is a blueprint for future partisan bickering. It is not what it could have been; I feel bad about that.

[The prepared statement of Mr. Bishop follows:]

PREPARED STATEMENT OF THE HON. ROB BISHOP, CHAIRMAN, COMMITTEE ON  
NATURAL RESOURCES

I have said, the only thing positive about the President’s budget is that it will be his last. Amidst a \$19 trillion and growing national debt, the Interior Department’s \$20 billion budget request, unfortunately, is the same approach put forward for 8 years regarding our Nation’s natural resources challenges: it increases runaway Federal spending; ramps up regulations that threaten our energy and water security; punishes already-struggling economies by increasing fees and taxes, and expands Federal land ownership, adding to the billions of maintenance backlogs and poorly managed forests that are being ravaged by wildfires.

This budget omits tens of millions of dollars spent to defend against frivolous lawsuits groups file against the Department. These lawsuits—together with more than 200 regulations it issued last year—stifle economic development without commensurate benefit to land, wildlife, air, and water resources.

Some of these rules include: a hydraulic fracturing rule found to be legally deficient; rules that discourage onshore energy leases on Federal land; plans to redirect millions of dollars in Gulf offshore revenues toward the Administration’s Climate Action Plan; the withdrawal of 10 million acres from mineral development in western states to create higher standards for Greater Sage-Grouse habitat; and new ESA changes to designate critical habitat in areas not now occupied by any endangered species.

As an aside, I am troubled by the Department’s double standard of stringently enforcing ESA consultations, while exempting EPA’s Clean Power Plan rules, or failing to consult on EPA’s excavating a pressurized mine that dumped 3 million gallons of pollution into rivers with endangered species.

The Department’s \$900 million proposal for the Land and Water Conservation Fund again devotes far too much for Federal land acquisition and not enough for stateside programs. I have proposed that states and local communities should receive at least 45 percent of the total LWCF allocation—no less than \$405 million.

Compounding this problem is the nearly \$19 billion deferred maintenance backlog facing the Department and the Forest Service. With the scope of these backlogs, I’m puzzled why the Department continues to add more land under its management purview, which only exacerbates the backlog.

The Department also proposes to undercut future grazing on Federal lands with a sizable increase to grazing fees on Federal lands *in addition* to the 25 percent increase that already occurred this year. Rather than inform Congress of the largest grazing fee increase in years, BLM chose to “leak” it to an online news outlet, and I learned about it from a reporter asking questions. The lack of transparency of the Administration (despite their claims to the contrary) is astounding.

While increasing funding for ESA regulations, the Department's budget does nothing to address the West's drought problems. This committee recently heard that precious water that could have been used to put 200,000 acres of land into agriculture production was diverted in California for the Delta Smelt. The drought problem will only be addressed when the Department completes studies for new water storage and executes agreed-upon water projects, including the Central Utah Project, so Americans have adequate water supplies even in dry times.

The Department's proposal to increase energy taxes by \$10 per barrel squanders any remaining leverage from our recent energy renaissance and forces American families to foot the bill on legacy-building and the far left's policy fantasies. The Administration's regulations have resulted in surging oil and natural gas production on non-Federal lands, but astonishing declines on Federal lands. Under these policies, we lose our competitive edge and are forced to rely upon countries like Iran to meet our energy needs.

Unfortunately, this budget offers no creative solutions—it won't sustain or expand a strong and affordable domestic energy portfolio, it won't curb catastrophic wildfires destroying millions of acres of Federal forests, or severe droughts across the West. But it does offer plenty of regulatory red tape and policies to send jobs overseas and further tax the American people.

Welcome, Secretary Jewell. We appreciate you coming and look forward to your testimony.

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The CHAIRMAN. With that, I will yield back my time, and notice I have 30 seconds left. Look at this, as we are going through, trying to get everyone to ask Ms. Jewell questions. I will yield to Mr. Grijalva, so you can start the spin.

Mr. GRIJALVA. Thank you very much.

The CHAIRMAN. Defend the indefensible.

**STATEMENT OF THE HON. RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA**

Mr. GRIJALVA. Thank you very much for this rare opportunity to defend. Thank you, Secretary Jewell, for being here. Only one person in the room, I might add, has actually produced a budget for the coming fiscal year, and that is Secretary Jewell. Despite announcing they would have a budget by now, House Republicans cannot seem to agree on a plan. The failure is due to internal bickering and the same Republican extremism that caused government shutdowns, a debt crisis, and the resignation of our previous Speaker.

When it comes to appropriations, the last time the House passed a stand-alone Interior bill was 2009, when the House was controlled by the Democrats. This is 6 fiscal years of failure in a row.

The budget request the Secretary has submitted would result in more than \$10 billion in revenue flowing into the pockets of American taxpayers. The request also includes legislative proposals that, if enacted by the Congress, would result in another \$4.5 billion in revenue.

In other words, if Congress just got out of the way and enacted this budget request, the Department would pay for itself and have more than a billion dollars left over. House Republicans have no budget of their own, and cannot seem to pass individual appropriation bills, but that does not stop them from having loud opinions about the Administration's proposals. As with health care policy, foreign policy, defense policy, and even nominees to the Supreme Court, the President is the adult in the room, while the House Republicans criticize all of the Administration's work.



To fail to do your job, then criticize those who are doing theirs, is hypocritical and irresponsible. I would urge my colleagues across the aisle, rather than spending your 5 minutes attacking the Administration's budget, take at least some of your time to explain your own views on what our spending priorities should be, and how you suggest we pay for them.

The budget request would spend \$860 million, including \$300 million in mandatory spending to mark the 100th anniversary of the National Park Service, and invest in restoring and maintaining NPS resources over the next decade. The committee has yet to move on NPS Centennial legislation.

This budget includes \$2 billion in mandatory funding to respond to the impacts of climate change in at-risk coastal communities. This committee has yet to consider legislation related to climate change impacts, and it is not even clear that the Majority of the committee believes climate change is real.

This budget includes responsible, realistic spending proposals to address wildfire and drought, two of the most devastating problems facing the West. This committee continues to hold partisan, industry-friendly hearings during which they blame trees for the fire and fish for the drought.

This budget contemplates real investments in clean energy on Federal lands. This committee only invests in the tired, old rhetoric of "drill, baby, drill."

This budget calls for a meaningful investment in programs serving the First Americans, while this committee pursues deals that will destroy Native American sacred sites and harm the quality of life in Indian Country.

I expect some of my colleagues will ignore these specifics and spend today railing against Democratic spending in general. To them, I would offer a reminder: only two presidents have reduced the deficit during their tenure—Bill Clinton and Barack Obama.

Producing a detailed annual budget request for the entire Federal Government is an enormous task that requires serious work and political courage. Attacking this budget without producing an alternative requires none of the above.

With that, let me yield back.

[The prepared statement of Mr. Grijalva follows:]

PREPARED STATEMENT OF THE HON. RAÚL M. GRIJALVA, RANKING MEMBER,  
COMMITTEE ON NATURAL RESOURCES

Only one person in this room has actually produced a budget for the coming fiscal year, and that is Secretary Jewell. Despite announcing they would have a budget by now, House Republicans can't seem to agree on a plan. This failure is due to internal bickering and the same Republican extremism that caused government shut-downs, debt crises, and the resignation of the previous Speaker.

When it comes to appropriations, the last time the House passed a stand-alone Interior bill was 2009, when the House was controlled by Democrats; that is 6 fiscal years of failure in a row. The budget request the Secretary has submitted would result in more than \$10 billion in revenue flowing into the pockets of American taxpayers. The request also includes legislative proposals that, if enacted by the Congress, would result in another \$4.5 billion in revenue.

In other words, if the Congress just got out of the way and enacted this budget request, the Department would pay for itself, and have more than a billion dollars left over. House Republicans have no budget of their own, and can't seem to pass individual appropriations bills, but that doesn't stop them from having loud opinions about the Administration's proposals. As with healthcare policy, foreign policy,

defense policy, and even nominees for the Supreme Court, the President is the adult in the room, while House Republicans shoot spitballs at the Administration's work.

To fail to do your job, and then criticize those who are doing theirs, is worse than lazy; it is hypocritical and irresponsible. I would urge my colleagues across the aisle: rather than spending your 5 minutes taking pot-shots at the Administration's budget, take at least some of your time to explain your own views on what our spending priorities should be and how you suggest we pay for them.

This budget request would spend \$860 million, including \$300 million in mandatory spending, to mark the 100th anniversary of the National Park Service and invest in restoring and maintaining NPS resources over the next decade. This committee has yet to move NPS Centennial legislation.

This budget request includes \$2 billion in mandatory funding to respond to the impacts of climate change in at-risk, coastal communities. This committee has yet to consider legislation related to climate change impacts; it is not even clear that a majority of the committee believes climate change is real.

This budget includes reasonable, realistic spending proposals to address wildfire and drought, two of the most devastating problems facing the American West. This committee continues to hold partisan, industry-friendly hearings, during which they blame trees for fire and fish for drought.

This budget contemplates real investments in clean energy on Federal lands. This committee only invests in the tired, old rhetoric of "Drill-Baby-Drill."

This budget calls for meaningful investment in programs serving the First Americans, while this committee pursues land deals that will destroy Native American Sacred Sites and harm the quality of life in Indian Country.

I expect some of my colleagues will ignore these specifics and spend today railing against Democratic spending in general. To them I would offer a reminder: only two Presidents have reduced the deficit during their tenure: Bill Clinton and Barack Obama.

Producing a detailed, annual budget request for the entire Federal Government is an enormous task which requires serious work and political courage. Attacking this budget request, without producing an alternative, requires almost no work at all, and even less courage.

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The CHAIRMAN. Thank you.  
Mrs. Lummis.

**STATEMENT OF THE HON. CYNTHIA M. LUMMIS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WYOMING**

Mrs. LUMMIS. Thank you, Mr. Chairman, and thank you, Secretary Jewell. It is always nice to have you here in our committee.

The Department of the Interior manages 500 million acres of land. It is about one-fifth of the whole United States and half of my state. Half is managed by the Department of the Interior. So you manage as much as I am responsible for representing in that state. BLM is the majority of that, of course, with smaller portions being controlled by the Fish and Wildlife Service, National Park Service, Bureau of Indian Affairs, and Bureau of Reclamation. The Bureau of Ocean Energy Management in DOI governs the waters generally past 3 miles offshore, except in the Gulf of Mexico out to the territorial limit, or some 1.76 billion acres. That is a lot to be responsible for.

But in the part that I am responsible for, which is the state of Wyoming, we are officially back in recession, with only four other states. And it is because, in large part I would argue, of the policies of the Department of the Interior, especially with regard to the coal moratorium and the rules on BLM lands for oil and gas management. The rules are putting people out of work.

There are railroad locomotives sitting idle in my state for the first time I can ever remember, just parked, hundreds of them. In fact, nationwide, I asked someone with the Union Pacific Railroad this question, and she told me the Union Pacific Railroad has 150,000 locomotives parked with nothing to haul in the Nation right now. That is the extent of the slow-down that agencies such as yours have put on this economy. We are unable to produce the wealth of this country in a way that can emphasize the importance of having clean, reliable, redundant energy, and concentrate our time on making it even cleaner all the time.

Now, of course, a lot of that energy comes from land managed by the Department of the Interior. More than 40 percent of the coal produced in America is produced on Federal lands. Of course, the vast majority of that is in my state of Wyoming. Wyoming also produces a large share of the natural gas and oil that is produced on Federal lands, along with production in New Mexico and the Gulf of Mexico.

Our energy industry is facing huge challenges right now. So you can expect my questioning to focus on how the Department of the Interior intends to respond to this situation: the recession, the lack of jobs, and our inability to effectively produce the wealth this Nation holds.

Also, I am interested in hearing about management of the National Park System for the Centennial, and updates on management of wildlife. I look forward to your testimony, Secretary.

Thank you, Mr. Chairman, I yield back.

[The prepared statement of Mrs. Lummis follows:]

PREPARED STATEMENT OF THE HON. CYNTHIA M. LUMMIS, A REPRESENTATIVE IN  
CONGRESS FROM THE STATE OF WYOMING

Thank you, Chairman Bishop, for holding this hearing regarding the Fiscal Year 2017 Budget Request for the Department of the Interior. Secretary Jewell, it is always nice to get to talk with you.

The Department of the Interior manages some 500 million acres of land, about one-fifth of the entire United States. More than half of this land is managed by the Bureau of Land Management, with smaller but still sizable portions being controlled by the Fish and Wildlife Service, the National Park Service, the Bureau of Indian Affairs and the Bureau of Reclamation. The Bureau of Ocean Energy Management in DOI governs the waters generally past 3 miles offshore except in the Gulf of Mexico out to the territorial limit, or some 1.76 billion acres. That's a lot of responsibility.

A huge portion of the energy in this country comes from these areas managed by the Department of the Interior. More than 40 percent of the coal produced in America is produced on Federal lands, and the vast majority of that coal is produced in Wyoming. Wyoming also produces a large share of the natural gas and oil that is produced on Federal lands, along with production in New Mexico and the Gulf of Mexico.

Obviously, the energy sector is facing huge challenges right now. Oil and gas production on Federal lands has lagged behind production on state and private lands, and Interior continues to churn out regulations that make production more difficult. The Fish and Wildlife Service continues to be preoccupied with responding to litigation instead of moving recovered species off the endangered species list. The BLM continues to seek to acquire more land, without dealing with the maintenance requirements of the current inventory.

I look forward to finding out how the Department of the Interior intends to respond to these challenges in a fiscally realistic way, as well as how it plans to improve its management of the National Parks System for the Centennial and update its management of federally protected wildlife.

Secretary Jewell, I look forward to your testimony.

The CHAIRMAN. Thank you, I appreciate that.  
We will now turn to Mr. Sablan.

**STATEMENT OF THE HON. GREGORIO KILILI CAMACHO  
SABLAN, A DELEGATE IN CONGRESS FROM THE NORTHERN  
MARIANA ISLANDS**

Mr. SABLAN. Thank you very much, Mr. Chairman. And Secretary, welcome, and thank you for your service to our country. Many of the questions I have for Secretary Jewell are local in nature. I am interested in programs that the Department funds in the Northern Marianas. But there are two concerns I have that are larger in scope, so let me just make that my focus right now, and I will try to be brief.

The relationship between the United States and the Republic of Palau is based on a Compact of Free Association established during the administration of President Ronald Reagan. Today, with the expansion of China in the Pacific, Reagan's foresight in assuring that Palau would be an ally of the United States is more clear than ever.

Palau, the Northern Mariana Islands, and the island of Guam are links on a chain of islands that form a strategic perimeter to the east of China. China certainly understands how important islands can be. But right now, China is actually creating islands where none existed before.

So, I am very glad to see in the Department of the Interior budget a proposal to cement that relationship between the United States and the island nation of Palau. There is an agreement negotiated by the United States and Palau in 2010 to extend the Reagan-era Compact for 15 years. The Department has budgeted for that agreement and says legislation will be sent up to Congress to make it happen.

I think we do need to approve that Compact in this Congress, with the aggressive assistance of this Administration. In fact, I have legislation already introduced and referred to this committee for that purpose. So, Mr. Chairman, with all due respect I hope that we can find time to schedule the hearing on H.R. 4531, because we need to build on the strong defensive foundation in the Pacific created by President Reagan. China is not sitting back doing nothing, and neither should we.

Last Thursday, this committee held a hearing featuring a representative of the Treasury Department on the Obama administration's assessment of the Puerto Rico debt crisis. It was the third formal legislative action taken by this committee since Speaker Paul Ryan's public pronouncement instructing House committees of jurisdiction to come up with a responsible solution to the fiscal, economic, and demographic crisis in Puerto Rico by March 31, 2016.

On February 4, Ranking Member Grijalva and Judiciary Committee Ranking Member John Conyers wrote to Chairman Bishop and Judiciary Committee Chairman Bob Goodlatte to request that we immediately begin bipartisan discussions on legislation to address Puerto Rico's fiscal crisis. While we still await your response, time is running out fast if we are to meet the Speaker's deadline, as well as avoid what Treasury is warning could be a humanitarian crisis on the island of Puerto Rico.

Thank you, Mr. Chairman, and I yield back my time.  
[The prepared statement of Mr. Sablan follows:]

PREPARED STATEMENT OF THE HON. GREGORIO KILILI CAMACHO SABLAN, A  
DELEGATE IN CONGRESS FROM THE NORTHERN MARIANA ISLANDS

Thank you, Mr. Chairman.

Many of the questions I have for Secretary Jewell are local in nature: I am interested in programs that the Department funds in the Northern Marianas.

But there is one concern I have that is national in scope. So let me make that my focus right now, and I will be brief.

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Palau, and the Northern Mariana Islands for that matter, are links in a chain of islands that form a strategic perimeter to the east of China. China certainly understands how important islands can be. Right now, China is actually creating islands, where none existed before.

So I am very glad to see in the Department of Interior budget a proposal to cement the relationship between the United States and the island nation of Palau. There is an agreement, negotiated by the United States and Palau in 2010, to extend the Reagan-era Compact for 15 years. The Department has budgeted for that agreement and says legislation will be sent up to Congress to make it happen.

I think we do need to approve that Compact. In this Congress, with the aggressive assistance of this Administration.

In fact, I have legislation, already introduced and referred to this committee, for that purpose. So, Mr. Chairman, with all due respect I hope that we can find time to schedule a hearing on my bill, H.R. 4531, because we need to build on the strong defensive foundation in the Pacific created by President Reagan. China is not sitting back doing nothing. Neither should we.

Thank you, and I yield back my time.

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The CHAIRMAN. Thank you. With the close of the opening statements, we are now ready to hear testimony from the Secretary of the Department of the Interior, Ms. Sally Jewell, who will be accompanied here by Deputy Secretary Connor and the Principal Deputy Assistant Secretary of Policy, Management and Budget, Ms. Sarri.

We thank you for coming here and taking your time to be with us. Your entire written testimony appears in the record, so now we would like to turn to you for an oral presentation. You have been here before; you know how the lights work. The time is yours. Thank you for being here.

**STATEMENT OF THE HON. SALLY JEWELL, SECRETARY,  
DEPARTMENT OF THE INTERIOR, ACCOMPANIED BY MIKE  
CONNOR, DEPUTY SECRETARY OF THE INTERIOR, AND  
KRISTEN SARRI, PRINCIPAL DEPUTY ASSISTANT SEC-  
RETARY OF POLICY, MANAGEMENT AND BUDGET, UNITED  
STATES DEPARTMENT OF THE INTERIOR, WASHINGTON, DC**

Secretary JEWELL. Chairman Bishop, Ranking Member Grijalva, and members of the committee, thank you for the opportunity to discuss the Department's Fiscal Year 2017 budget request. I would like to take a moment to mention the incident at the Malheur National Wildlife Refuge in Harney County, Oregon.

Through tremendous patience and professionalism, the FBI, with support from state and local law enforcement, ended the occupation

on February 11 as quickly and safely as possible, after more than 40 days. It was incredibly disruptive and distressing for our employees, their families, and the Harney County community. I am proud of our DOI law enforcement personnel who supported the response and helped keep our employees safe. We continue to cooperate with DOJ, the FBI, and others as the investigations move forward, and we remain committed to working with local communities on the management of public lands.

Interior's Fiscal 2017 budget request is \$13.4 billion, half a percent above the 2016 enacted level. It builds on the successes we are achieving through partnerships, the application of science and innovation, and balanced stewardship. It gives us the tools to help communities strengthen resilience in the face of climate change, conserve natural and cultural resources, secure clean and sustainable water, engage the next generation with the great outdoors, promote a balanced approach to safe and responsible energy development, and expand opportunities for Native American communities. These areas are core to our mission, and play a vital role in job creation and economic growth.

The budget invests in our public lands, providing \$5 billion to support operation of our national parks, historic and cultural sites, wildlife refuges and habitat, and managing multiple-use and sustained yield on our Nation's public lands. It focuses investment on important working landscapes, like the western Sage Steppe and the Arctic, and proposes a 10-year, \$2 billion coastal climate resilience program to support at-risk coastal states and local governments, including funding for communities in Alaska, to prepare for and adapt to climate change.

As the National Park Service begins its second century, the budget provides \$3 billion, and includes a proposal to dedicate significant funding to reducing the deferred maintenance backlog. It calls for full and permanent funding of the Land and Water Conservation Fund, and extends the expired authority for the Historic Preservation Fund. It reflects the Administration's strategy to more effectively budget for catastrophic wildfires. And in response to drought challenges across the West, it continues to safeguard sustainable and secure water supplies.

We continue to engage the next generation of Americans to play, learn, serve, and work outdoors, with \$103 million for youth engagement. This includes mentoring and research opportunities at the USGS, urban community partnerships, scholarships and Job Corps training for tribal, rural, and urban youth, and work opportunities in our bureaus.

There is \$20 million for the Every Kid in a Park Initiative, which introduces America's fourth-graders to their public lands, providing education programs across the country and transportation support for low-income students.

We continue to promote a balanced approach to safe and responsible energy development that maximizes a fair return for taxpayers with \$800 million for renewable and conventional energy development, a \$42 million increase.

We are on track to meet the President's goals of permitting 20,000 megawatts of renewable energy capacity on public lands by 2020, with nearly \$100 million for renewable energy development

and infrastructure. Offshore, this budget supports the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement with funding to reform and strengthen responsiveness, oversight, and safety of oil and gas development.

Onshore, \$20 million supports BLM's efforts to develop a landscape-level approach to oil and gas development, modernize and streamline permitting, and strengthen inspection capacity.

We are expanding educational and job opportunities for Native American communities, with \$3 billion for Indian Affairs, a 5 percent increase to support Native youth education, American Indian and Alaska Native families, public safety, and building resilience to climate change.

The President's budget calls for a \$1 billion investment in Indian education as part of Generation Indigenous, and \$278 million to fully fund contract support costs, a cornerstone of tribal self-determination.

The budget supports our commitment to resolve Indian water rights settlements and support sustainable water management in Indian Country, with \$215 million, a \$5 million increase.

The budget includes funding to strengthen cyber security controls across all agencies. It invests in science and innovation with \$150 million for natural hazards at the USGS, an \$11 million increase, and \$5 million increase for 3D elevation mapping in Alaska and nationwide. Funding will continue development of Landsat 9, a critical new satellite expected to launch in 2021.

This is a smart budget, and it builds on previous successes and strengthens partnerships to ensure we balance the needs of today with opportunity for future generations. Thanks, and I am happy to take questions.

[The prepared statement of Secretary Jewell follows:]

PREPARED STATEMENT OF SALLY JEWELL, SECRETARY OF THE INTERIOR,  
WASHINGTON, DC

Mr. Chairman, Ranking Member Grijalva, and members of the committee, I am pleased to present the 2017 President's Budget for the Department of the Interior providing \$13.4 billion for the Department's programs with \$290 million available in the event of catastrophic fires.

This is a strong budget that builds on our accomplishments. Our request enables us to carry out our important missions—maintain our core capabilities, meet commitments, and invest in key priorities. The investments in this request show the Administration remains focused on meeting the Nation's greatest challenges looking forward and ensuring our economy works for all.

Our budget is part of the President's broader strategy to make critical investments in domestic and national security priorities while adhering to the bipartisan budget agreement signed into law last fall, and lifts sequestration in future years to continue investment in the future. This budget recognizes the importance of Interior's programs to the overall strength of the Nation's economy. To put this into perspective, in 2014, Interior-managed lands and activities contributed about \$360 billion in national economic output, supporting an estimated 2 million jobs. Of this, energy and mineral development on Interior-managed lands and offshore areas generated more than \$241 billion in economic activity and supported nearly 1.1 million jobs.

At the same time, our 2017 proposed investments lay the groundwork for promoting renewable energy development, managing the Nation's lands responsibly, helping to protect communities in the face of climate change, and investing in science to inform natural resource management. Our budget features investments to launch the second century of the national parks and expand public accessibility to and enjoyment of America's public lands. It supports tribal priorities in Indian Country, including a \$1.1 billion investment to transform Indian schools and education, and provides full funding for tribal contract support costs. This request

addresses significant resource challenges for the Nation, including water availability, particularly in the arid West, and makes important investments in America's water infrastructure.

The 2017 budget includes \$1.0 billion for research and development activities throughout the Department, an increase of \$84.5 million from the 2016 enacted level. Activities supported include scientific analysis of natural systems and applied field research to address specific problems, such as thawing permafrost, invasive species, and flooding. With multiple science programs across the Department's bureaus and offices, science coordination remains a critical component in the process of effective science application. Interior is well served by the deployment of science advisors in each bureau. These advisors serve critical roles within the organizations and across the Department by sharing information concerning new research efforts, identifying and evaluating emerging science needs, and ensuring effective science delivery and application. The Interior 2017 budget reflects high priority needs identified for scientific research across the Department.

### **The 2017 Budget Advances a Record of Achievement**

This budget builds on a record of achievement across Interior's diverse mission. For the past several years, the Department led an unprecedented proactive strategy to develop land use plans with Federal, state, and local partners to address the deteriorating health of America's sagebrush landscapes and the declining population of the greater sage-grouse. This landscape scale conservation effort is an extraordinary collaboration to significantly address threats to the greater sage-grouse across 90 percent of the species' breeding habitat. These efforts enabled the U.S. Fish and Wildlife Service to conclude the charismatic rangeland bird does not warrant protection under the Endangered Species Act. This collaborative, science-based strategy is the largest land conservation effort in U.S. history, and helps to protect the species and its habitat while also providing certainty needed for sustainable economic development across millions of acres of Federal and private lands throughout the western United States. The 2017 budget includes \$89.7 million for Sage Steppe conservation, an increase of \$22.9 million over 2016 enacted.

This budget continues to advance development of renewable energy. Over the summer of 2015, Interior's offshore wind energy leasing efforts led to beginning construction of the first offshore wind farm. This first of its kind project will provide a model for future development of offshore wind energy. Since 2009, Interior has approved 56 wind, solar, and geothermal utility scale projects on public or tribal lands. When built, these projects could provide about 14,600 megawatts—enough energy to power nearly 4.9 million homes and support more than 24,000 construction jobs. The 2017 budget includes \$97.3 million for clean energy programs, an increase of \$3.1 million over 2016 enacted.

The 2017 budget sustains President Obama's strong commitment to tribal self-determination, strengthening tribal nations, and investing in the future of Native youth. Interior established the Land Buy Back Program which, in only 2 years of active land purchases, invested more than \$730 million in Indian Country to restore nearly 1.5 million acres of land to Indian tribes. The effort to improve and transform the Bureau of Indian Education to better serve American Indian and Alaska Native youth is building the foundation for improved student outcomes and enduring traditions and native cultures. In 2016, work will begin to replace the final 2 of 14 Bureau of Indian Education schools identified in 2004 as requiring the greatest need for replacement construction. Also, in 2016, Interior will finalize the next list of replacement schools determined through a negotiated rulemaking process. This budget includes \$138.3 million for education construction and maintains a commitment to continue to invest in improving educational opportunities and quality from the earliest years through college.

Interior continues to engage in innovative efforts to leverage youth engagement and partnerships to advance the Department's extraordinary mission. Interior set the goal to provide 40,000 work and training opportunities during 2014 and 2015 for young adults, toward a goal of 100,000 by 2017. Interior met its priority goal—providing 52,596 work and training opportunities over the past 2 fiscal years by collaborating across all levels of government and mobilizing the 21st Century Conservation Corps. From Denali to the Everglades, members of the youth conservation corps are gaining work experience, helping improve the visitor experience, and mobilizing entire communities in the stewardship of our parks, refuges, waters and heritage. The 2017 budget includes a total of \$102.5 million, an increase of \$37.6 million over 2016 enacted, for programs to advance youth engagement.

Bureau of Reclamation projects funded from 2010 through 2015 exceeded the cumulative water savings target of 910,000 acre-feet of water/year, achieving sav-



ings of over 970,000 acre-feet, roughly the amount of water needed for household use in Phoenix and the surrounding area each year. The budget keeps Reclamation on track to conserve 1,040,000 acre-feet by the end of Fiscal Year 2017.

Partnerships are critical to enhancing our public lands and providing additional recreational opportunities to the public. An example of the significant impact of these efforts is the CityArchRiver project is a public-private partnership building connections that enhance downtown St. Louis, the Gateway Arch grounds at the Jefferson National Expansion Memorial, and the Mississippi riverfront. This partnership includes the National Park Service, Missouri Department of Transportation, Great Rivers Greenway District, city of St. Louis, Bi-State Development Agency, CityArchRiver Foundation, and others. In January, the Foundation completed a \$250 million capital campaign which means the Foundation has raised \$221 million in private funding for construction of the \$380 million CityArchRiver project and an additional \$29 million to seed an endowment that will help maintain and operate the park moving forward.

### **Promotes the Conservation and Protection of America's Natural and Cultural Resources**

This year, the National Park Service celebrates 100 years of preserving and sharing America's natural, cultural, and historic treasures. Interior's 2017 budget makes investments to connect a new generation to "America's Best Idea," and to care for and maintain our national parks for the next 100 years. Last year, the National Park Service's 410 units welcomed 307 million visitors—setting a new visitation record. Every tax dollar invested in a park returns more than \$10 to the U.S. economy.

The budget includes a discretionary increase of \$190.5 million to invest in the next century of the National Park Service. This includes a \$20.0 million increase for the *Every Kid in a Park* initiative, a \$20.0 million increase to the Centennial Challenge program providing a Federal match to leverage partner donations for projects and programs at national parks, and a \$150.5 million increase to address high priority deferred maintenance needs across the national park system.

This current funding is complemented by a legislative proposal to provide new mandatory funding. The National Park Service Centennial Act includes \$100.0 million a year, for 3 years, for Centennial Challenge projects to provide the Federal match in support of signature projects at park units; \$100.0 million a year for 3 years for the Public Lands Centennial Fund, a competitive opportunity for public lands agencies to support conservation and maintenance projects; and \$300.0 million a year, for 3 years, for Second Century Infrastructure Investment projects to make a meaningful and lasting impact on the NPS deferred maintenance backlog. The Act also provides authority to collect and retain additional camping or lodging fees and funds collected from purchases of the lifetime pass for citizens 62 years of age or older. Receipts for this Second Century Fund will be matched by donations to fund visitor enhancement projects.

Together, the discretionary and mandatory funding proposals will allow the National Park Service to make targeted, measurable upgrades over the next 10 years to all of its highest priority, non-transportation assets, restoring and maintaining them in good condition.

America's public lands and waters offer space to get outside and get active, and provide living classrooms with hands-on opportunities to build skills. The Administration launched the *Every Kid in a Park* Initiative to inspire the next generation to discover all America's public lands and waters have to offer. Starting with the 2015–2016 school year, all fourth grade students and their families are able to receive free admission to all national parks and other Federal lands for a full year. The National Park Service budget for 2017 includes \$20.0 million for *Every Kid in a Park* to introduce at least 1 million fourth grade students from elementary schools serving disadvantaged students in urban areas to nearby national parks and provide park programs tailored for young people and their families, especially at high visitation and urban parks.

Investments in America's great outdoors create and sustain millions of jobs and spur billions of dollars in national economic activity through outdoor recreation and tourism. An estimated 423 million recreational visits to Interior lands contributed \$42 billion to the economy and supported about 375,000 jobs nationwide. The 2017 budget proposes full funding for Land and Water Conservation Fund (LWCF) programs at Interior and the Department of Agriculture. This innovative, highly successful program reinvests royalties from offshore oil and gas activities into public lands across the Nation. Starting in 2017, the budget will invest \$900.0 million annually into conservation and recreation projects, equal to the amount of receipts

authorized for deposit into the LWCF each year, through a combination of \$475.0 million in current discretionary funding and \$425.0 million in mandatory funding. These investments will conserve public lands in or near national parks, refuges, forests and other public lands, and provide grants to states for close-to-home recreation and conservation projects on non-Federal lands.

The budget continues efforts to manage and promote the health and resilience of ecosystems on a landscape scale, including a continued focus in priority landscapes such as the California Bay-Delta, the Everglades, the Great Lakes, Chesapeake Bay, and the Gulf Coast. The request includes a total of \$79.2 million for Bureau of Land Management efforts, to protect and restore America's vast sage steppe landscape supporting abundant wildlife and significant economic activity, including recreation, ranching and energy development. This investment reflects Interior's continued support of the unprecedented Federal and state collaboration to conserve the imperiled sage steppe landscape in the face of threats from fire, invasive species, expanding development, and habitat fragmentation. The budget also invests \$160.6 million in landscape scale efforts to address the complex natural resource issues facing the Arctic.

#### **Implements the President's Climate Action Plan**

As manager of roughly 20 percent of the land area of the United States and a partner with tribal, Federal, state, local, and territorial government land managers, the Interior Department works to address the challenges of natural hazards brought on by a changing climate as an integral part of its mission. The budget includes funding to improve the resilience of communities and ecosystems to changing stressors, including flooding, severe storm events, and drought as part of the Administration's effort to better understand and prepare for the impacts of a changing climate.

The budget proposes \$2.0 billion in mandatory funding for a new Coastal Climate Resilience program, to provide resources over 10 years for at-risk coastal states, local governments, and their communities to prepare for and adapt to climate change. This program would be paid for by redirecting roughly half of the savings that result from the repeal of offshore oil and gas revenue sharing payments that are set to be paid to only four states under current law. A portion of these program funds would be set aside to cover the unique impacts of climate change in Alaska where rising seas, coastal erosion, and storm surges are threatening Native Villages that must prepare for potential relocations.

Population growth near forests and rangelands and a changing climate are increasing wildfire risk and resulting costs. The budget calls for a new funding framework for wildland fire suppression, similar to how other natural disasters are addressed. The budget includes base level funding of 70 percent of the 10-year average for suppression costs and an additional \$290.0 million through a cap adjustment, available in the event of the most severe fire activity, which comprises only 2 percent of the fires but 30 percent of the costs. This framework allows for a balanced suppression and fuels management and restoration program, with flexibility to accommodate peak fire seasons, but not at the cost of other Interior and U.S. Department of Agriculture missions.

Healthy communities require secure, sustainable water supplies. This is particularly challenging with record drought conditions and increasing demand taxing watersheds throughout the country, especially in the arid West. To help increase the security and sustainability of Western watersheds, the budget continues investment in the Department's WaterSMART program to promote water reuse, recycling, and conservation, in partnership with states, tribes, and other partners. Funding is also included for research, development, and challenge competitions to find longer term solutions through new water technologies. The budget invests in the Nation's water infrastructure to ensure millions of customers receive the water and power that are the foundation of a healthy economy.

#### **Powers the Future Through Balanced Energy Development**

To enhance national energy security and create jobs in new industries, the budget invests in renewable energy development programs to review and permit renewable energy projects on public lands and in offshore waters. Under the President's Climate Action Plan, these funds will allow Interior to continue progress toward its goal of increasing approved capacity authorized for renewable—solar, wind, geothermal, and hydropower—energy resources affecting Interior managed lands, while ensuring full environmental review, to at least 16,600 Megawatts (since the end of FY 2009). The budget includes an increase of \$2.0 million for the Office of Insular

Affairs to provide assistance to implement energy projects identified by the territories in their comprehensive sustainable energy strategies.

To address the continuing legacy of abandoned mine lands on the health, safety, environment, and economic opportunity of communities, the budget proposes \$1.0 billion to states and tribes over 5 years from the unappropriated balance of the AML Trust Fund, administered by the Office of Surface Mining Reclamation and Enforcement. As part of the President's POWER+ Plan, the AML funding will be used to target the reclamation of mine land sites and associated polluted waters in a manner that promotes sustainable redevelopment in economically distressed coalfield communities. The budget includes legislative reforms to strengthen the health care and pension plans that provide for the health and retirement security of coal miners and their families.

The budget provides support for onshore energy permitting and oversight on Federal lands, with the Bureau of Land Management's discretionary and permanent oil and gas program receiving a 17 percent increase in funding compared to the 2016 enacted level. The funding increase will enhance BLM's capacity to oversee safe, environmentally sound development and ensure a fair return to taxpayers, with increases targeted to improve leasing processes, implementation of new regulations and rules, and a modernized automated permitting process. The BLM's costs would be partially offset through new inspection fees totaling \$48 million in 2017, requiring the onshore oil and gas industry to share in the cost of managing the program from which it benefits, just as the offshore industry currently does.

The budget also supports reforms to strengthen oversight of offshore industry operations following the 2010 Deepwater Horizon oil spill, with an additional emphasis on risk management. The budget includes \$175.1 million for the Bureau of Ocean Energy Management and \$204.9 million for the Bureau of Safety and Environmental Enforcement, which share responsibility for overseeing development of oil and gas resources on the Outer Continental Shelf.

#### **Strengthening Tribal Nations**

The President's budget maintains the Administration's strong support for the principle of tribal self-determination and strengthening tribal communities across Indian Country. This commitment is reflected in a nearly 5 percent increase for the Bureau of Indian Affairs over the 2016 enacted level. The budget calls for full funding for contract support costs that tribes incur from managing Federal programs, complemented by a proposal to secure mandatory funding in future years. The budget provides significant increases across a wide range of Federal programs that serve tribes; proposes a "one-stop" approach to improve and coordinate access to Federal programs and resources; seeks to improve the quality of data by partnering with the Census Bureau; supports sustainable stewardship of land, water, and other natural resources; provides funds for communities to plan, prepare, and respond to the impacts of climate change; and expands resources to promote tribally based solutions and capacity building to strengthen tribal communities as a whole. The budget continues to address Indian water rights settlement commitments and programs to support tribes in resolving water rights claims, developing water sharing agreements, and supporting sustainable water management.

The budget includes key investments to support Generation Indigenous, an initiative addressing barriers to success for American Indian and Alaska Native children and teenagers. In addition to Interior, multiple agencies—including the Departments of Education, Housing and Urban Development, Health and Human Services, Agriculture, and Justice—are working collaboratively with tribes on new and increased investments to implement education reforms and address issues facing Native youth. The budget provides over \$1 billion for Interior investments in Indian education.

#### **Improves Oversight and Use of Federal Dollars**

Interior has several multi-year efforts underway to reduce its nationwide facilities footprint, and improve the efficiency and effectiveness of its information technology infrastructure and financial reporting capabilities. The budget includes \$6.4 million to consolidate building space and reduce costs to the taxpayer for privately leased space. Interior achieved a 4.6 percent reduction—2.1 million square feet—in office and warehouse space between FY 2012 and FY 2015. This represents a net annual cost avoidance of approximately \$8 million. In 2016, the modernization of the sixth and final wing of the Main Interior Building will be completed, including infrastructure upgrades that improve energy efficiency and sustainability and reconfigured space to support higher occupancy.

The budget includes \$3.0 million for Interior's Digital Services team to increase the efficiency and effectiveness of the agency's highest impact digital services. The budget continues to optimize the Department wide Financial and Business Management System with targeted investments to improve reporting and increase data quality and transparency, as envisioned in the DATA Act.

The budget includes an increase of \$2.6 million to support implementation of Federal Information Technology Acquisition Reform Act, to improve standardization of information technology investments by strengthening the role of the Department's Chief Information Officer in strategic planning, budget formulation and execution, and acquisition of information management and technology activities. The budget includes \$34.7 million in the appropriated working capital fund to continue the Department's remediation of its cybersecurity systems and processes, an increase of \$24.7 million above the 2016 enacted level. The additional funding will allow the Department to secure its valuable information on behalf of our employees, customers, partners and the American public.

The U.S. Treasury received \$7.2 billion in 2015 from fees, royalties and other payments related to oil and gas development on public lands and waters. A number of studies by the Government Accountability Office and Interior's Office of Inspector General found taxpayers could earn a better return through policy changes and more rigorous oversight. The budget proposes a package of legislative reforms to bolster administrative actions focused on advancing royalty reforms, encouraging diligent development of oil and gas leases, and improving revenue collection processes. The Administration is committed to ensuring American taxpayers receive a fair return from the sale of public resources and benefit from the development of energy resources owned by all Americans.

The budget includes legislative proposals related to Reforms of Hardrock Mining. To increase safety and minimize environmental impacts, the budget proposes a fee on hardrock mining, with receipts to be used by states, tribes and Federal agencies to restore the most hazardous sites—similar to how coal Abandoned Mine Lands funds are used. In addition, to ensure taxpayers receive a fair return from mineral development on public lands, the budget proposes a royalty on select hardrock minerals—such as silver, gold and copper—and terminating unwarranted payments to coal producing states and tribes that no longer need funds to clean up abandoned coal mines.

### **Bureau Highlights**

**Bureau of Land Management**—The 2017 request is \$1.3 billion, \$7.1 million above 2016. This includes \$1.2 billion for BLM operations, an increase of \$2.1 million above the 2016 enacted level, with \$1.1 billion for Management of Lands and Resources and \$107.0 million for Oregon and California Grant Lands programs. The change in total program resources from 2016 and 2017 is larger, as the budget proposes offsetting user fees in the Rangeland Management and Oil and Gas Management programs which reduce the total request by \$64.5 million.

The budget also includes \$44.0 million in current appropriations for LWCF land acquisition, including \$8.0 million to improve access to public lands for hunting, fishing, and other recreation. BLM's LWCF land acquisition investments promote the conservation of natural landscapes and resources by consolidating public lands through purchase, exchange and donation to increase management efficiency and preserve areas of natural, cultural, and recreational importance. The BLM estimates 23 million acres (or 9 percent) of BLM-managed public lands lack public access or have inadequate public access, primarily due to checkerboard land ownership patterns. The BLM's proposed land acquisition project within the Rio Grande del Norte National Monument in New Mexico illustrates the many benefits of land acquisition to BLM's mission. An investment of \$1.3 million would allow BLM to acquire 1,186 acres of private inholdings within the monument to preserve traditional uses, secure connectivity to the Rio Grande Wild & Scenic Corridor, preserve avian and wildlife habitat, protect prehistoric human habitation sites, and improve recreation and tourism.

Complementing the second century of the parks, the BLM budget includes investments in the National Conservation Lands, which recently celebrated their 15th anniversary. Thirteen new National Conservation Lands units were designated during the current Administration and visitation and visitor expectations and demands have consistently increased for the whole National Conservation Lands system during this period. The 2017 budget features a \$13.7 million increase to meet basic operating requirements and support critical and overdue investments to effectively safeguard the cultural, ecological, and scientific values for which they were designated and provide the quality of recreational opportunities intended with

the National Conservation Lands designation. A program increase of \$1.1 million in Cultural Resources Management will enhance BLM's capacity to preserve and protect the vast treasure of heritage resources on public lands and a program increase of \$2.0 million in Recreation Resources Management will further implement a National Recreation Strategy to facilitate access to public lands.

The BLM continues to support the President's broad energy strategy, with significant increases requested in 2017 to strengthen its ability to effectively manage on-shore oil and gas development on Federal lands. The 2017 budget for oil and gas management activities, including the request for direct and fee funded appropriations and estimated permanent appropriations totals \$186.6 million, an increase of \$27.6 million in total program resources over the 2016 enacted level.

For direct appropriations, the oil and gas request is a net program increase of \$19.9 million. Within this net total, \$13.1 million will support implementation of rules and regulations to ensure oil and gas operations are safe, environmentally responsible, and ensure a fair return to the taxpayer. These include new oil and gas measurement and site security regulations, hydraulic fracturing regulations, and venting and flaring regulations. A \$2.1 million increase will complete modernization of the Automated Fluid Minerals Support System. The development work associated with Phase II of AFMSS modernization includes new functionality supporting new proposed rules and those currently expected to be finalized in 2016. Overall, the AFMSS modernization project also will support greater efficiencies in oil and gas permitting and inspection activities.

The Oil and Gas Management request also includes a program increase of \$2.6 million for oil and gas special pay costs to improve BLM's ability to recruit and retain high caliber oil and gas program staff to provide effective oversight and meet workload and industry demand. Finally, the BLM budget request includes a program increase of \$2.8 million to enhance BLM's capability to address high priority legacy wells in the National Petroleum Reserve-Alaska to supplement permanent funds provided in the Helium Security Act of 2013. The 2017 budget continues to request authority to charge inspection fees similar to those in place for offshore oil and gas inspections. Such authority will reduce the net costs to taxpayers of operating BLM's oil and gas program and allow BLM to be more responsive to industry demand and increased inspection workload in the future. A \$48.0 million decrease in requested appropriations reflects shifting the cost of inspection activities to fees.

In 2017, BLM will continue to invest heavily in the Greater Sage Grouse Conservation Strategy and the budget includes a program increase of \$14.2 million to protect, improve, or restore sage steppe habitat. Funds will also assist states in implementing GSG conservation plans. The BLM's efforts to implement the Greater Sage Grouse Conservation Strategy are also reliant upon successful execution of the National Seed Strategy, which is also integral to the Administration's wildland fire rehabilitation efforts and the success of the Secretary's Integrated Rangeland Fire Management Strategy. The budget includes a \$5.0 million program increase within Wildlife Management to more aggressively implement the National Seed Strategy.

Other budget highlights include program increases totaling \$16.9 million in the Resource Management Planning, Assessment, and Monitoring subactivity. This includes \$4.3 million to expand the BLM Assessment, Inventory, and Monitoring program for increased data collection and monitoring central to the success of high priority landscape management efforts such as the Western Solar Energy Plan, as well as implementation of the Department's plan for the National Petroleum Reserve-Alaska, the Greater Sage Grouse Conservation Strategy, and the broader landscape mitigation strategy. The request also includes an increase of \$6.9 million to accelerate implementation of the BLM enterprise geographic information system, which aggregates data across boundaries to capture ecological conditions and trends; natural and human influences; and opportunities for resource conservation, restoration, development, and partnering. The remaining \$5.7 million increase will support high priority planning efforts that could include the initiation of new plan revisions in 2017, as well as plan evaluations and implementation strategies.

**Bureau of Ocean Energy Management**—The 2017 President's budget for BOEM is \$175.1 million, including \$80.2 million in current appropriations and \$94.9 million in offsetting collections. This is a net increase of \$4.3 million in current appropriations above the 2016 enacted level.

The total 2017 estimate of \$94.9 million for offsetting collections is a net decrease of \$1.7 million, including reductions in rental receipts partially offset by a new \$2.9 million cost recovery fee for the Risk Management Program. An increase in direct appropriations of \$6.0 million makes up for the projected decrease in rental receipts.

The budget provides \$23.9 million for offshore renewable energy activities. To date, BOEM has issued 11 commercial wind energy leases offshore; conducted 5 competitive wind energy lease sales for areas offshore Maryland, Massachusetts,

New Jersey, Rhode Island, and Virginia; and approved the Construction and Operations Plan for the Cape Wind project offshore Massachusetts. Additionally, BOEM is in the planning stages for wind leasing offshore New York, North Carolina, and South Carolina. In 2015, BOEM executed the first wind energy research lease in U.S. Federal waters with the Commonwealth of Virginia's Department of Mines, Minerals, and Energy.

The 2017 budget provides \$64.2 million for conventional energy development, a programmatic increase of \$4.2 million above 2016. These funds support high priority offshore oil and gas development activities, including lease sales outlined in BOEM's Five-Year OCS Oil and Gas Leasing Program for 2012–2017. Under this program, BOEM's eight sales generated over \$2.97 billion in high bids. Five lease sales remain on the lease sale schedule through mid-2017. The next lease sales are Eastern Gulf of Mexico Lease Sale 226, Central Gulf of Mexico Lease Sale 241, and Western Gulf of Mexico Lease Sale 248, all scheduled to be held during 2016.

The 2017 provides \$68.4 million for BOEM's Environmental Programs. These funds support world class scientific research to provide critical information informing policy decisions regarding energy and mineral development on the OCS.

**Bureau of Safety and Environmental Enforcement**—The 2017 President's budget for the Bureau of Safety and Environmental Enforcement is \$204.9 million, including \$96.3 million in current appropriations and \$108.5 million in offsetting collections. The 2017 budget is a net \$196,000 increase above the 2016 enacted level, reflecting an increase of \$7.9 million in current appropriations and a \$7.7 million decrease in offsetting collections. The total 2017 estimate of \$108.5 million in offsetting collections assumes decreases from 2016 of \$11.5 million for rental receipts, \$2.2 million for cost recoveries, and a \$6.0 million increase for inspection fee collections. Funding for Oil Spill Research is maintained at the 2016 enacted level of \$14.9 million. The 2017 budget supports continued safe and responsible offshore energy development.

**Office of Surface Mining Reclamation and Enforcement**—The 2017 budget request is \$157.9 million, \$82.6 million below the 2016 enacted level.

The 2017 budget for Regulation and Technology is \$127.6 million, \$4.3 million above 2016. The request includes \$10.5 million, \$1.8 million above 2016, to improve implementation of existing laws and support state and tribal programs. The 2017 budget includes \$65.5 million for state and tribal regulatory grants, this level of funding supports state requirements.

The budget includes program increases of \$2.5 million to advance the Bureau's GeoMine Project; \$1.2 million for applied science to conduct studies to advance technologies and practices specific to coal mined sites for more comprehensive ecosystem restoration; \$1.0 million to expand the use of reforestation techniques in coal mine reclamation and provide opportunities for youth and community engagement; \$2.3 million to support Technical Assistance; and \$1.6 million for National Environment Policy Act compliance document preparation, legal review, and program monitoring.

The 2017 budget for the Abandoned Mine Reclamation Fund is \$30.4 million, \$86.9 million below 2016. The 2016 enacted level included a \$90.0 million increase for grants to three states for the reclamation of abandoned mine lands in conjunction with economic and community development activities. The 2017 budget proposes a broader legislative effort to support reclamation and economic and community development as part of the Administration's POWER+ Plan. POWER+ would provide \$200 million per year to target the cleanup and redevelopment of AML sites and AML coal mine polluted waters in a manner that facilitates sustainable revitalization in economically depressed coalfield communities. The budget includes a \$1.5 million program increase for technical assistance to states, tribes, and communities to address AML technological advances and issues for AML site reclamation. The budget also includes program increases of \$525,000 for applied science studies pertaining to abandoned mines, \$799,000 to enhance and expedite current OSMRE efforts in digitizing underground mine maps, and \$287,000 for support within the Office of the Solicitor.

**Bureau of Reclamation and Central Utah Project Completion Act**—The 2017 budget for Reclamation and CUPCA totals \$1.1 billion and focuses on investments in Indian water rights settlements, ecosystem restoration, healthy watersheds and sustainable, secure water supplies.

Funding for Water and Related Resources shows a reduction of \$305.6 million from 2016, reflecting the shift of \$106.2 million to the requested new Indian Water Rights Settlements account and \$36.0 million for a separate discretionary account within the San Joaquin River Restoration Fund.

Reclamation requests establishment of an Indian Water Rights Settlements account in 2017 to assure continuity in the construction of the authorized projects and

to highlight and enhance transparency in handling these funds. The budget includes \$12.8 million to implement the Crow Tribe Rights Settlement Act, \$6.4 million for the Aamodt Litigation Settlement Act, and \$87.0 million for the Navajo-Gallup Water Supply Project.

The extreme and prolonged drought facing the western states affects major U.S. river basins in virtually every western state. The effects of the current drought on California water, its agrarian economy, and its communities are particularly acute. The estimated cost of the 2015 drought on California agriculture-crop production, livestock, and dairies is \$2.7 billion with a total loss of 21,000 seasonal and part-time jobs. The Colorado River Basin—crucial for seven states and several tribes, in addition to two countries—is also enduring historic drought. Nearly 40 million people rely on the Colorado River and its tributaries for some, if not all, of their municipal needs. The Basin is experiencing the worst drought in recorded history; the period of 2000–2015 was the driest 16-year period in more than 100 years of record keeping.

Reclamation's WaterSMART program, requested at \$61.5 million, is helping to address the drought and other water supply issues across the West. WaterSMART Grants, Water Conservation Field Services, and Title XVI Programs, along with other Reclamation activities are enabling the West to better adapt to the impacts of a changing environment by helping to conserve tens of thousands of acre-feet of water each year in urban and rural settings, and on both large and small scales. The Drought Response Program will implement a comprehensive new approach to drought planning and will implement actions to help communities manage drought and develop long-term resilience strategies. Reclamation continues to promote research and development through its Science and Technology and Desalination and Water Purification Research Programs to produce new clean water technologies, reduce costs, and decrease environmental impacts while converting unusable water into viable water supplies. The 2017 budget includes \$8.5 million for an X-Prize competition to encourage innovative water purification and treatment technologies.

Separately, the budget includes \$5.6 million for the Central Utah Project Completion Account program, \$4.4 million below 2016. The request provides funding to complete construction of the North Pipeline component of the Utah Lake System; provides for recovery of endangered species; and implements fish, wildlife, and recreation mitigation and water conservation projects.

**U.S. Geological Survey**—The 2017 budget is \$1.2 billion, \$106.8 million above 2016, to advance our national commitment to research and development that supports economic growth, balances priorities on resource use, addresses climate change, and ensures the security and well-being of the Nation. The budget improves response to and warning of natural disasters, responds to drought and other water challenges, supports sustainable domestic energy and minerals development, and advances scientific understanding of land use, land change, and the effects of resource decisions to assist communities and land managers in making choices informed by sound science.

The 2017 budget invests in the USGS's capabilities for science and innovation to monitor and respond to natural disasters with increases for priority science to help stabilize and rehabilitate ecosystems after fires and provide geospatial information, monitoring strategies, and other relevant scientific information faster for real-time fire response. Related increases build USGS' capability to respond to landslide crises, and expand the use of flood inundation mapping and rapidly deployable streamgages to meet urgent needs of flood-threatened communities lacking a permanent streamgage.

The budget continues \$8.2 million to develop the West Coast Earthquake Early Warning system to complete a production prototype system, expand coverage, and beta-test alerts. The budget continues funding of \$3.0 million to repair and upgrade monitoring stations on high-threat volcanoes. The budget includes funding to assume long-term operations of the Central and Eastern United States Seismic Network from the National Science Foundation and allows USGS to continue a 5-year effort to deploy, install and improve the Global Seismic Network, ensuring that the Network continues to provide global earthquake and tsunami monitoring, nuclear treaty research and verification, and earth science research.

The budget provides an increase of \$18.4 million for science to support sustainable water management, nearly doubling the investment made in 2016. As climate models forecast increasingly frequent and more intense droughts, improving water management science is a paramount concern for land and water management agencies, states, local governments, and tribes. The budget would improve water use information and research, provide grants to state water resource agencies, and create hydrologic models and databases for better decision support. The budget also includes \$3.9 million for drought science and \$4.0 million to develop methods to assess

regional and national water use trends during drought. Innovation is critical to address the severe threats to water supply posed by drought and climate change.

The budget provides increases across several programs to advance understanding of conventional and unconventional energy, critical minerals such as rare earth elements, and the environmental health effects of resource development. These investments include \$3.6 million to provide decision ready information to support safe and prudent unconventional oil and gas development, \$2.0 million to study the environmental impacts of uranium mining in the Grand Canyon, and \$1.0 million to identify and evaluate new sources of critical minerals and continue criticality analysis for mineral commodities.

The USGS budget increases science investments for changing landscapes, including \$9.8 million in the Arctic, \$3.0 million for the vulnerable sagebrush habitats of the Intermountain West, and \$3.9 to improve coastal science that will help communities build resilient coastal landscapes and improve post-storm contaminant monitoring network along the Atlantic coast. The budget also establishes a Great Lakes Climate Science Center to focus on the many natural resource challenges in the distinct bio-geographic Great Lakes region. As with the eight existing Climate Science Centers, the Great Lakes CSC will help address regional concerns associated with climate change, providing a pathway to resilience and supporting local community priorities.

The budget includes increases of \$2.1 million to address research on pollinator health and expand the small group of USGS researchers working on this critical component of agricultural and ecosystem health, \$1.4 million for tribal climate science partnerships, and \$2.5 million for better tools to detect and control invasive species, particularly new and emerging invasive species. The budget continues a commitment to priority ecosystems including the Chesapeake Bay, the Everglades, Puget Sound, the Upper Mississippi River, the California Bay-Delta, and the Gulf Coast.

The USGS plays a pivotal role in providing research, analysis, and decision support tools. The budget supports these efforts and includes investments to extend the four-decade long Landsat satellite program with the development of Landsat 9, and provide information to better understand and respond to changes in the environment. The 2017 budget provides an increase of \$17.6 million for satellite operations, funding the development of Landsat 9 ground systems and satellite operations and an investment to retrieve and disseminate data from the European Space Agency's Sentinel-2 earth observation satellite. The budget provides an increase of \$4.9 million to expand the three-dimensional elevation program and leverage partnerships across the Nation, accelerate Alaskan map modernization, and provide coastal imaging to help communities make infrastructure resilience investments. The budget also provides \$3.0 million to develop the computing resources necessary to produce and disseminate Landsat-based information products.

High-quality science depends on a strong science infrastructure. The budget makes necessary investments to continue the USGS legacy of reliable, valuable scientific information and monitoring. These investments fund science support, facilities and equipment, including laboratories, and the administrative support that is the backbone of science production and delivery. The 2017 budget also includes program increases to enhance the Mendenhall post-doctoral program, support tribal science coordination, enhance science education, and engage youth in underserved communities in earth and biological sciences through outreach activities and science camps.

**Fish and Wildlife Service**—The 2017 budget for FWS includes current appropriations of \$1.6 billion, an increase of \$54.5 million compared to the 2016 enacted level.

The 2017 request for FWS includes \$1.3 billion for FWS operations, of which \$506.6 million supports National Wildlife Refuge System operations and maintenance. A feature of the 2017 FWS budget is support to expand opportunities for all Americans to access public lands and experience the great outdoors, regardless of where they live. With 80 percent of the U.S. population currently residing in urban communities near more than 260 wildlife refuges, Interior is leveraging the National Wildlife Refuge System to encourage urbanites to rediscover the outdoors. The request includes \$10.0 million for the Refuge System's Urban Wildlife Conservation Partnerships to expand opportunities for urban populations including an increase of \$2.0 million for additional Refuge System law enforcement officers to ensure the safety of visitors, natural and cultural resources, and Federal employees and facilities. The budget includes \$40.7 million for general Refuge Law Enforcement operations.

The request also includes funding within Law Enforcement and International Affairs to combat wildlife trafficking. The budget provides \$75.1 million for the law



enforcement program to investigate wildlife crimes, enforce the laws governing the Nation's wildlife trade, and continue cooperative international efforts to prevent poaching and trade in illegal wildlife products. The request includes \$15.8 million for the International Affairs Program, an increase of \$1.1 million above 2016. This includes increases of \$500,000 to provide technical support for international efforts to reduce illegal wildlife trafficking and develop innovative conservation activities. Also within International Affairs, is \$550,000 to support the U.S. Chairmanship of the Arctic Council.

The budget invests in resources for the Refuge System which has lost more than 400 staff positions since 2010. The request for the Refuge System is \$506.6 million, an increase of \$25.2 million above 2016. This includes increases of \$1.0 million for pollinator conservation, \$3.7 million for wildlife and habitat inventory and monitoring, \$2.0 million to establish management capability across 418 million acres of submerged land and water within the Pacific Marine National Monuments, and \$4.4 million to begin rebuilding capacity within the Refuge System to improve the condition of refuge system facilities and resources, improve the visitor experience and manage natural resources.

The budget emphasizes improving the resilience of communities and wild landscapes, enabling them to better adapt to a rapidly changing environment, and uses smart investments in conservation and landscape-level planning to improve the Service's ability to facilitate economic growth, while avoiding and mitigating the impacts on wildlife and habitat.

Within the FWS main operating account, the request provides \$252.3 million for Ecological Services to conserve, protect, and enhance listed and at-risk species and their habitat, an increase of \$18.3 million. Since 2008, FWS has downlisted or delisted 15 species, more than in any other administration. The increases within Ecological Services include \$5.7 million to support conservation, restoration and economic development across the Gulf Coast region and other parts of the country.

The budget includes \$152.8 million for Fish and Aquatic Conservation, a program increase of \$4.6 million. Within this request is \$53.8 million for operation of the National Fish Hatchery System and \$7.9 million to combat the spread of Asian carp in the Missouri, Ohio, upper Mississippi Rivers, and other high priority watersheds. The request also includes an increase of \$1.5 million to support fish passage while improving the resilience of communities to withstand flooding.

The budget funds Cooperative Landscape Conservation at \$17.8 million, an increase of \$4.8 million above 2016. The approach employed by Landscape Conservation Cooperatives to identify landscape scale conservation solutions fosters collaboration across a wide variety of partners and builds capabilities beyond the scale any single state, tribe, Federal agency, or community could achieve alone. The requested increase will support landscape planning and design, and partner cooperation that will improve the condition of wildlife habitat and enhance the resilience of communities.

The 2017 budget for Science Support is \$20.6 million, an increase of \$3.6 million above 2016. The request includes an additional \$1.0 million to expand application of Strategic Habitat Conservation, an approach to conservation that, in cooperation with stakeholders, identifies priority species and habitat, desired biological outcomes, and develops conservation strategies to achieve these outcomes. This approach supports the design of successful management strategies that deliver measurable improvements to wildlife populations and habitats. The FWS will use a program increase of \$2.6 million to obtain high priority data and scientific tools needed by on-the-ground resource managers.

The FWS budget includes \$137.6 million for LWCF Federal land acquisition, composed of \$58.7 million in current funding and \$79.0 million in permanent funding. Within the request for current funding, is \$19.9 million for high priority acquisition projects focused on FWS specific needs, including \$16.0 million for collaborative projects in coordination with partners and other Federal agencies, and \$2.5 million to support increased access to FWS lands for sportsmen and recreationists. The FWS requests \$2.5 million in discretionary funding for the Everglades Headwaters National Wildlife Refuge and Conservation Area, one of the great grassland and savanna landscapes of eastern North America, to acquire nearly 1,000 acres to help protect high-quality habitat for 278 Federal and state listed species. Acquisition of this property would protect the headwaters, groundwater recharge, and watershed of the Kissimmee Chain of Lakes, Kissimmee River, and Lake Okeechobee region, and improve water quantity and quality in the Everglades watershed, supporting the Comprehensive Everglades Restoration Plan goals and protecting the water supply for millions of people.

Supporting the Administration's America's Great Outdoors initiative objectives is \$106.0 million for grant programs administered by FWS. The 2017 budget main-

tains 2016 funding levels for grants through the Cooperative Endangered Species Conservation Fund, North American Wetlands Conservation Fund, Multinational Species Conservation Fund, and the Neotropical Migratory Bird Conservation Fund. Funding for the State and Tribal Wildlife grant program on which many states and tribes rely to fund non-game animal conservation, is an increase of \$6.4 million.

**National Park Service**—The 2017 President's current budget request for NPS of \$3.1 billion is \$250.2 million above the 2016 enacted level. Highlights of the 2017 budget include \$190.5 million in increases for the NPS Centennial, as well as a focus on the stewardship of natural and cultural resources, including a \$20.0 million increase for the Historic Preservation Fund grant programs to document and preserve stories and sites related to the Civil Rights Movement.

The NPS budget request for operations is \$2.5 billion, an increase of \$154.8 million from 2016. A \$2.2 million programmatic reduction to refocus operations funding partially offsets the following increases: \$49.2 million for additional repair and rehabilitation projects, \$46.6 million for additional cyclic maintenance projects, \$20.0 million for the Every Kid in a Park initiative, \$10.7 million for new parks and responsibilities, \$8.1 million for healthcare insurance for seasonal employees, \$3.0 million for climate change adaptation projects, \$2.6 million for increased communications bandwidth at parks, \$2.0 million for the Vanishing Treasures program, \$1.2 million to address energy development near parks, \$1.1 million for Arctic science and monitoring, and \$1.0 million for uranium mining studies in the Grand Canyon.

The 2017 budget provides a total of \$35.0 million for the Centennial Challenge matching program, an increase of \$20.0 million. These funds will provide a Federal match to leverage partner donations for signature projects and programs at national parks into the NPS' second century. All Federal funds must be matched on at least a 50:50 basis. In 2016, Congress appropriated \$15 million for projects which will be matched by almost \$33 million from more than 90 park partners. This program is bolstered by the Administration's legislative proposal to fund an additional \$100.0 million a year for 3 years for this program as a permanent appropriation.

The 2017 request for the Historic Preservation Fund is \$87.4 million, an increase of \$22.0 million from 2016. Of this total, \$46.9 million is requested for grants-in-aid to states and territories, which is level with 2016. A total of \$12.0 million is requested for grants-in aid to tribes, an increase of \$2.0 million. The remaining \$20.0 million increase is for grants to document and preserve the sites and stories of the Civil Rights Movement; of which \$17.0 million is for competitive grants, and \$3.0 million is for grants to Historically Black Colleges and Universities.

The 2017 budget includes \$54.4 million for National Recreation and Preservation programs that support local community efforts to preserve natural and cultural resources. This is a decrease of \$8.2 million compared to 2016. These changes consist of a program reduction of \$10.4 million to Heritage Partnership Programs; and programmatic increases of \$0.9 million for modernization and digitization in the National Register program, \$0.8 million for the Preservation Technology and Training grants program, \$0.3 million for the Federal Lands to Parks program, and fixed costs increases.

Construction funding totals \$252.0 million, \$59.1 million above 2016. This request provides funding critical to the implementation of the Centennial initiative to make a meaningful impact on the NPS deferred maintenance backlog. The budget includes \$153.3 million for line-item construction projects, a \$37.1 million increase, which will fund projects such as the \$13.2 million rehabilitation of the Paradise Inn Annex and snow bridge connection at Mount Rainier National Park in Washington, and \$13.9 million for the final phase of the rehabilitation of the El Portal sanitary sewer to prevent raw sewage spills at Yosemite National Park in California.

The 2017 current funding request for LWCF Land Acquisition and State Assistance is \$178.2 million, an increase of \$4.6 million from 2016. This includes \$110.0 million for State Assistance grants, maintaining the increase provided in 2016. The budget requests \$68.2 million for Federal Land Acquisition, an increase of \$4.6 million. This provides \$26.6 for projects addressing NPS specific needs, \$10.8 million for collaborative acquisition projects, \$2.0 million for projects to improve recreation access, and \$10.0 million for American Battlefield Protection Program acquisition grants. A high priority for NPS, the Hawaii Volcanoes National Park is also part of the Island Forests at Risk collaborative landscape proposal. An investment of \$6.0 million would allow NPS to begin acquisition of a parcel which protects the hawksbill and Green turtles, and island monk seal habitat, and contains anchialine pond communities and coastal strands of endangered plants. Significant archaeological sites, cultural landscapes, petroglyphs and ancient trails are also present. Time is a concern as the area faces potential rezoning from conservation to medium density urban and resort development.

**Indian Affairs**—The 2017 President’s budget for Indian Affairs is \$2.9 billion in current appropriations, \$137.6 million above the 2016 level. Funding for the main operating account for Indian Affairs, Operation of Indian Programs is \$2.4 billion, \$127.9 million above 2016. The 2017 request for Construction is \$197.0 million, \$3.0 million above 2016.

The 2017 budget supports continuing efforts to advance self-governance and self-determination, improve educational outcomes for American Indian children, support human services activities, prudently manage tribal natural resources, build stronger economies and self-sufficiency, and maintain safer Indian communities.

Key to self-governance and self-determination is full funding for Contract Support Costs. The 2017 request includes \$278.0 million for Contract Support Costs, \$1.0 million above 2016, which will fully fund these costs based on the most recent analysis. As in the 2016 enacted bill, the budget requests funding for Contract Support Costs in a separate dedicated current account. To further stabilize long-term funding, the 2017 budget includes a legislative proposal to reclassify these costs as permanent funding beginning in Fiscal Year 2018.

The Interior budget proposes a \$1.1 billion investment in Indian education and construction to continue to support the transformation of the BIE to support tribes in educating their youth, and deliver an improved and culturally appropriate education across Indian Country. The budget includes \$49.3 million in increases across a number of programmatic areas in BIE related to the transformation.

The budget includes \$138.3 million for Education Construction, maintaining the \$63.7 million increase provided in 2016. The request will provide the funding stability necessary to develop an orderly education construction pipeline and properly pace projects. The 2016 enacted appropriation will replace two remaining BIE school campuses on the 2004 priority list—Little Singer Community School and Cove Day School, both in Arizona—and support planning for the schools identified on the new school replacement construction list nearing finalization. The 2017 funding will be applied to construction costs for projects chosen from the new list.

To further higher education, the budget includes increases of \$9.4 million for scholarships, adult education and tribal colleges and universities; and \$3.6 million for Johnson O’Malley education grants to provide additional resources to tribes and organizations to meet the unique and specialized educational needs of American Indian and Alaska Native students.

To foster public-private partnerships to improve the student experience at BIE-funded schools, the 2017 budget again proposes appropriations language enabling the Secretary to reactivate the National Foundation for American Indian Education. The proposed bill language will initiate a foundation focused on fundraising to create opportunities for Indian students in and out of the classroom.

As part of the President’s commitment to protect and promote the development of prosperous tribal communities, Indian Affairs proposes to expand the Tiwahe “family” initiative. This effort takes an integrated approach to address the inter-related challenges impacting the lives of youth, families, and communities in Indian Country—including poverty, violence, and substance abuse. The Tiwahe approach seeks to empower individuals and families through health promotion, family stability, and strengthening communities as a whole.

The 2017 budget expands the Tiwahe initiative with increases totaling \$21.0 million for programs in social services, Indian Child Welfare Act, housing, tribal courts, and job placement and training. To better focus funding and evaluate outcomes in meeting social service needs in Indian Country, the Department will evaluate social service and community development needs in Indian Country in 2016. The evaluation will inform programmatic design, assessments, management, and budgeting.

The budget contains a number of increases to support tribal nation-building and economic development. The budget includes \$4.0 million for a Native One-Stop Support Center to make it easier for tribes to find and access hundreds of services available to tribes across the Federal Government. The 2017 budget includes \$1.0 million to help tribes adopt uniform commercial codes which help build the legal infrastructure on reservations to promote credit and other capital transactions. The budget provides \$12.0 million to enable Interior to work with American Indian/Alaskan Native communities to improve Federal data quality and availability, to create a reimbursable agreement with the Census Bureau to address data gaps in Indian Country, and to create an Office of Indian Affairs Policy, Program Evaluation, and Data to support effective, data-driven, tribal policymaking and program implementation. The budget also proposes \$1.3 million increase for the Small and Needy Tribes program to assist eligible tribes in expanding and sustaining tribal governance.

The 2017 budget strongly supports sustainable stewardship of trust lands, natural resources, and the environment in Indian Country. These priorities include the protection and restoration of ecosystems and important landscapes; stewardship of land, water, ocean, and energy resources; resilience in the face of a changing climate; and clean and sustainable energy development.

The budget provides a \$15.1 million program increase over 2016 across eight natural resource programs to support tribes in developing science, tools, training, planning, and implementation of actions to build resilience into resource management, infrastructure, and community development activities. Funding will be set-aside to support Alaska Native Villages in the Arctic and other critically vulnerable communities to evaluate options for the long-term resilience of their communities. The budget also includes \$2.0 million to address subsistence management in Alaska to better prepare for the impacts of climate change, as part of an ongoing commitment to improve the Nation's resilience. In addition, the budget includes a total increase of \$8.7 million for trust real estate service activities to reinforce the stewardship of trust resources. The expanded capacity will address the probate backlog, land title and records processing, geospatial support needs, and database management in addition to providing expanded technical and legal support for authorized settlements involving tribal water rights.

The 2017 budget request for Indian Land and Water Claim Settlements is \$55.2 million, a \$5.7 million increase over the 2016 enacted level for payments on enacted settlements.

The budget includes \$25.0 million for the final payment to the Aamodt settlement and \$10.0 million in one-time funding to provide the Yurok Tribe, located in Northern California, funds to acquire lands as authorized in the Hoopa-Yurok Settlement Act. This acquisition supports efforts by the Yurok Tribe, state of California, private foundations and individual donors to conserve over 47,000 acres of the Klamath-Siskiyou ecoregion to ensure the long-term health of temperate forests, rare wildlife, and extraordinary runs of wild salmon. The land, to be conserved as a salmon sanctuary and sustainable community forest, will restore the Yurok Tribe's historic connection to the land, support the Yurok economy through jobs in forestry and restoration, and provide revenue to the tribe through sustainable timber and salmon harvests and the sale of carbon credits. The budget also includes increases totaling \$12.9 million in the Operation of Indian Programs account to provide expanded technical and legal support for tribal water rights settlement negotiations and implementation. A reduction of \$29.2 million in the settlement account reflects completion of the Taos Pueblos water settlement in 2016.

The 2017 budget request for the Indian Guaranteed Loan Program is \$7.8 million, the same as 2016, which will provide loan guarantee and insurance authority for \$106.0 million in loan principal to support Indian economic development.

**Departmental Offices**—The 2017 budget request for Departmental Operations is \$278.4 million, a decrease of \$443.4 million below the 2016 enacted level. The decrease reflects a reduction of \$452.0 million associated with the Payments in Lieu of Taxes program. In 2017, the budget proposes to fund PILT as permanent funding not subject to appropriation. State and local governments depend on PILT funding to finance such vital services as firefighting and police protection, construction of public schools and roads, and search and rescue operations. Providing a mandatory source of funding will create greater certainty that PILT investments will be available in future years. The budget proposes mandatory PILT funding for 1 year, while a sustainable long-term funding solution is developed for the program.

The budget proposes program increases of \$1.5 million for work with the National Invasive Species Council to develop an Early Detection Rapid Response framework. Early detection and rapid response (EDRR) has the potential to result in significant cost savings, as compared to battling invasive species such as Asian carp, cheatgrass, and emerald ash borer once established. The EDRR request support multiple pilot projects to demonstrate early detection and rapid response approaches, as well as conducting assessments to identify current capacities and gaps in capacities to implement EDRR.

The budget includes \$1.0 million for Native Hawaiian community development through capacity building and technical assistance. This request will allow the Department to provide support to Native Hawaiians similar to the capacity building and technical assistance the Department provides to other Native Americans, and the Insular areas consistent with the Hawaiian Homes Commission Act and Hawaiian Homes Land Recovery Act. The Department will work with the Native Hawaiian community on a variety of economic, social, and cultural projects.

The 2017 Budget includes critical investments to ensure effectiveness and compliance of Interior information technology investments. The request includes \$3.0 million to develop a Digital Service Team responsible for driving the efficiency

and effectiveness of the Department's highest-impact digital services. Additional information technology investments are proposed under the Working Capital Fund appropriated account.

Within the request for Departmental Operations is \$129.3 million for Office of Natural Resources Revenue's receipts management programs, \$3.8 million above 2016. The increase includes \$968,000 to fully fund Osage Trust Accounting responsibilities in compliance with the Osage settlement agreement; \$1.0 million to expand Geospatial Information Systems; and \$1.2 million to strengthen ONRR's audit and compliance mission activities.

The 2017 request for the Office of Insular Affairs is \$102.7 million, \$12.4 million above the 2016 level excluding Palau Compact Extension funding of \$13.1 million. The 2017 budget proposes \$149.0 million in permanent funding to support enactment of a new Compact with Palau. The appropriated funding request includes increases of \$4.0 million for community, landscape and infrastructure adaptation and resilience initiatives; \$3.9 million to improve health and safety conditions in insular school facilities; \$2.0 million to implement energy projects; \$2.0 million for Coral Reef Initiative and Natural Resources; \$1.6 million for direct technical assistance grants; and \$1.0 million to support invasive species eradication efforts, including the coconut rhinoceros beetle and little fire ant. Brown Treesnake Control is funded at \$3.0 million, a program decrease of \$500,000, reflecting completion of an automated aerial bait system in 2015. The budget requests \$3.3 million for Compact of Free Association, level with 2016, excluding \$13.1 million provided for Palau Compact Extension in 2016.

The budget includes \$69.4 million for the Office of the Solicitor, \$3.6 million above 2016 to support additional personnel and necessary legal services for delivering the Department's mission. The Office of the Solicitor's ability to provide early and continuous legal counsel in new priority areas to ensure that developing programs are grounded in established legal principles and precedents is absolutely vital. The requested increase will allow the Office of the Solicitor to provide the much needed preventive assistance that is lost to the demands of non-discretionary litigation. The additional funding will also be used to restart the Honors Program, where recent law graduates are hired at the entry level and trained to assume senior positions. This program will ensure DOI has experienced lawyers as many senior staff becomes eligible for retirement.

The request for the Office of the Inspector General is \$55.9 million, \$5.9 million above 2016 to support audits concerning Offshore Energy Oversight, Indian Country, and Cybersecurity, and Offshore Energy Investigations.

The Office of the Special Trustee request is \$140.4 million, \$1.4 million above 2016. The budget includes increases of \$1.5 million to provide additional estate planning opportunities to Indian Trust beneficiaries; \$1.3 million for an appraiser training program to address the shortage of qualified appraisers and the resulting delays in completing appraisal evaluations; \$1.5 million to enhance talent management capabilities and systems automation; and less than \$400,000 to modernize and improve business processes and enhance the Trust Funds Accounting System. These increases are partially offset by a \$3.4 million reduction in funding for Historical Trust Accounting based on anticipated workload levels.

**Department-wide Programs**—The 2017 request for the Department's Wildland Fire Management program is \$824.6 million without the proposed fire cap adjustment, and \$1.1 billion including the adjustment. The base budget includes \$276.3 million for fire suppression, which is 70 percent of the 10-year suppression average spending. The cap adjustment of \$290.0 million covers the remaining 30 percent of the 10-year average and provides a contingency. The cap adjustment would only be used for the most severe fires, since it is 2 percent of the fires that cause 30 percent of the costs. The new budget framework for Wildland Fire Management eliminates the need for additional funds through the FLAME Act.

The 2017 budget includes \$179.1 million for Fuels Management and Resilient Landscapes subactivities, \$9.1 million above 2016 enacted. Of this, \$30.0 million is proposed in a new Resilient Landscapes subactivity to build on resilient landscapes activities supported by Congress in 2015 and 2016. This equates to a \$20.0 million increase for the program to take better advantage of the shared goals of bureau resource management programs to treat large landscapes to achieve and maintain fire-adapted ecosystems that both reduce the threat of catastrophic wildfire and achieve restoration and other ecological objectives. The increase for Resilient Landscapes is partially offset with a program realignment of \$21.7 million in the Fuels Management program from 2016.

Other highlights in the Wildland Fire Management budget include an increase of \$6.9 million in Preparedness to maintain or strengthen initial and extended attack capacity. Specific increases include \$2.8 million to enhance the initial attack capa-

bility of rural fire departments and rural fire protection associations. The budget includes program increases of \$1.6 million to purchase replacement vehicles for the BIA fire program and \$1.5 million to cover utility costs for the Alaska Fire Service's leased space. The budget includes \$20.4 million for Burned Area Rehabilitation, a \$1.5 million increase to address greater post-fire rehabilitation needs caused by the 2015 and 2016 fire seasons; and \$10.0 million for Facilities Construction and Deferred Maintenance, a \$3.6 million increase to address the deferred maintenance backlog.

The 2017 budget request for the Central Hazardous Materials Fund is \$13.5 million, \$3.5 million above 2016, to fund the remedial design for the Red Devil Mine cleanup in Alaska. The 2017 request for Natural Resource Damage Assessment and Restoration is \$9.2 million, \$1.5 million above 2016 to increase restoration activities.

The 2017 budget proposes \$111.5 million for the appropriated portion of the Department's Working Capital Fund, \$44.4 million above 2016. The majority of the increase, \$24.7 million, continues cybersecurity remediation in the wake of the serious cyber intrusions experienced during 2015. Other increases include: \$10.2 million to support the Department's multi-year effort to implement requirements identified under the Digital Accountability and Transparency Act, known as the DATA Act, and monitor compliance; \$5.2 million for the Department's Office Consolidation Strategy; \$2.6 million to fund Federal Information Technology Acquisition Reform Act coordination and reporting activities for the Department; \$1.0 million for Cultural and Scientific Collections; and \$702,000 for Service First activities.

#### Legislative Proposals

The 2017 President's budget includes a suite of legislative and offsetting collection proposals affecting spending, revenues, and available budget authority that require action by the congressional authorizing committees. These mandatory proposals address a range of Administration priorities, from investing in high-priority conservation and recreation programs to achieving a fair return to the American taxpayer from the sale of Federal resources and reducing unnecessary spending. The 2017 budget includes seven spending proposals with an estimated \$18.0 billion in outlays over the next decade. This spending is partially offset by revenue and savings proposals to reduce outlays from the Treasury by an estimated \$4.5 billion over the next decade.

**Gulf of Mexico Energy Security Act and the Coastal Climate Resilience Program**—The Administration is committed to ensuring American taxpayers receive a fair return from the sale of public resources and taxpayers throughout the country benefit from the development of offshore energy resources owned by all Americans. The Gulf of Mexico Energy Security Act of 2006 opened some additional areas in the Gulf of Mexico for offshore oil and gas leasing, while maintaining moratoria on activities east of the Military Mission Line and within certain distances from the coastline of Florida. The Act provides that 37.5 percent of Outer Continental Shelf revenues from certain leases be distributed to just four coastal states—Alabama, Louisiana, Mississippi, and Texas—and their local governments based on a complex allocation formula. The Administration proposes to repeal GOMESA revenue-sharing payments to these select states from Gulf of Mexico oil and gas leases, which are set to expand substantially starting in 2018.

More than half of the savings, \$2.0 billion, from the repeal of GOMESA revenue sharing payments to states will be redirected to a new Coastal Climate Resilience Program to provide resources for at-risk coastal states, local governments, and their communities to prepare for and adapt to climate change. A portion of these program funds would be set aside to cover the unique impacts of climate change in Alaska where some native villages are so threatened by rising seas, coastal erosion, and storm surges, that they must prepare for potential relocation.

**Historic Preservation Fund**—The budget includes a legislative proposal to extend the authority to deposit \$150.0 million in receipts from offshore oil and gas revenues annually into the Historic Preservation Fund.

**Bureau of Indian Affairs Contract Support Costs**—The budget includes a legislative proposal to reclassify funding for the existing Contract Support Costs program from discretionary to mandatory beginning in Fiscal Year 2018. The budget proposes to adjust the discretionary budget caps to reflect the reclassification to mandatory funding. New contract support cost estimates will be provided on a 3-year cycle as part of the reauthorization process.

**POWER+ Accelerate AML Distribution for Mine Cleanup and Economic Recovery**—The budget proposes to allocate a portion of the remaining unappropri-

ated balance of the Abandoned Mine Lands Fund to target the cleanup and redevelopment of AML sites and AML coal mine polluted waters in a manner that facilitates sustainable revitalization in economically depressed coalfield communities. The proposal will provide \$1.0 billion over 5 years to states based on AML program and economic eligibility factors—such as the unemployment rate of coal mining regions—and remaining priority coal problems, including abandoned mine drainage, where reclamation linked to job creating economic development strategies will help revitalize impacted communities.

**United Mineworkers of America Pension Reform**—The budget proposes to better provide for retired coal miners and their families by revising the formula for general fund payments to the 1993 UMWA Health Benefit Plan. The new formula will consider all beneficiaries enrolled in the plan as of enactment, as well as those retirees whose health benefits were denied or reduced as the result of a bituminous coal industry bankruptcy proceeding commenced in 2012. Additionally, the proposal will transfer funds through the Pension Benefit Guaranty Corporation to the trustees of the 1974 UMWA Pension Plan to ensure the plan's long-term solvency. The plan, which covers more than 100,000 mineworkers, is underfunded and approaching insolvency. The new formula will provide an additional \$375.0 million to the UMWA in 2017 and \$4.2 billion over 10 years.

**Land and Water Conservation Fund**—The budget proposes \$900.0 million in combined current and mandatory funding in 2017, and starting in 2018, the budget proposes permanent authorization of \$900.0 million in mandatory funding for LWCF programs in the Departments of the Interior and Agriculture. During a transition to mandatory funding in 2017, the budget proposes \$425.0 million for mandatory funding and \$475.0 million for current funding, to be shared by Interior and Agriculture.

**National Parks Centennial Act**—The budget proposes enactment of legislation, the National Park Service Centennial Act, to honor the Park Service's 100th anniversary. The Act specifically authorizes the following: \$100.0 million a year for 3 years for the Centennial Challenge to leverage private donations; \$300.0 million a year for 3 years for NPS deferred maintenance; and \$100.0 million a year for 3 years for a Public Lands Centennial Fund, which will competitively allocate funds for projects on public lands to enhance visitor services and outdoor recreation opportunities, restore lands, repair facilities, and increase energy and water efficiency. The availability of mandatory funding to address deferred maintenance and other conservation projects will allow NPS to plan ahead more efficiently to achieve significant results. Stable and predictable funding streams will allow projects to be appropriately scheduled and phased for more effective project delivery and completion. The proposal includes the authority to collect additional camping or lodging fees, and funds from purchases of the lifetime pass for citizens 62 years of age or older. Receipts for this Second Century Fund will be matched by donations in order to fund visitor enhancement projects. The impact of this new revenue source is estimated at \$40.4 million in 2017. Also included is a proposal to establish a program to allow a Visitor Services Management Authority to award and manage contracts for the operation of commercial visitor services programs and activities.

**Federal Land Transaction Facilitation Act**—The budget proposes to reauthorize this Act which expired on July 25, 2011, to allow lands identified as suitable for disposal in recent land use plans to be sold using this authority. The sales revenue will be used to fund the acquisition of environmentally sensitive lands and administrative costs associated with conducting the sales.

**Recreation Fee Program**—The budget proposes legislation to permanently authorize the Federal Lands Recreation Enhancement Act, authorized through September 30, 2017. The program currently brings in an estimated \$335 million in recreation fees annually under this authority that are used to enhance the visitor experience on Federal land recreation sites.

**Federal Oil and Gas Reforms**—The budget includes a package of legislative reforms to bolster administrative actions to reform management of Interior's onshore and offshore oil and gas programs, with a key focus on improving the return to taxpayers from the sale of these Federal resources and on improving transparency and oversight. Proposed statutory and administrative changes fall into three general categories: advancing royalty reforms, encouraging diligent development of oil and gas leases, and improving revenue collection processes. Collectively, these reforms will generate roughly \$1.7 billion in revenue to the Treasury over 10 years, of which \$1.2 billion will result from statutory changes. Many states also will benefit from higher Federal revenue sharing payments as a result of these reforms.

**Palau Compact**—On September 3, 2010, the United States and the Republic of Palau successfully concluded the review of the Compact of Free Association and signed a 15-year agreement that includes a package of assistance. The budget assumes authorization of mandatory funding for the Compact in 2017 to strengthen the foundations for economic development in Palau by developing public infrastructure and improving health care and education. The cost for this proposal for 2017–2024 is \$149.0 million.

**Payments in Lieu of Taxes**—The budget proposes to extend PILT mandatory funding for an additional year with the current PILT payment formula based on the amount of Federal land within an eligible unit of local government, its population, and certain other Federal payments the local government may receive. The cost of a 1-year extension of the PILT program is estimated to be \$480.0 million in 2017.

**Reclamation of Abandoned Hardrock Mines**—The budget proposes to create an Abandoned Mine Lands Program for abandoned hardrock sites financed through a new AML fee on hardrock production on both public and private lands. The fee is estimated to generate \$1.8 billion through 2026 to reclaim the highest priority hardrock abandoned sites on Federal, state, tribal, and private lands.

**Reform Hardrock Mining on Federal Lands**—The budget proposes to institute a leasing program under the Mineral Leasing Act of 1920 for certain hardrock minerals, including gold, silver, lead, zinc, copper, uranium, and molybdenum, currently covered by the General Mining Law of 1872. Half of the receipts will be distributed to the states in which the leases are located and the remaining half will be deposited in the U.S. Treasury. The proposal is projected to generate revenues to the U.S. Treasury of \$80.0 million over 10 years, with larger revenues estimated in following years.

**Return Coal Abandoned Mine Land Reclamation Fees to Historic Levels**—The budget proposes legislation to modify the 2006 amendments to the Surface Mining Control and Reclamation Act, which lowered the per-ton coal fee companies pay into the AML Fund. The proposal would return the current fee of 28 cents per ton of surface mined coal to 35 cents a ton, the same level companies paid prior to the 2006 fee reduction. The additional revenue, estimated at \$258 million over 10 years, will be used to reclaim high priority abandoned coal mines and reduce a portion of the estimated \$6.0 billion needed to address remaining dangerous coal AML sites nationwide.

**Termination of AML Payments to Certified States**—The 2017 budget proposes to discontinue unrestricted payments to states and tribes certified for completing their coal reclamation work. This proposal terminates all such payments with estimated savings of \$520.0 million over the next 10 years.

**Termination of EPAct Geothermal Payments to Counties**—The 2017 budget proposes to repeal Section 224(b) of the Energy Policy Act of 2005 to permanently discontinue payments to counties and restore the disposition of Federal geothermal leasing revenues to the historical formula of 50 percent to the states and 50 percent to the Treasury. This results in estimated savings of \$41.0 million over 10 years.

**Bureau of Land Management Foundation**—The budget proposes to establish a congressionally chartered National BLM Foundation to leverage private funding to support public lands, achieve shared outcomes, and focus public support on the BLM mission.

**National Foundation for American Indian Education**—The budget proposes appropriations language enabling the Secretary to reactivate a foundation created by Congress in 2000 to generate private donations in support of the mission of the Bureau of Indian Education. The proposal will allow the foundation to start anew to obtain nonprofit tax exempt status, with a new Board of Directors focused on making the foundation a successful fund raising entity.

**Migratory Bird Hunting and Conservation Stamp Act—Duck Stamp**—The budget includes a legislative proposal to provide limited authority to increase the price of a Duck Stamp, with the approval of the Migratory Bird Conservation Commission, to keep pace with inflation.

**Wildland Fire Suppression Disaster Cap Adjustment**—The budget proposes to amend the Balanced Budget and Emergency Deficit Control Act to establish a new framework for funding Fire Suppression Operations to provide stable funding, while minimizing the adverse impacts of fire transfers on the budgets of other programs. Under this new framework, the 2017 budget request covers 70 percent of the 10-year suppression average within the domestic discretionary cap or \$276.3 million for the Department of the Interior. This base level ensures the cap adjustment will only be used for the most severe fire activity as 2 percent of the fires incur



30 percent of the costs. Only extreme fires that require emergency response or are near urban areas or activities during abnormally active fire seasons—which rightly should be considered disasters—will be permitted to be funded through the adjustment to the discretionary spending limits. For 2017, the request for the budget cap adjustment for the Department is \$290.0 million. The cap adjustment does not increase overall spending, as the ceiling for the existing disaster relief cap will be reduced by the same amount as the increase required for fire suppression.

#### Offsetting Collections and Fees

**Bureau of Ocean Energy Management Risk Management Fee**—The budget proposes appropriations language for a new cost recovery fee to recoup funds for services rendered by the Risk Management Program. The program is critical to protecting the American taxpayer from becoming financially responsible for liabilities associated with oil and gas and renewable energy operations on the Outer Continental Shelf. This proposed fee will generate an estimated \$2.9 million annually, fully offsetting the requested risk management programmatic increase in 2017.

**Bureau of Safety and Environmental Enforcement Inspection Fee**—The budget includes appropriations language modifying and expanding the enacted inspection fee language to clarify that facilities subject to multiple inspections are subject to additional fees for each inspection. The BSEE estimates the inspection fees will generate \$65.0 million in 2017.

**Fee for Onshore Oil and Gas Inspections**—Through appropriations language, Interior proposes to implement inspection fees in 2017 for onshore oil and gas activities subject to inspection by BLM. The proposed inspection fees are expected to generate \$48.0 million in 2017, level with 2016. The fees are similar to those already in place for offshore operations and will support Federal efforts to increase production accountability, safety, and environmental protection.

**Grazing Administrative Fee**—The budget proposes a grazing administrative fee to offset costs to administer the program. The budget proposes to implement a fee of \$2.50 per animal unit month through appropriations language on a pilot basis. Interior estimates the fee will generate \$16.5 million in 2017 to support the Rangeland Management program at the 2016 level. During the period of the pilot, BLM will work to promulgate regulations to continue this cost recovery fee administratively, once the pilot expires.

**National Wildlife Refuge Damage Cost Recovery**—The budget includes appropriations language to authorize the Fish and Wildlife Service to retain recoveries for the cost to restore or replace damaged habitat from responsible parties.

#### Conclusion

Thank you for the opportunity to testify on the President's 2017 budget request for the Department of the Interior. This budget is responsible, and proposes to maintain core capabilities with targeted investments to advance the stewardship of lands and resources, renewable energy, oil and gas development and reforms, water conservation, youth employment and engagement, and improvements in the quality of life in Indian communities. I thank you again for your continued support of the Department's mission. I look forward to answering questions about this budget. This concludes my written statement.

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QUESTIONS SUBMITTED FOR THE RECORD TO THE HON. SALLY JEWELL, SECRETARY,  
DEPARTMENT OF THE INTERIOR

#### Questions Submitted by Subcommittee on Federal Lands Staff

*Question 1.* How much collectively, are your agencies requesting to address deferred maintenance? With that requested amount, will the backlog go up, down, or stay the same? Why?

Answer. The Department of the Interior owns and operates over 110,000 buildings and structures, more than 100,000 miles of public roads, and a wide variety of other constructed assets such as dams, irrigation systems, and trails. These facilities serve nearly 500 million visitors annually, provide schooling for approximately 46,000 Native American children, and are a place of work for Interior employees. The current replacement value of these assets exceeds \$240 billion. As the steward of these assets, Interior is committed to improving the condition of these existing

facilities and making the capital investments in facilities that are critical to its mission.

In the 2017 President's Budget, the Department requested a total of over \$1.4 billion in discretionary funding for maintenance needs across Interior's bureaus and offices. The budget estimates that an additional \$133.2 million in recreation fees will be directed toward maintenance in 2017.

Roughly half of the deferred maintenance backlog is attributable to roads, bridges and tunnels—critical infrastructure that has been historically funded through Interior's discretionary appropriation and through Title 23 mandatory funding. The recently authorized Fixing America's Surface Transportation Act (FAST Act) will provide this mandatory funding from 2016 through 2020 for federally owned roads through the Federal Lands Transportation Program. In 2017, this equates to \$276 million for the National Park Service, \$30 million for the Fish and Wildlife Service, and \$22 million in competitively awarded funds for other agencies, including the Bureaus of Land Management and Reclamation. In addition, the Tribal Transportation Program, operated jointly by the Federal Highway Administration and the Bureau of Indian Affairs (BIA), will provide \$475 million for roads that provide access to tribal lands or are owned by tribes or the BIA.

While these represent significant investments in maintenance funding across the Department, the magnitude of the need is high as well. At the beginning of FY 2015, deferred maintenance for all DOI bureaus was reported as \$15.6 billion. At the end of FY 2015, this had grown to \$16.1 billion. While Interior employs strategies such as a 5-year capital planning process to ensure that funding is directed toward the highest priority projects, we do not foresee a reduction in the total amount of deferred maintenance in the near future.

*Question 2.* According to DOI, over the last 5 years 99 percent of the Department's acquisitions were inholdings, already within existing park or wildlife refuge units.

*2a.* What percentage of the total acquisitions over the last 5 years using LWCF money have been inholdings, meaning a parcel that directly abuts Federal land on at least majority of its border?

*Answer.* Over the last 5 years, 99 percent of the Federal lands acquired by with LWCF funds were inholdings, lands within the authorized boundaries of a conservation unit, such as a national park or wildlife refuge. Acquisition of inholdings can reduce maintenance and management costs by decreasing boundary conflicts, simplifying resource management activities, and facilitating access to and through public lands. Since 2011, Congress has appropriated funding for four projects where acquisitions did not lie completely within the boundary of an existing conservation unit at the time of the appropriation, but were adjacent to or bisected by the boundary (known as "edgeholdings"). In all instances, acquisitions using LWCF funding were authorized by the LWCF Act and by congressional appropriations.

*2b.* What percentage of the total acquisitions using LWCF money have been used to acquire land that does not border existing Federal land at all, but is within a Federal management area, like a Park Service Unit or Wildlife Refuge?

*Answer.* As noted above, over the last 5 years, 99 percent of the Federal lands acquired by with LWCF funds were inholdings, lands within the authorized boundaries of a conservation unit, such as a national park or wildlife refuge. Acquisition of inholdings can reduce maintenance and management costs by decreasing boundary conflicts, simplifying resource management activities, and facilitating access to and through public lands. Since 2011, Congress has appropriated funding for four projects where acquisitions did not lie completely within the boundary of an existing conservation unit at the time of the appropriation, but were adjacent to or bisected by the boundary (known as "edgeholdings"). In all instances, acquisitions using LWCF funding were authorized by the LWCF Act and by congressional appropriations.

We also note that land within a conservation unit need not adjoin existing Federal land to achieve resource protection goals. For example, certain federally listed species occur only on specific sites, and do not require large contiguous blocks of habitat. A FWS refuge's acquisition boundary might contain 10 different sites that support self-sustaining or potentially self-sustaining populations of a federally listed species, and the FWS may want to acquire all of these separate sites, in fee or easement. In such instances, it may not be necessary or cost-effective to acquire even more land simply to connect these sites to existing Federal land.

*2c.* If land, purchased with LWCF funding, is acquired by the Federal Government for recreational purposes, does DOI commit to building trailheads, infrastructure, and other recreational facilities on that parcel?

Answer. If the Department purchases land for recreational purposes using LWCF funds, there is an implicit commitment that we will develop the appropriate infrastructure needed for public use and enjoyment of the land. However, land purchased for passive recreational purposes may not need much infrastructure. Locally developed management plans for each park or refuge determine the future use of the acquired lands and what, if any, visitor facilities should be placed on the land.

2d. Does DOI have any ability to account for and assure recreational use of a parcel or easement after it has been acquired using LWCF dollars? If no, how can you be sure that it is being used for that purpose?

Answer. Yes. If land or an easement has been acquired for recreational purposes, Department will manage the lands in accordance with the local management plans of the BLM, FWS and NPS.

In fact, when considering a parcel for acquisition, FLPMA requires that the acquisition be consistent with any approved land use plan and the LWCF evaluation process seeks to build on recreational opportunities for the public in the use and enjoyment of their public lands. Through BLM's record notation system, LR2000 and Master Title Plats, BLM flags parcels that are acquired with LWCF and therefore, not available for disposal.

Similarly, when the FWS, with a mission to work with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people, acquires land in fee, the land becomes part of the fabric of the refuge, and is managed in accordance with the refuge's overall Comprehensive Conservation Plan. If the stated purpose of a refuge is compatible with wildlife-dependent recreation, the refuge is typically open to the public. While the vast majority of refuges are open to the public for wildlife-dependent recreation, there are instances where portions of a refuge or an entire refuge cannot be opened for recreation because recreational activity would be unsafe or would jeopardize fragile wildlife habitat. Furthermore, the FWS acquires the minimum interest necessary to reach management objectives. Therefore, acquisition of conservation easements may be the best option for the FWS and the community. However, easements may not permit public recreation if property owners do not wish to have people on their land, especially if the landowners are still actively farming the land or using the land for livestock.

And finally, the NPS provides for visitor enjoyment of the resources located within each of the units of the National Park System. If a national park unit includes lands that were purchased with LWCF funds specifically for recreational purposes, the management plan would reflect that. NPS maintains records of visitation for each unit.

2e. How much of DOI's deferred maintenance backlog can be attributed to lands acquired using LWCF funding?

Answer. Acquisition of land utilizing LWCF funding does not significantly contribute to the Department's deferred maintenance backlog. For example in the FY 2016 NPS request, only 11 of the 40 line-item land acquisition requests anticipate costs for operations and maintenance of the lands, while 9 project savings and 20 are neutral. In the FY 2017 NPS request, 1 of the 32 requests has structures that will be maintained. Furthermore, acquisition of inholdings can reduce maintenance and management costs by decreasing boundary conflicts, simplifying resource management activities, and facilitating access to and through public lands.

2f. When DOI agencies purchase land using LWCF money, does it commit to performing short- or long-term maintenance on that parcel?

Answer. When the Department's agencies acquire land by any means, those agencies become responsible for the acquired lands. The Department is committed to the long-term management of Federal lands. We also note that BLM generally avoids acquisition of land encumbered with facilities, and, more often than not, the parcels acquired within specially designated areas require no additional maintenance and provide the ability to more efficiently manage the landscape. Similarly, when FWS acquires property in fee, it manages the property as wildlife habitat and typically incurs no annual maintenance costs. And, for the NPS, the need to protect and preserve the resources and enhance visitor safety and satisfaction within units of the National Park System will determine what, if any, maintenance will be performed.

2g. What percentage of lands and easements acquired with LWCF money in the last 15 years was purchased from a land trust or other non-governmental organization?

Answer. For the NPS, from January 1, 2000, through March, 2016, 9,690 tracts were acquired by all methods. Of that, 539 tracts (or 5.5 percent) were purchased from non-governmental organizations.

For the FWS, purchases from non-governmental organizations represent approximately 30 percent of total acres (169,574 of 571,255 acres) and 39 percent (\$241,272,046 of \$620,329,745) of the LWCF project funding over the last 15 years.

*2h.* What percentage of lands and easements acquired with LWCF money in the last 15 years was purchased in tandem with funds provided by a land trust or other non-governmental organization?

Answer. The Department does not separately track the percentage of lands and easements acquired with LWCF that are purchased in tandem with funds provided by a land trust or other non-governmental organization. In many cases, non-governmental organizations purchase lands that may otherwise be lost for conservation purposes and hold those lands until Federal agencies secure appropriations to acquire the land.

*Question 3.* The ESA requires the Secretary to conduct, at least once every 5 years, a review of all species included on the list of threatened and endangered species and determine whether any such species should be delisted, downlisted, or uplisted.

How many status reviews has the Service budgeted for Fiscal Year 2017, and what is the estimated cost?

Answer. The Service conducts 5-year reviews in every fiscal year, but the number of reviews completed varies based on workload and priorities. Recovery planning, implementation, and monitoring, as well as proposed and final downlisting and delisting rules are funded with the same recovery subactivity in the budget; in some years, those activities may take priority over 5-year reviews. We do not budget for 5-year reviews separately and thus have not developed an estimate of the number of reviews or total cost for this particular activity.

*Question 4.* According to you, this Administration has delisted more “recovered” species than any other since the ESA was enacted. According to the Fish & Wildlife Service’s FY 2017 budget justification, approximately 49 species have 5-year reviews that recommend downlisting or delisting. Millions of dollars have been allocated to the Service for conservation and restoration activities in previous years, which covers de-listing and downlisting activities.

*4a.* Why haven’t those de-listings and downlisting taken place?

Answer. One of the major goals of the Endangered Species Act is to minimize or remove the threats that led to a species listing so that it can be delisted or reclassified—or downlisted—from “Endangered” to “Threatened.” The development of a recovery plan is one of the first steps toward meeting that goal. Recovery plans help guide and measure the progress of the recovery process. The Endangered Species Act, directs FWS to develop and facilitate implementation of recovery plans for listed species, monitor the implementation and effectiveness of recovery actions, review the status of each species at least every 5 years, develop rules for reclassification and delisting of species whose status has improved, and evaluate and respond to petitions to delist or reclassify species. All of these require close coordination with our partners as well as sufficient time to monitor and implement adaptive management. Given the growing number of listed species and the resources available, the Recovery Program must make difficult trade-offs among the activities identified above, all of which are important for achieving recovery of listed species. The Service’s FY 2017 budget request would direct additional funds toward the proposed or final rules based on the 5-year review recommendations.

*4b.* When will the Service take action on those 49 species?

Answer. The Service plans to pursue downlisting or delisting for the 49 species as soon as possible within available resources and based on the trade-offs among the varying priority recovery actions.

*4c.* How does the Service define the backlog of delistings and downlistings? For instance, how much time has to pass before a potential delisting or downlisting is considered backlogged?

Answer. “Backlog” is a term of art, not one derived from the language of the Act. In this context, it refers to the species for which a 5-year review has recommended that a delisting or downlisting proposal is warranted, but for which the Service has yet to initiate such a rulemaking.

*Question 5.* Your department recently finalized rules under the ESA that would allow it to designate critical habitat in areas that are not only unoccupied, but that never have been occupied, with the supposition that you would designate them because they may be needed in the future for the species based upon climate change related expectations. The rule essentially allows the Service to designate critical habitat in areas where a species has never lived. It appears as if the rule asserts authority that is entirely untethered from the authority granted by Congress in the Act itself.

*5a.* Do you believe Congress ever intended the Secretary to have the authority to designate habitat where a species has never lived simply because you may believe that at some future point that area might be needed because of climate change or habitat adaptation?

Answer. The Act expressly allows for the consideration and inclusion of unoccupied habitat in a critical habitat designation if such habitat is determined to be essential for the conservation of the species. The FWS determines whether unoccupied areas are essential for the conservation of the species by considering the best available scientific data regarding the life-history, status, and conservation needs of the species.

There have been specific circumstances, as discussed in our final rule, where data show or predict a shift in habitat availability or use by a species in response to the effects of climate change. An example might be a landward shift in tidal marsh habitat as a result of predicted sea level rise. In cases where the best scientific data available indicate that a species may be shifting habitats or habitat use, it is permissible to include specific areas accommodating these changes in a designation, provided that the Services can explain why the areas meet the definition of "critical habitat." The data and rationale on which such a designation is based will be clearly articulated in our proposed rule designating critical habitat.

*5b.* Do you believe that these rules will lead to a significant increase in the amount of critical habitat designated by the Service?

Answer. No, the changes to the regulation are not expected to significantly expand the areas included in any particular critical habitat designation. We expect that the concurrent evaluation of occupied and unoccupied areas for a critical habitat designation will allow us to develop better designations that can serve as more effective conservation tools, focusing conservation resources where needed and minimizing regulatory burdens where not necessary.

*5c.* Does the Service have the resources to manage an upsurge in the amount of overall critical habitat for listed species?

Answer. As stated above, we do not expect the changes to the regulation to significantly expand the area included in any particular critical habitat designation.

*Question 6.* Despite the fact that the Service has requested over millions of dollars to acquire thousands of acres of land, the agency has proposed to eliminate the discretionary portion the National Wildlife Refuge Fund, which provides revenue sharing payments to counties with National Wildlife Refuge System (NWRS) lands. According to the Service's budget justification, "[r]efuges often generate tax revenue for communities far in excess of that which was lost with Federal acquisition of the land."

*6a.* How much economic development is generated from NWRS lands per acre?

Answer. The Service has not done a per acre analysis, however, according to the Service's 2013 Banking on Nature Report, 47 million people who visited refuges in 2012 contributed a total of \$2.4 billion of sales to nearby local economies.

*6b.* What is the return on investment of the NWRS, in terms of money appropriated to manage the system and revenue generated?

Answer. The Service's 2013 Banking on Nature Report estimated that refuge visitors generated \$342.9 million in tax revenues and \$2.4 billion of sales in 2012 in a year that the NWRS was appropriated \$485.7 million. This represents a [5:1] return on investment for every Federal dollar expended. The 2016 appropriation to manage the National Wildlife Refuge System was \$481.4 million, but at this time, there is no estimate of what the return on that investment will be.

*Question 7.* Currently, there are over 64,000 wild horse and burros on Federal lands with nearly 50,000 in long-term holding facilities. In FY2015, the BLM spent \$75.2 million on the horse and burro program. Taxpayer dollars were used to remove a small number of horses from the rangelands (\$1.8 million), adopt out approximately 2,000 horses (\$6.3 million), and care for horses and burro in long-

and short-term holding facilities (\$49.4 million). Costs continue to increase every year, as horse and burro populations continue to grow.

7a. Does the BLM have a plan to address the unsustainable horse and burro program and return population levels to the appropriate management level (AML) of 27,000 animals as established in law?

7b. Why is BLM not keeping up with required appropriate management levels?

7c. Is BLM removing a sufficient number of animals from the range to keep up?

7d. Does BLM have capacity at its short- and long-term holding facilities?

7e. If so, why are more animals not being removed from the range and placed in holding? BLM has received substantial funding level increases in the last several years to do so.

Answer. BLM faces many challenges in managing wild horse and burro populations on public rangelands, including a rapid population growth rate and no natural predators. Costs also continue to increase, for both pasture and holding facilities, and adoptions have steadily declined since the early 2000s, increasing the number of animals in off-range holding corrals.

BLM is now managing more than twice as many horses on the western rangelands as is recommended for a healthy balance between horses, wildlife, cattle, and other resources. Horses that are removed from the range, but remain in the care of the agency at a cost to the American taxpayer of nearly \$50,000 per animal over the animal's lifetime; put simply, the costs of this program are substantial and unsustainable.

On-range annual population increases are substantially greater than the number that the BLM removes each year. The Program is currently limiting removals to 3,500 per year, about the same number that leave holding facilities annually through adoptions, sales, and mortality attrition. Financial resources are not adequate to care for greater numbers of animals than are currently in off-range facilities.

With more than 100,000 horses in BLM's care both on and off the range, the agency is redoubling its efforts to reduce the number of horses in holding facilities. The BLM aims to reduce that cost by moving more animals from long-term corrals to contracted pasture spaces, which are more cost effective and would reduce the lifetime cost of caring for an unadopted animal. However, we recognize that this is only part of the solution. The FY2017 budget request supports new, innovative efforts to secure safe and cost-effective placement for unadopted animals, which will work in tandem with more proactive efforts beginning in 2016 to better manage the overpopulation problem. In addition to expanding use of contraceptives and spay and neuter treatments, the BLM is proposing legislation to better facilitate the transfer of animals to other public entities, including local, state, and Federal Government agencies.

*Question 8.* Just a few weeks ago, the Federal grazing fee was raised by the maximum 25 percent allowed by law in any given year.

8a. Please provide the data that was used to support this price increase.

8b. How old is the livestock price, cost of livestock production, and private leasing rate data used in the equation?

Answer. Grazing fees are set yearly under authority of the Public Rangelands Improvement Act of 1978. The formula used for calculating the fee has been continuously applied under a Presidential Executive Order issued in 1986. The fee is computed by using a 1966 base value of \$1.23 per animal unit month/head month and is calculated according to three market-driven factors—current private grazing land lease rates, beef cattle prices, and the cost of livestock production. The fee adjusts up or down based on market conditions.

*Question 9.* In this budget request, the Department has proposed a \$2.50 fee for grazing on Federal lands, which is in addition to the annual grazing fee, according to the formula set by law. How did the Administration come up with the \$2.50 amount for this additional fee?

Answer. The goal of the fee is to recover some of the costs of administering the permits and leases of the grazing program from parties who benefit from the use of the public lands and resources. In 2017, the administrative fee would generate \$16.5 million, which would fully offset a reduction of \$16.5 million in requested appropriations for the Rangeland Management program.

*Question 10.* We understand that land management agencies are working to refurbish the Federal Government's campsite booking Web site, Recreation.gov, which

hosts virtually all online booking for the National Park Service, U.S. Fish and Wildlife Service, Bureau of Reclamation, and U.S. Forest Service campgrounds, and even many of the Army Corps of Engineers facilities.

*10a.* What is the Department of the Interior doing to ensure that any improvements to the online reservation system do not risk ending up with missed deadlines and rollout delays caused by mismanagement and untested products or custom created software?

Answer. The Recreation.gov contract is funded entirely by revenues generated from the recreation fees and reservation fees charged to visitors who make reservations. The current contract that provides the reservation and trip planning service for Recreation.gov is nearing the end of the period of performance. The current contract will be extended as needed to ensure that there is no disruption of service.

The Recreation One-Stop (R1S) program has been conducting market research for over 2 years in order to identify emerging technologies and additional vendors who can provide the kind of service that meets modern customer expectations.

The R1S program has adopted the tenets laid out in the U.S. Digital Services Playbook in which we will employ 'Agile' software development principles and processes. Agile development is the new norm in the private sector and, by following its best practices, we aim to provide a superior service and user-friendly customer experience. This will entail face-to-face meetings with the contractor's program management and software development teams. We intend to work in short 'sprints' to write, test, and deploy usable code that will provide all of the tools for trip planning, reservations, financial processing, reporting, design and customer service. As sprints are completed, we will test each portion of the code to ensure that it meets the government's needs and public expectations. Code that does not pass testing will be immediately returned to the backlog for correction. By using this method, the R1S program will be involved at every step to ensure that we do not end up with an unusable product when it is time to transition. The public and many other stakeholders will be involved in the development and testing throughout this process to ensure that we are able to deliver what the public wants. The contract requirements include the highest levels of information security, privacy protection, secure financial processing, and compliance with all applicable laws and regulations pertaining to government IT services.

*10b.* As a way to ensure data security indeed does meet the highest standard, will you be using vendors who are Payment Card Industry Data Security Standard (PCI) compliant?

Answer. Payment Card Industry Data Security Standard (PCI) compliance is an absolute requirement in the new (and current) contract. With the number of credit card transactions processed, the contractor's system is required to meet the highest level of PCI compliance. The contractor must also deliver security that ensures compliance with Federal Risk and Authorization Program (FedRAMP), Federal Information Processing Standards (FIPS), Federal Information Security Management Act (FISMA), and the Privacy Act.

*Question 11.* While many land management agency units are available as part of Recreation.gov, we know there are additional units that could benefit from additional exposure. What are doing to make sure more of your units are able to be part of the Recreation.gov system and what are the time frames for bringing them online?

Answer. Recreation.gov currently hosts reservation services for over 3,200 locations which include campgrounds, picnic shelters, cabins, lookouts, yurts, tour ticketing, event lotteries, and a variety of wilderness permits. More locations continue to be added every year. When the system was launched in 2006, the primary focus was to provide reservations for basic front country campgrounds. Since that time, the R1S program recognized the need to expand the service to cover many different types of facilities and activities. This was one of the driving factors in moving to a more agile approach that affords the agencies the flexibility to use the platform for a wide variety of facilities and activities.

The R1S program expects that, upon launch of a new contract, the service will be able to support many more operations; this should facilitate the incorporation of reservation services more broadly. The new contract also requires that the contractor proactively 'market' the service to all agencies where it is appropriate. This includes offering Web services which can improve the efficiency and effectiveness of local operations.

*Question 12.* In September 2015 there was a paid ticketed for-profit music event held on the National Mall called the Landmark Music Festival. The event was mar-

keted as an event to raise awareness and revenue to support the restoration and preservation of the National Mall. As noted in a *Washington Post* article, dated September 22, 2015, questions were raised about how this for-profit event was developed and structured. We know that the National Park Service is seeking to expand its use of public-private partnerships to help reduce the deferred maintenance backlog and supplement funding for the National Mall, which is something we support. However, we also believe it is essential that the Park Service creates those partnerships in a fair and transparent manner that maximizes return to the Parks for the use of the National Mall.

12a. As this was the first event of its kind, can you describe the bidding process that occurred for this event?

12b. How many vendors competed to host the event?

12c. Who at the Park Service gave permission to hold a for-profit event on the National Mall?

12d. How does the Park Service intend to manage these types of for-profit events on the National Mall in the future?

Answer. The 2015 Landmark Music Festival was organized and sponsored by the Trust for the National Mall (the Trust), the primary philanthropic partner of the National Mall and Memorial Parks. While it was a paid ticketed event, it was not a “for-profit” event. The intent of the event was to connect a younger and diverse population to national parks, and for the Trust to raise funds to support their mission to preserve and revitalize the National Mall. As this event was held by the Trust, the Trust retained responsibilities associated with its implementation, including any bidding or competitive process to organize or promote the event. The NPS was not involved in any of these activities.

The Trust applied for and received a special event permit as outlined in the process described by 36 C.F.R. § 7.96(g) and NPS’ *Management Policies 2006*: A ticketed event may be permitted in specially designated locations if the superintendent determines that (1) there is a meaningful association between the park and the event, and (2) the event will contribute to visitor understanding of the significance of the park. In this case, it was determined by the park superintendent that West Potomac Park could be used for a ticketed music event because the event satisfied the above criteria. As the primary partner responsible for raising awareness and funds for the National Mall and Memorial Parks, the Trust was in a unique position to satisfy these criteria.

While it was deemed appropriate in this instance for the concert to occur in West Potomac Park, we believe that activities on the Mall and within the memorial core must remain free and open to the public. Future applications for special event permits will be reviewed against the criteria listed above.

*Question 13.* The National Park Service and the Department of Interior are in the process of planning for the 2017 Presidential Inauguration. Unfortunately, there has been a lack of real progress on a permanent installation of a distributed antenna system on the National Mall to ensure cell phone connectivity during large events. The Pope’s recent visit to DC again highlighted the failure of the telecommunications system on the National Mall and despite best efforts by the wireless carriers to boost capacity by bringing in temporary antennas, or Cell on Wheels, the National Mall continues to be a dead zone during large events. The lack of cell coverage is more than merely an inconvenience as most Americans now rely on cell connectivity to communicate, download information and learn about their surroundings and lack of coverage could be disastrous in an emergency situation. I think we can all agree that Americans should be able to use their cell phones in their Front Yard.

13a. As such, how is the Department of Interior and the National Park Service planning to ensure cell connectivity during the 2017 Inauguration?

Answer. The NPS recognizes the complications with cellular service that arose during the 2009 Presidential Inauguration. In an effort to avoid lapses in service for park visitors, the NPS took additional steps during the 2013 Inauguration as well as during the Pope’s visit in 2015 to ensure adequate cellular service coverage. The NPS will continue to use strategic placement of COWs (Cell on Wheels) as an interim strategy that can be used to serve park visitors until a comprehensive Distributed Antenna System (DAS) can be permanently installed.

In addition, the NPS is working with multiple partners to provide free Wi-Fi service at several locations on the Mall, including the World War II Memorial, the Korean War Veterans Memorial, and the Washington Monument. The Wi-Fi systems provide less expansive coverage and less bandwidth than a DAS system but



they require less substantial infrastructure and installation is virtually invisible. The first of these systems should be functioning within a few months.

*13b. What is the status of the Distributed Antenna System for the National Mall?*

Answer. The NPS issued a Request for Information (RFI) in 2014 so that it might better understand the potential benefit of deploying a Distributed Antenna System (DAS) and the likely impact of its installation on the treasured landscape of the National Mall. The NPS is reviewing the multiple responses to the RFI, and it is evident that installation of a DAS will require an exacting design effort, substantial environmental and historic preservation compliance, and approvals from the Commission of Fine Arts and the National Capital Planning Commission.

In concert with the technical review of RFI submissions, the NPS is working to address several critical issues for the installation of a DAS, including determination of the appropriate method of authorization (lease, concession, permit, or commercial use authorization), and coordination with Mall “neighbors” (the Smithsonian Institution and the Architect of the Capitol). A survey of potential equipment locations on the Mall has been undertaken to assist in the identification of feasible locations for equipment installation. The NPS is also exploring cooperation with the District of Columbia Government to leverage the District’s existing and substantial fiber optic infrastructure.

#### **Questions Submitted by Subcommittee on Oversight & Investigations Staff**

*Question 14.* The recent proposal to down list of the Florida manatee from endangered to threatened creates the possibility for the Fish and Wildlife Service (FWS) to use section 4(d) of the Endangered Species Act to create a rule that would allow the taking of manatees.

Given that the Environmental Protection Agency (EPA) concluded that the Clean Power Plan would not have any effect on the Florida manatee, can you commit to not issuing a 4(d) rule that would allow for harming or otherwise “taking” manatees under the ESA as a result of the loss of warm water sanctuaries caused by the closure of coal-fired power generation facilities?

Answer. It is correct that the ESA provides greater flexibility when it comes to authorizing incidental take for threatened species. Should the Service reclassify the West Indian manatee to threatened, the agency currently has no plans to publish an accompanying 4(d) rule.

*Question 15.* On November 3, 2015 the President issued a memorandum on mitigation of resource impacts related to development and permitting. The memorandum instructs the Interior Department and other agencies to issue new regulations emphasizing compensatory mitigation as well as a new standard of a “net benefit or at minimum, no net loss” for resources that are “important, scarce, or sensitive” or possess “irreplaceable character.” The Administration has stated that one goal of this policy is consistency across agencies regarding mitigation. However, officials from the Council on Environmental Quality and the Department of Interior told committee staff during a recent briefing that each agency will define the parameters of terms like “important,” “scarce,” “sensitive,” or “irreplaceable” in each of their respective regulations and be allowed to define the terms as they see fit.

Are you concerned that each agency writing its own parameters or definitions could result in inconsistent parameters or definitions?

Answer. A main objective of updating mitigation policies is to promote more consistency across and within the Department’s bureaus as to how the steps of the mitigation hierarchy are implemented and in the development of mitigation recommendations and requirements. These documents create consistency in how bureaus implement mitigation in a number of important ways, including the use of a compensatory mitigation goal; a clear and stated preference when selecting between compensatory mitigation providers; use of standardized definitions and terms; and adherence to a consistent set of standards to ensure equivalency among compensatory mitigation providers.

One area where standardization was not intended is when determining what resources require mitigation. The Department’s bureaus are responsible for managing different resources, for different uses, under a range of specific authorities. The use of terms such as “importance,” “scarcity,” “sensitivity,” or “irreplaceable” are meant as parameters to guide bureaus and offices in making similar decisions about what types resources may require mitigation, not what specific resources should be targeted. Where multiple bureaus and offices have responsibility in managing a particular resource, the use of a landscape-scale approach to planning and permitting

allows for more integrated and consistent management, including in the application of mitigation.

*Question 16.* In 2012, the OIG issued a report highlighting critical problems with BLM's management of its wind and solar programs, specifically with regards to the adequacy and management of the bonds BLM requires for those projects on Federal land. Three years later, GAO looked at the same program and found that many of the same problems still had not been addressed. Addressing findings in the GAO report, it is sufficient to say that BLM is not ensuring that the bonds it receives are adequate to cover reclamation costs if a renewable project is abandoned, BLM is not reviewing bonds regularly, and BLM is not responsibly tracking the bonds to make sure they're not lost—or accidentally shredded, as GAO reported.

The Oversight and Investigations Subcommittee held a hearing when the GAO report came out to shine a light on these problems and prompt BLM to address them. However, over 6 months later, BLM still has not fully implemented GAO's recommendations. Additionally, the same official who was responsible for implementing the OIG's recommendations back in 2012 is still in his post as BLM's Assistant Director for Energy, Minerals, and Realty.

Why has the person responsible for fixing these problems not been held accountable after almost 4 years and when will BLM fully comply with GAO's recommendations on this issue?

Answer. As BLM has indicated to the subcommittee, the bureau has made significant progress in ensuring that its bonding policies and procedures are being followed. It has issued a series of instruction memoranda to address GAO recommendations and initiated a field office review of all solar and wind energy authorizations that require bonds to ensure adequate bonds are in place to cover up-to-date reclamation cost estimates. Moreover, finalization and implementation of the competitive solar and wind leasing rule, anticipated to take place in 2016, will address the last of GAO's recommendations for the program.

*Question 17.* During a Senate Energy and Natural Resources Committee hearing in February, you were asked about OSM's need to re-engage states and local stakeholders in the rulemaking process for the Stream Protection Rule. Your answer to this question was that "OSM is engaging with states at that point", that "states were engaged early", and that "[the states'] input was taken." One hearing this testimony would think nothing at all was the matter with OSM's rulemaking process even though it has repeatedly excluded the states.

Last year, the Oversight and Investigations Subcommittee held a hearing on that very topic, where we heard from multiple states who had attempted to participate in the draft EIS process. All of them were extremely frustrated with the process and believed that OSM could do a better job coordinating with them. This is in addition to the many public letters the states sent to Director Pizarchik expressing their complaints, and in some cases, terminating their MOUs as cooperating agencies with OSM. They specifically complained about OSM's "piecemeal approach, lack of adequate time for review and comment, the overall quality of the [draft EIS], major deficiencies, inconsistencies, and missing reference material evidenced in the draft documents."

The Director of the Alabama Surface Mining Commission testified that "the cooperating states have essentially been shut out of the process and been relegated to the sidelines as OSMRE moved forward with the EIS."

How can you claim that OSM truly engaged with the states, when so many of them felt it necessary to terminate their MOUs and revoke their "cooperating agency" status?

Answer. The Department has actively engaged, and continues to engage, with states regarding the proposed stream protection rule. The rulemaking process began with an Advance Notice of Proposed Rulemaking, stakeholder outreach meetings, nine public scoping meetings and two public comment periods on the scoping for the draft environmental impact statement (DEIS), generating over 50,000 comments. A number of state agencies, including state SMCRA regulatory authorities, participated as cooperating agencies in the early development of the DEIS, and provided meaningful input and numerous comments that were used to prepare the DEIS.

The DEIS was also made available to cooperating agencies and the public for review and comment during the public comment period, which was extended to provide interested parties more time and opportunity to review and comment on the document. Moreover, OSM conducted six public hearings in Colorado, Kentucky, Missouri, Pennsylvania, Virginia and West Virginia during the public comment period and received approximately 95,000 comments, including hundreds of pages of comments from state SMCRA regulatory authorities, on the DEIS and the proposed

stream protection rule. In October 2015 OSM also offered all former cooperating state agencies the opportunity to reengage in the development of the final EIS, and has continued to engage in discussions with the states to better understand their comments on the proposed rule.

#### **Questions Submitted by Representative Jeff Denham**

*Question 18.* In California's Statewide Proposition 48, the citizens formally rejected the California Governor's and State Legislature's approval of a Class III Indian gaming Compact between the North Fork Rancheria of Mono Indians and the state of California that authorized Class III gaming on lands that the North Fork Band acquired into trust after 1988 in Madera, California. Are you prepared to recognize the decision rendered by the California electorate in Proposition 48 and the state's own interpretation of California State law? If not, why?

Answer. The Department must follow the compact review requirements set out by Congress in the Indian Gaming Regulatory Act (IGRA). IGRA sets out a process for the Department to follow when tribes and states agree to a compact. IGRA also sets out a process the Department will follow when a tribe and a state cannot agree on a compact. In reviewing any submitted compact, the Department will adhere to IGRA's process. However, as it pertains to this specific question, the Department cannot comment on matters currently in litigation but as stated above, will continue to adhere to IGRA.

*Question 19.* Are you prepared to refuse to approve a Class II Gaming Compact submitted to you by North Fork or a mediator which authorizes Class III gaming on this Madera site? If not, why not?

Answer. On April 26, 2016, the court-appointed mediator transmitted the selected compact to the Department. The Department will adhere to IGRA's requirements in reviewing the mediator's selected compact.

#### **Questions Submitted by Representative Paul A. Gosar**

*Question 20.* Are you aware that the Forest Service conducted a comprehensive study in 2010 and released a Finding of No Significant Impact for the bipartisan exchange signed into law in 2014 stating and I quote, "The selected action will not cause loss or destruction of significant scientific, cultural or historical resources?"

Answer. Yes, however, the listing is based on the documentation included in the certified National Register Nomination form submitted to the Keeper in 2015 by the Federal Preservation Office of the U.S. Forest Service in accordance with the provisions of the National Historic Preservation Act of 1966, as amended and the National Register Program Regulations (36 CFR, Part 60). The documentation submitted to the Keeper does not include or reference the "comprehensive study in 2010" cited in the question.

*Question 21.* Oak Flat has never been a sacred site, yet the Park Service is intent on opposing this project and trying to list this rundown campground as a historic site, potentially delaying the creation of 3,700 new jobs and \$60 billion in associated economic impact that will come from the mine.

Did you know that a poll found that the majority of the San Carlos Tribe actually supports the mine?

Answer. The Keeper listed the property in the National Register based on the documentation provided and certified by the U.S. Forest Service. The Keeper's decision did not support or oppose any specific project; rather, it was based solely on the site's significance as a Traditional Cultural Property. The Keeper found that the documentation, much of which was derived through government-to-government consultations with the San Carlos Apache and other tribes, justified the listing of Chi'chil Bildagoteel (Oak Flat) in the National Register for its significance as a Traditional Cultural Property. Based on this finding, and in accordance with the provisions of the NHPA and 36 CFR, Part 60, the Keeper had no legal alternative to listing the property.

*Question 22.* What would you like me to tell tribal members who are in dire need of these jobs and have seen unemployment numbers as high as 70 percent when they ask me why Secretary Jewell opposes this mine project and good-paying jobs for their family?

Answer. The Secretary is committed to helping American Indian and Alaska Native communities find opportunities that will enhance long-term economic development and promote near-term economic opportunities. The Keeper's decision to list

Chi' chil Bildagoteel did not support or oppose any specific project; rather, it was based solely on the site's significance as a Traditional Cultural Property.

*Question 23.* The day before the House passed my Grand Canyon Bison Management Act as part of the Sportsmen's Act, the Park Service ditched a plan it had been doing environmental studies on for more than 2 years, in order to undermine my bipartisan bill.

Two years wasted and now the Park Service intends to pursue a short-sighted and costly proposal for managing invasive bison within Grand Canyon National Park that utilizes expensive sharpshooters.

Our bipartisan and bicameral bill meanwhile, puts state licensed Arizona hunters to work accomplishing this important task for free.

What's the typical cost to the agency when utilizing sharp shooters to reduce a big game heard by 400–600 animals?

Answer. The cost of culling operations depends on the environments where they take place and the means through which they were contracted. Here are a couple of examples:

- Channel Islands National Park: Culling operations cost approximately \$519,000 (~\$1000/animal)
- Catocin Mountain Park: Culling operations cost approximately \$571,000 (~\$525/deer)

*Question 24.* How much money did the Park service spend on the long-term EIS for bison management in the Grand Canyon before shifting gears to the short-term EA?

Answer. The NPS has spent \$125,762 on the contract for the long-term EIS and EA to date. The total costs for the complete EIS was expected to be \$341,412. Much of the work associated with the EA is the same as it would have been for the EIS; however, the NPS expects a savings of approximately \$13,500 by switching to an EA.

*Question 25.* A January 2, 2009 letter from more than 100 environmental and conservation groups reported that USDA and DOI spend roughly \$100 million on expensive sharpshooters each year.

To make matters worse when sharpshooters have been used to kill big game previously, your agency has left these carcasses rotting in the park so natures other critters can feed on them. Do you believe leaving a big game carcass rotting in a National Park is the most humane and efficient way to dispose of this meat?

Answer. Only in rare occasions has the NPS left carcasses in the field. In over 90 percent of ungulate culling situations in NPS units, the NPS requires the use of non-lead ammunition for safe meat consumption. Carcasses are removed and donated to various entities including local food banks, citizen volunteers, tribal members, or other groups. When carcasses are left in the field, it is for logistical reasons; for example, in some very remote locations it can be very costly to remove carcasses. In addition, when implemented, this practice supplements natural scavenging for wildlife.

*Question 26.* On June 10, 2015, Victor Know stated, "The NPS has typically used professional sharp shooters to cull whitetail deer in parks in the eastern United States, including at Rock Creek Park in Washington, DC, and Catocin Mountain Park in Maryland. Professional sharp shooters were also used at Channel Island National Park in California to cull elk on Santa Rosa Island. In other cases, including Rocky Mountain National Park in Colorado and Theodore Roosevelt National Park in South Dakota, skilled volunteers have been used to cull elk."

What were the total costs to the Park Service for each of these efforts?

Answer. It should be noted that the following examples vary greatly in the type of activities that were conducted, in the environments where they took place, and in the means through which they were contracted. Therefore, they should not be seen as representative of how the NPS funds or conducts culling operations across the National Park System.

Catocin Mountain Park: NPS used USDA/Wildlife Service (WS) as the contractor. The total cost (includes the contract and costs to administer the program) for the past 6 years (2010–2015) has been approximately \$571,000 (~\$525/deer).

Rock Creek Park: NPS used USDA/WS as the contractor. The total cost for the past 3 years (2013–2015) has been approximately \$52,500 (~\$290/deer). Rock Creek Park is located wholly within Washington, DC, and is surrounded by densely populated urban areas.

Channel Islands National Park: The situation at Channel Islands differs from the above examples because it was not a culling operation to reduce populations, but a total elimination of non-native ungulates. These types of operations tend to be more expensive as the costs go up as the populations go down. In addition, the logistics of conducting this program on an island also raised costs significantly. NPS used a non-profit organization as the contractor at a cost of approximately \$519,000 (~\$1,000/animal).

Rocky Mountain National Park and Theodore Roosevelt National Park: In these parks, skilled volunteers were used to cull the elk herds. In Rocky Mountain National Park, 52 elk were removed from 2009–2011 at a cost of approximately \$4,700/elk. In Theodore Roosevelt National Park, 868 elk were removed from 2010–2011 at a cost of approximately \$1,450/elk.

*Question 27.* How many carcasses were left within the Park for each of these efforts?

Answer. During the elk culling operations at Rocky Mountain and Theodore Roosevelt National Parks, over 98 percent of the animals culled were removed from the field and donated. All of these operations utilized nonlead ammunition, so the NPS could donate the meat. Over 95 percent of the animals at Rock Creek Park and Catoctin Mountain Park were removed from the field and donated. At Channel Islands National Park, animals culled in the first phase of the operation were removed and donated; however, due to lack of interest in the remaining carcasses and the cost and logistics associated with removing them from the islands, most of the animals from the second phase were left in the field for eagle and other scavengers to feed upon.

*Question 28.* Last time you were before the committee you were answering questions about your Department's flawed report on EPA's mine spill. At that time I asked you about Good Samaritan cleanups as you failed to say anything substantive about Good Sam in your testimony. Shockingly, you told me you were not familiar with Good Samaritan cleanups. Did you take some time after that hearing to familiarize yourself with Good Samaritan cleanups?

Answer. The Department stands by the Bureau of Reclamation's technical review and assessment of the factors that led to the incident. The incident highlights the significant and costly problem of abandoned mine lands, which are a threat on private, state, and Federal lands. As mentioned in the Department's statement and discussed at the hearing, we stand ready to work with the committee and Congress to address this issue in a meaningful way.

*Question 29.* Do you think today that Good Samaritan cleanups should be an important part of the solution for cleaning up old abandoned mines?

Answer. Addressing the reclamation and remediation of abandoned hardrock mine lands is a costly problem and one that requires a long-term funding source. To better address the hardrock abandoned mine land problem and to ensure that an equitable share of the costs of reclamation of these abandoned mine lands (AML) sites are not solely borne by the taxpayer, the Administration has proposed legislation that would hold the hardrock mining industry responsible for the remediation of abandoned hardrock mines, just as the coal industry is responsible for remediating abandoned coal sites. The proposal would levy an AML fee on uranium and metallic mines on both public and private lands, and the receipts would be split between Federal and non-Federal lands. The proposed hardrock AML fee and reclamation program will operate in parallel with the existing coal AML reclamation program as part of a larger effort to ensure the most dangerous abandoned coal and hardrock AML sites are addressed by the responsible industries. The Department stands ready to work with the committee and Congress to take meaningful actions to address this issue, including consideration of authority to carry out Good Samaritan activities on public lands.

*Question 30.* Your budget request asks for \$195 million for new Federal land acquisition. The Department of Interior and the multiple agencies within cannot even manage the lands they currently own. Just last March, the Park Service said it has an estimated \$11.5 billion maintenance backlog. Only 17 percent of land is privately held in Arizona and it is even worse in Nevada. The Federal Government already owns more than 650 million acres.

*Question 31.* The Congressional Research Service has informed my office that they could only find one BLM report from 1997 entitled "Lands Potentially Available for Disposal." And that report was authored because of direction from Congress. How much land does DOI currently own that is potentially available for disposal?

Answer to Questions 30 and 31. Congress has long recognized the national interest in preserving and conserving the public lands for present and future generations of Americans. Although the National Park Service and the U.S. Fish and Wildlife Service do not have land disposal authority, Section 203 of the Federal Land Policy and Management Act allows BLM to identify lands as potentially available for sale through the land use planning process, provided they meet one or more of the following criteria:

- Lands consisting of scattered, isolated tracts that are difficult or uneconomic to manage;
- Lands that were acquired for a specific purpose and are no longer needed for that purpose; and
- Lands that could serve important public objectives, such as community expansion and economic development, which outweigh other public objectives and values that could be served by retaining the land in Federal ownership.

BLM oversees the public lands through approximately 160 Resource Management Plans (RMPs). Each RMP is unique and typically identifies lands as potentially available for disposal through sale, exchange, or for conveyance under the Recreation and Public Purposes Act (R&PP) for purposes such as schools, fire stations, and community parks. Lands identified for potential disposal may be available for any or all of these purposes. BLM may only dispose of lands identified for disposal in the appropriate land use plan, unless directed by Congress.

Even when lands are identified for disposal in RMPs, there may be substantial impediments to disposal. The process of identifying these lands as potentially available for disposal typically does not include site-specific identification of impediments to disposal, like the presence of threatened or endangered species, cultural or historic resources, mining claims, mineral leases, rights-of-way, and grazing permits, or the need for an appraisal to establish market value or a specific survey of the lands. Furthermore, lands identified as potentially available for disposal at one point in time may be found later to be unsuitable because of new circumstances such as oil and gas leasing, the listing of threatened and endangered species, the establishment of rights-of-way, or other encumbrances.

The BLM is making information regarding lands that have been identified as potentially available for disposal more accessible to the public through the recent launch a new page on its Web site to provide information in one central location. [http://www.blm.gov/wo/st/en/prog/planning/planning\\_overview/lands\\_potentially\\_0.html](http://www.blm.gov/wo/st/en/prog/planning/planning_overview/lands_potentially_0.html).

*Question 32.* On November 3, 2015 the President issued a new memorandum on mitigation of resource impacts related to development and permitting. The memorandum instructs the Interior Department and other agencies to issue new regulations emphasizing compensatory mitigation as well as a new standard of a “net benefit or at minimum, no net loss” for resources that are “important, scarce, or sensitive” or possess “irreplaceable character.” The Administration has stated that one goal of this policy is consistency across agencies regarding mitigation.

However, officials from the Council on Environmental Quality and the Department of Interior told committee staff during a recent briefing that each agency will define the parameters of terms like “important,” “scarce,” “sensitive,” or “irreplaceable” in each of their respective regulations be allowed to define the terms as they see fit. Are you concerned that each agency writing its own parameters or definitions could result in inconsistent parameters or definitions? Does the Department’s budget request include an estimate of the additional funds and FTEs that will be required to carry out the directives of the mitigation memorandum?

*Answer.* A main objective of updating mitigation policies is to promote more consistency across and within the Department’s bureaus as to how the steps of the mitigation hierarchy are implemented and in the development of mitigation recommendations and requirements. These documents create consistency in how bureaus implement mitigation in a number of important ways, including the use of a compensatory mitigation goal; a clear and stated preference when selecting between compensatory mitigation providers; use of standardized definitions and terms; and adherence to a consistent set of standards to ensure equivalency among compensatory mitigation providers.

The Department does not intend rigidity in determining what resources require mitigation. The Department’s bureaus are responsible for managing different resources, for different uses, under a range of specific authorities. The use of terms such as “importance,” “scarcity,” “sensitivity,” or “irreplaceable” are meant as parameters to guide bureaus and offices in making similar decisions about what types resources may require mitigation, not what specific resources should be targeted.

Where multiple bureaus and offices have responsibility in managing a particular resource, the use of a landscape-scale approach to planning and permitting allows for more integrated and consistent management, including in the application of mitigation.

As a general matter, additional resources are not required by the Department to specifically carry out the directives of the Presidential Memorandum. The BLM's 2017 budget request does however include \$641,000 (+4 FTE) to develop a National Mitigation Team.

This team would be located in BLM state offices and at the Washington Office and would provide expertise necessary to support field staff, work with BLM partners to develop local and regional mitigation strategies, develop an all-lands program of work, oversee mitigation funds, interact with mitigation banks and exchanges, and integrate other restoration activities. Absent these funds, the BLM would likely have to curtail other important activities in order to fulfill the commitments made in the Western Solar Plan and the GRSG Conservation Strategy.

*Question 33.* During the hearing, you answered one of my questions by noting that the designation of National Monuments is "entirely up to the President of the United States," and that the President has not given you any detailed information about what, if any, areas he may be considering to designate for the rest of the year. You also noted that you have received requests from any number of outside organizations encouraging the designation of specific areas.

Again, you made it clear in your response that the ultimate decisionmaking authority rests with the President, but have you, your staff, or any representative of any of the agencies you oversee made recommendations to act on any of the National Monument requests you have received from outside organizations to the President, his staff, CEQ or other officials in the Administration?

*Question 34.* And, if so, what areas have you recommended should be designated as National Monuments, and which did you recommend not be designated?

Answer to Questions 33 and 34. The Administration consistently strives to take into account the interests of a wide range of stakeholders both to protect America's public lands and to provide for economic development in a manner that is consistent with applicable laws and sound public policy. The Department participates in this consultation. Officials from the Department have attended many community meetings across the Nation, and have heard from stakeholders interested in protecting the places that they care about. These officials have also heard from stakeholders concerned with the impacts of any such designation.

*Question 35.* What is the total estimated travel budget for the Department of Interior for Fiscal Year 2017?

Answer. The Department has responsibilities across the Nation and travel is necessary to carry out our mission. The Department does not specifically budget for travel separately. However, the Department does monitor travel expenditures closely. In FY 2015, the Department spent \$175 million on travel activities (including relocation costs), which represents less than 1 percent of the total FY 2015 expenditure activity of nearly \$18 billion.

*Question 36.* How much did the Department spend on total travel expenses in Fiscal Year 2016?

Answer. FY 2016 is not yet complete but is on track for a level consistent with FY 2015 (\$37 million as of 12/31/2015).

*Question 37.* What is the total estimated budget that the Department of Interior will spend on conferences in Fiscal Year 2017 and how many conferences does the Department plan to hold this year?

Answer. The Department does not specifically budget for conference activity and does not have an estimate for FY 2017.

*Question 38.* How does this compare to last year?

Answer. In FY 2015, the most recent year of completed execution, the Department spent \$16 million (\$16,001,465) on hosting or attending 197 conferences. For FY 2016, which is not yet complete, as of 12/31/15 Department personnel attended 41 conferences totaling \$4.8 million (\$4,830,239). This includes amounts to be reimbursed to the Department from hosted conferences, so actual expenditures will be less.

*Question 39.* Specifically, how many conferences did the Department hold in Fiscal Year 2016 and what were total conference expenditures for Fiscal Year 2016?

Answer. In FY 2015, the most recent year of completed execution, the Department held 87 conferences and spent \$6 million (\$6,072,294).

*Question 40.* How much money did the Department spend on bonuses for employee personnel in Fiscal Year 2016?

Answer. At the end of FY 2015, the most current year of completed execution, the Department spent \$61.2 million on awards and bonuses; when compared against 63,517 Full Time Equivalents (FTE) used in FY 2015, this averages about \$964 per FTE.

*Question 41.* How much does the department estimate it will spend in Fiscal Year 2017?

Answer. We do not have estimates at this time for FY 2016 and FY 2017 as amounts will be determined by staffing levels and performance achieved.

*Question 42.* How much money does the Department plan to spend in Fiscal Year 2016 on climate change policies?

Answer. As part of the Administration's effort to better understand and prepare for the impacts of a changing climate, the budget includes \$156.9 million for basic science related to climate and on-the-ground adaptive management efforts.

#### **Questions Submitted by Representative Raúl M. Grijalva**

*Question 43.* Secretary Jewell, I am concerned about the National Park Service's deferred maintenance backlog. \$12 billion is an intimidating number. For the nonroads half of the backlog, can you please outline what the total level is for the backlog for the most critical projects, how NPS determines what those projects are, and some examples throughout the country of projects that are most critical awaiting funds to be addressed? If possible, can you provide a full list of the most critical projects throughout the country outlining, at a minimum, the park, the project, and the cost?

Answer. The National Park Service's \$11.9 billion maintenance backlog is made up of \$6.2 billion in transportation-related deferred maintenance (DM) and \$5.7 billion in non-transportation DM. That \$5.7 billion consists of 7,186 non-transportation assets which are considered high priority resources. Of those, 4,300 need repairs which have been deferred; the deferred maintenance backlog on these assets is a total cost of \$2.38 billion.

The National Park Service uses the NPS Capital Investment Strategy (CIS) which is consistent with Departmental guidance to prioritize projects. The CIS focuses capital investments on the subset of NPS facilities that represent the highest priority needs with a commitment to long-term maintenance. The CIS helps to accomplish four objectives: protect cultural and natural resources and promote environmental sustainability; provide rewarding visitor experiences; protect health and safety of visitors and employees; and achieve a financially sustainable portfolio of constructed assets.

Two cornerstones of the NPS Asset Management Plan are the Facility Condition Index (FCI) and the Asset Priority Index (API). An industry standard metric, the FCI indicates an NPS asset's condition. It is calculated by dividing a facility's deferred maintenance needs by the same facility's current replacement value. The API is an NPS calculated value that represents an asset's relative mission importance within the park unit's total asset portfolio. Improving or even maintaining the FCI for the entire NPS asset portfolio is difficult given current budgetary constraints. However, the FCI, in conjunction with the API of each asset, provides sufficient detail to prioritize the maintenance efforts and target the most critical assets in the portfolio, allowing the NPS to focus its capital strategically.

The NPS, and all DOI bureaus, use the Departmental scoring method to score construction and maintenance projects, which works in conjunction with the Capital Investment Strategy. This score incorporates four categories: API vs. FCI; Scope of Benefits (SB); Investment Strategy (IS); and Consequences of Failure to Act (CFA).

- API/FCI—Emphasizes projects that involved mission critical assets in unacceptable condition with less emphasis on non-mission critical assets. Weighted at 40 percent.
- SB—Emphasizes projects that are clearly aligned with DOI, bureau, office and program missions, initiatives, and strategic goals. Weighted at 20 percent.
- IS—Emphasizes projects that can clearly define a position return on investment, leverage outside interests, or reduce operation and maintenance costs.



This element is structured to de-emphasize projects that increase DOI operation and maintenance costs. Weighted at 20 percent.

- CFA—Emphasizes projects that have unacceptable risk levels should the project not be completed. Weighted at 20 percent.

The top scoring Line Item Construction project in FY2017 is to replace the roof on the Lincoln Memorial, an extremely high priority asset. Other examples of high priority line item construction projects include rehabilitating the Paradise Inn Annex and connection snow bridge at Mount Rainier NP and completing the project to repair the historic Kennecott Mine structures and utilities at Wrangell-St. Elias NP&Pres in Alaska.

Some of the highest scoring projects on the FY2017 Repair and Rehabilitation project list include rehabilitating the doors on the visitor center at Tumacacori NM and making, roof repairs at parks including War in the Pacific NHP and Moores Creek NB, trail rehabilitation and improvements at parks such as Great Smoky Mountains NP and Mammoth Cave NP, and water system repairs and improvements at parks including Gateway NRA and Acadia NP.

Other fund sources also contribute to addressing the DM backlog. Recreation fees and cyclic maintenance funding are essential fund sources for keeping those assets in good condition once improvements are made. And investments made in cyclic maintenance funding prevents deferred maintenance and therefore future additions to the backlog.

#### Questions Submitted by Representative Tom McClintock

*Question 44.* Under the Solicitor of the Interior's 2011 M-Opinion, a holder of a right-of-way granted under the General Railroad Act of 1875 may authorize third parties activities within its ROW over public lands without BLM approval if the activity in question furthers, at least in part, a railroad purpose. Contrary to existing law and the controlling M-Opinion, in October 2015, BLM made a determination that found that any use in an 1875 Act ROW will now require Federal permitting and environmental review even if the use in question furthers a railroad purpose if the origin of the activity does not derive from a railroad purpose. BLM's erroneous determination will negatively impact the ability of railroads to authorize the use of their respective rights-of-way to third parties for critical infrastructure, such as water pipelines, power lines, and telecommunication lines.

To complicate matters even further, BLM issued a 2014 Instruction Memorandum (IM), purporting to provide guidance on how to implement the 2011 M-Opinion.

The IM indicates that it will be publishing a Federal Register notice formally requesting information about all activities that are located in 1875 Act ROWs. Once it receives the requested information, it will make a determination whether each activity is in the scope of the ROW. Note, It is my understanding that there are currently 3,500 plus individual instances of third-party uses of RR ROW over Federal lands.

Under the IM, BLM must also be notified of all proposed new activities located within 1875 Act ROW's and will determine whether they are in the scope of the ROW before the activities may proceed. If BLM determines that the activities are not within the scope of the ROW, the proponent of the activity must receive BLM authorization.

Is this accurate? Will BLM be reviewing all new and existing activities within 1875 Act ROWs to determine whether a BLM ROW is required?

If so, how will BLM staff and pay for such reviews? When will these reviews take place?

Answer. The November 2011 Solicitor's M-Opinion (M-37025) partially withdrew a prior 1989 Solicitor's Opinion (M-36964) concerning the scope of a railroad's authority to authorize activities within a railroad right-of-way granted under the Act of March 3, 1975 (1875 Act). Opinion M-37025 concluded that a railroad's authority to undertake or authorize others to undertake activities within an 1875 Act railroad right-of-way is limited to those activities that derive from or further a railroad purpose. The changes articulated in Opinion M-37025 were driven by the fact that the conclusions in the 1989 Opinion were not consistent with the terms of the 1875 Act, its legislative history, or applicable judicial decisions interpreting the act.

Based on the 2011 Opinion, BLM issued an instruction memorandum (IM) in August 2014 to describe how it will evaluate and authorize new and existing activities within those rights-of-way across BLM-managed public lands, including a process for determining whether such activities derive from or further a railroad purpose. If BLM determines the activity does not derive from or further a railroad

purpose a project proponent must receive BLM authorization for the activity. The process outlined in BLM's IM applies to both new and existing facilities.

BLM will use existing staff and appropriations to perform reviews of new and existing activities within 1875 Act railroad rights-of-way. Temporary staff may be added in instances where Master Agreements exist with large customers. In cases where project proponents apply for a BLM authorization, BLM will largely rely on cost recovery fees for processing and monitoring the authorization in accordance with existing regulations. BLM expects any necessary reviews to proceed based on an assessment of each BLM field office's overall workload priorities.

#### **Questions Submitted by Representative Alexander X. Mooney**

*Question 45.* The Consolidated Appropriations Act of 2016, enacted on December 18, 2015, includes language directing OSM to re-engage states in a meaningful manner before finalizing any Stream Protection Rule.

*45a.* What is your schedule for supplying the states with the information listed in the Appropriations Act?

*45b.* In a recent budget hearing in the Senate Energy and Natural Resources Committee, Michael Conner, Deputy Secretary of the Interior, said the documents specified in the report language would be ready for the states "in a few weeks." What is your plan for meeting with states *after* they have had time to review the information you are required to provide them?

*45c.* Presumably the states will be raising various concerns with the content of the proposal. How will you address those concerns?

*45d.* When do you anticipate reopening the comment period so the public is placed on notice of potential changes to the proposal so they can comment on those changes?

Answer. OSM began responding to state requests for documents and information on March 2, 2016, and continues to engage with the states on the proposed rule. The Department is committed to meeting with the states as review of comments submitted on the proposed rule moves forward. The Department's Assistant Secretary for Land and Minerals Management, the Director of OSM, and other OSM officials remain available for engagement and discussion with the states and have continued to meet with representatives of states since the close of the comment period. Department of the Interior and OSM representatives have either met with or held telephone or video conferences with Wyoming on November 20, 2015, and January 8, 2016; Ohio and Maryland on December 2, 2015; Oklahoma on December 3, 2015; Indiana and Pennsylvania on December 10, 2015; Virginia on December 11, 2015; Illinois on December 16, 2015; Utah and Montana on December 17, 2015; Alaska on January 14 and May 18–22, 2016; West Virginia on February 10, 2016; Colorado on April 11–14, 2016; and North Dakota on December 17 and May 2–4, 2016. In addition, OSM held six technical meetings in its regional offices during the month of April, which were attended by state regulatory authorities. There are no plans to reopen the comment period on the proposed rule.

#### **Questions Submitted by Representative Grace F. Napolitano**

*Question 46.* Many water agencies in the arid West are looking toward recycled water projects as the most cost effective solution to drought management; do you believe we should start to refocus our investments toward recycled water?

*46a.* What does President Obama's budget do to support recycled water projects?

*46b.* How can an increase in funding impact the amount of water projects that can be introduced in the drought-stricken West?

*46c.* Do you have the average cost effectiveness of dam projects versus water recycling projects?

Answer. The Department's FY2017 budget request includes \$21.5 million for the Title XVI program, reflecting the Department's recognition that water reuse is an essential tool in stretching limited water supplies in the West and the need to prioritize limited budget resources. Federal investments in Title XVI projects, including all projects funded since 1992, made available an estimated 369,000 acre-feet of water in 2015. An increase in funding would expedite the completion of authorized recycled water projects; however, it would not lead to an increase in the number of water projects in the West, as congressional authorization would be necessary to build any additional Title XVI projects.

With regard to a comparison of cost effectiveness, it is difficult to isolate the variables that factor into the wide range of local conditions that affect cost. For exam-

ple, in the state of California, the California Recycled Water Task Force (2003) estimated that water recycling projects would cost between \$300 and \$1,300 per acre-foot. Cost estimates for potential surface storage alternatives vary extensively by region and specific project design, depending on the cost-share among project beneficiaries; state or Federal cost-share component; and the anticipated project uses, such as new water supply, hydropower, flood management and water quality.

*Question 47.* What does President Obama's budget do to address the ongoing drought in the West? Specifically Southern California?

Answer. The President's Climate Action Plan, "Preparing the United States for the Impacts of Climate Change," released in June 2013, highlights drought preparedness as a priority. As part of the Administration's broader drought response, the Department continues a proactive approach by emphasizing mitigation and planning to increase resilience to drought in advance of a crisis.

A few highlights of the Department's budget pertaining to drought include an increase of \$18.4 million in the USGS budget for science to support sustainable water management, nearly doubling the investment made in 2016. The USGS budget request includes \$3.9 million for USGS to conduct drought science to quantify water availability, better understand how snowmelt factors into the hydrologic cycle, and investigate drought effects on reproduction and survival of species. In addition, \$4 million is requested to develop methods to assess regional and national water use trends during drought periods that will lead to a near real-time assessment of water use during drought.

The budget request for Reclamation emphasizes the need to develop new technologies and disseminate scientific information, including \$5.8 million for the Desalination and Water Purification Research program; \$22.8 million for the Science and Technology program, of which \$8.5 million would fund a technology prize competition focused on next generation advanced water treatment technologies; and \$2 million to support Reclamation's open water initiative to make important water information available to support innovation across the country.

Specifically as it relates to Southern California, Reclamation released a spending plan for the additional \$100 million provided by Congress in FY2016 for western drought response, which includes \$22.6 million for WaterSMART Grants, Title XVI projects, Drought Response and Comprehensive Drought Planning, and the Cooperative Watershed Management Program. Funding was also directed toward the Lower Colorado River Basin Drought Response Action Plan (\$11.5 million), the Salton Sea Research Project (\$3 million) and the Colorado River Basin System Conservation Pilot Program (\$5 million).

The Department's FY2017 budget request also includes \$61.5 million for the Department's WaterSMART initiative, with \$23.4 million for WaterSMART Grants, \$5.2 million for the Basin Study Program, \$21.5 million for the Title XVI program, and \$4 million for the Drought Response program.

*Question 48.* In 2013, American Indians and Alaska Natives had the second highest overall suicide rate at 11.7 per 100,000 (American Foundation for Suicide Prevention). The White House Council on Native American Affairs released its "Blueprint for Reform" which is designed to restructure and redesign the Bureau of Indian Education. Does this redesign include the delivery on-site behavioral health services and inclusion of mental health services in general?

Answer. Yes. The Bureau of Indian Education (BIE) reorganization has established a school health advisor position in Washington, DC that will address behavioral and mental health issues in BIE-funded schools. The school health advisor will work with the Associate Deputy Directors (ADDs), school staff, and the Indian Health Service (IHS) and Department of Health and Human Services to establish on the ground programs that address student issues, such as suicide.

Currently, except for the smaller rural schools, BIE schools and dormitories have student support teams and refer students to outside organizations (e.g., Indian Health Service and Substance Abuse and Mental Health Services Administration), if they do not have a behavioral health or mental health employee on staff. When a student is identified as having "suicidal ideation" the school contacts their local health agency, assists with transporting the student to such an agency, contacts parents/guardians, and at the family's discretion stays apprised of the student's status. In the case of a student that has attempted suicide, after the student has returned to the school, and if the local health agency provides direction for support services to the school, then the school supplies such services. Unfortunately, due to the Healthcare Insurance Portability and Accountability Act, oftentimes the school is not informed of the needs of the student and, therefore, the support services the

student may need when they return to their community are often times not fully met.

The Department recently executed a Memorandum of Understanding (MOU) between the BIE and IHS which allows IHS mental health professionals to meet with students within BIE facilities on the Pine Ridge reservation. These professionals will visit schools on a regular rotation to better serve at-risk youth. The Department is interested in expanding this MOU to all interested tribes.

In addition, since the *Fiscal Year 2017 Native Youth Priorities guidance memo* was issued in 2015, the White House Council on Native American Affairs and the Office of Management and Budget have been working with agencies to establish metrics around Native youth. As part of this effort, HHS is working to develop Native youth suicide metrics. Identifying these metrics and collecting data are critical to ensure that Federal investments in Indian Country are improving the lives of and opportunities for Native youth.

### Questions Submitted by Representative Dan Newhouse

*Question 49.* A recent study by the U.S. Forest Service indicated that there may be significant positive fuel reduction benefits from the responsible harvest of salvage logs after wildfires. Unfortunately because of an increasing wildfire trend, we are likely to see even more blackened forests. Can you discuss the role salvage logging and reforestation could play in better preparing Federal, tribal, and private lands for catastrophic wildfires? What benefits does this practice provide, what are your thoughts on moving forward with responsibly planned logging and what steps is Interior taking to ensure the timely salvage logging on Federal lands?

Answer. Salvage logging and reforestation are two important tools used by the Department to ensure the recovery and future sustainability of forests impacted by wildfire. Wildfires that burn through untreated, post-fire landscapes can exhibit increased fire intensity compared to treated landscapes. Increased fire intensity can severely impact recovering soils and vegetation. Intense fires also hamper suppression efforts by creating hazardous conditions for firefighters. Salvage logging may be used as a tool to reduce long-term fuel buildup through the removal of dead trees on the landscape. However, in some cases, it is more beneficial to treat the post-fire landscape without salvage logging, leaving the burned trees in place to preserve snag habitat and stabilize watersheds. Responsibly planned salvage logging balances the need for hazardous fuels reduction with the need to maintain valuable wildlife habitat features that are unique to the post-fire landscape.

BLM uses the Forest Ecosystem Health and Recovery Fund to enable a rapid response to identified salvage and reforestation projects after disturbances. This fund is also used for planning and implementing proactive treatments such as timber sales, stewardship contracts, and hazardous fuel reduction projects that increase forest resiliency to wildfires. In 2014 and 2015, BLM used these funds to implement over 12,000 acres of treatments to increase forest resiliency and/or harvest salvage timber, which yielded approximately 139 million board feet of timber valued at \$18 million.

*Question 50.* Western tribes have asked for \$55 million for post-fire rehabilitation over 5 years, to salvage some value from the fires. However, only 6 percent of this request is being funded by the Department's Burned Area Recovery program. The Colville Reservation, in particular, did not have enough staff or funding allocated to allow for the quick response necessary to take advantage of value of the dead trees. These fires have cost lives, and destroyed homes. The tribe lost almost a quarter of its forests—that's almost \$1 billion of dead trees still standing—and I am deeply concerned that funds for the recovery of the areas that were burned on the Colville Reservation have been insufficient given the enormity of the restoration task ahead. The Administration is proposing a substantial increase in the Department of the Interior's Burned Area Recovery Program—a 17 percent increase. I assume that increase was proposed because of the shortfall we experienced last year?

Answer. The FY2017 budget request proposes an increase for the Burned Area Rehabilitation program of \$1.5 million above the 2016 enacted budget. Funding is intended to address greater post-fire rehabilitation needs caused by the 2015 and 2016 fire seasons. The additional funds will enable treatments to commence more quickly after damage occurs. This can help reduce project costs, as post-wildfire conditions can degrade, and are therefore more expensive to treat, the longer treatment initiation is delayed.

*Question 51.* Additionally, I know the Burned Area Recovery program helps communities the first couple years after they experience a wildfire. Would some of that

proposed increase be made available to help places that burned in last year's fires, like the Colville Reservation?

Answer. The 2015 fire season created \$55 million dollars of post-wildfire rehabilitation need throughout the Northwest, including the Colville Reservation. Approximately 63 percent of the total \$55 million dollar request would help the Colville Tribe with rehabilitation tasks such as preparing and administering timber salvage operations, growing and planting trees, repairing roads, repairing fire damaged fences, restoring burned wildlife habitat and anadromous fisheries, and controlling noxious weeds that come in after wildfires.

The BIA-Division of Forestry and Wildland Fire Management has been working with the Office of Wildland Fire (OWF) on this issue since the end of the 2015 fire season, and BIA allocates Burned Area Rehabilitation funding it receives from OWF, \$3.6M in FY2016, to impacted tribes, including to the Colville Tribe. The FY2016 post-wildfire recovery funding will support tree seed collection and seedling growing operations. The FY2017 budget request also proposes additional funding for tribal firefighting vehicles.

*Question 52.* The National Indian Forests Resources Management Act (NIFRMA) requires the Secretary to manage Indian forest land with specific management objectives. Do you believe the requested amount fulfills the Department's trust responsibility for tribal forests?

*Question 53.* The Department of the Interior is working on a "Risk-Based Wildland Fire Management Model." Do you believe the model treats tribes fairly and recognizes the fiduciary obligations for protection of the lands held in trust for Indians?

Answer to Questions 52 and 53. The National Indian Forest Management Act of 1990 directs the Secretary of the Interior to undertake forest management activities which ". . . develop, maintain, and enhance Indian forest land in a perpetually productive state in accordance with the principles of sustained yield." To fulfill this trust responsibility for tribal forests, the Department ensures that tribal assets are protected and improved. The FY2017 budget request for the NIFRMA reflects the priorities of the Department and the BIA, which include the sale of timber and the protection of habitats through thinning and replanting of understocked areas. The Department continues to evaluate the needs and make changes where necessary to improve management effectiveness.

The OWF conducted both formal consultation and informal engagement with tribes on the risk-based approach, including:

- Formal Consultation October 14, 2014–January 9, 2015; teleconference on November 14, 2014
- Formal Consultation July 20–August 3, 2015; field meetings in Albuquerque, NM—July 21, 2015; Spokane, WA—July 23, 2015; Webinar—August 13, 2015
- Informal updates on quarterly calls with Intertribal Timber Council Fire Subcommittee (November 14, December 9—2014; February 10, April 21, September 15, December 8—2015)
- Day-long session at National Indian Timber Symposium (June 8, 2015)

Comments from the consultations were summarized and responses to commenting tribes were provided and posted on BIA's Web site. Additional background information about Risk-Based Wildland Fire Management was also made available on the same Web site, which can be accessed here: <https://www.doi.gov/wildlandfire/government-government-consultations>.

The Department remains committed to recognizing tribal sovereignty, promoting tribal self-determination, and fulfilling its Federal trust responsibility, and will continue to consult with tribes as its moves forward, including on development of the Risk-Based Wildland Fire Management Model.

*Question 54.* The President's FY2017 Budget does not include any funding for the "wolf-livestock loss demonstration program," which assists livestock producers in undertaking proactive, non-lethal activities to reduce the risk of livestock loss from predation by wolves, and compensate producers for resulting livestock losses. The program received \$1 million from Congress in the FY2016 Omnibus bill and the grants it provides are critically important to Washington State. Why wasn't funding provided for this management program in the proposed FY2017 budget?

Answer. The goal of the Recovery Program is to minimize or remove the threats that led to a species listing so that it can be delisted or downlisted. In 2013, the U.S. Fish and Wildlife Service determined the gray wolf to be biologically recovered. The continued use of limited recovery funding on the Wolf Livestock Loss

Demonstration Program to manage a recovered species is not a priority. The Service proposes to discontinue funding in FY2017 for the Wolf Livestock Loss Demonstration Program within the Recovery subactivity because there are other programs that are better suited to deliver this funding and the wolf is biologically recovered.

The 2014 Farm Bill makes the Livestock Indemnity Payments (LIP) a permanent program and provides retroactive authority to cover eligible livestock losses back to Oct. 1, 2011. LIP provides compensation to eligible livestock producers who have suffered livestock death losses in excess of normal mortality due to adverse weather and attacks by animals reintroduced into the wild by the Federal Government or protected by Federal law, including wolves and avian predators. Funding for recovery of listed species is limited and the Service is focused on preventing extinction and improving the status of species through on the ground conservation actions.

*Question 55.* What statistics and information does the Bureau of Land Management keep on the “back burning” on BLM-administered lands? Can you tell me how many acres are burned on average each year?

Answer. Backburns or backfires—as distinguished from prescribed fire—are commonly used tools to establish or reinforce containment lines to enable firefighters to more safely and effectively stop the advance of a rapidly spreading wildfire. Due to the common use of this tool, the BLM does not maintain statistics on the number of acres involved. When used, backburns are done only with consideration to safety, property, resource values, and coordination with others in the area. Backburns are not used when they would endanger lives, livestock, or property.

The BLM does keep statistics on the more general method of controlled or prescribed fires, which are used to meet land management objectives, including wildfire management. BLM has completed an average of approximately 110,000 acres of prescribed fire per year for the past 5 years (2011–2015), as reported in the National Fire Plan Operations Reporting System.

#### **Questions Submitted by Representative Jared Polis**

*Question 56.* Madam Secretary, I am proud to have introduced and co-sponsored amendments and written letters fighting for full and permanent funding of the Land and Water Conservation Fund. As you know, The Land and Water Conservation Fund has had an unparalleled impact on our Nation’s ability to recognize, protect and preserve its greatest natural treasures. For the past 50 years, the LWCF has been enormously successful in acquiring parcels of land and bodies of water. Not only has this enabled the protection of environmental health and the restoration of critical ecosystems nationally, it has secured recreational opportunities and access for hunters, fishermen, hikers, bikers and skiers nationwide. The LWCF is a smart investment—for every LWCF dollar spent, 4 dollars of economic value is generated from natural resource goods and services. Can you please speak to the importance of adequate and full funding of LWCF on the lands and waters you oversee, and whether you support a permanent reauthorization?

Answer. The Administration proposes full, permanent, and mandatory funding of \$900 million for the Fund’s programs beginning in 2018. Mandatory funding will increase the financial certainty needed to build and enhance local and community conservation partnerships and optimize valuable investments by leveraging other Federal and non-Federal funds. It will enable efficiencies in managing LWCF programs and facilitate a more predictable, transparent, and inclusive process. Mandatory funding will also finally achieve the original intent of the LWCF Act: to use the benefits from the depletion of one natural resource for the protection and conservation of another—our public lands and waters—for the enjoyment and benefit of all Americans, now and in the future.

The LWCF enjoys widespread popularity, with more willing sellers than available funding; however, it is constrained by uncertainty about annual appropriations. Unpredictable funding allocations prevent Federal, state, and local partners from engaging in the multi-year planning that large-scale conservation and effective collaboration with local communities need to be successful. These challenges also impact partners who work with bureaus to protect critically important habitat and recreation areas. Chronic uncertainty and underfunding have made it increasingly challenging for local, state and Federal managers to use this tool to support vibrant outdoor economies, provide community recreation opportunities, and preserve American history.

*Question 57.* Outdoor recreation is a vital use of our public lands that helps connect people with nature and results in benefits for the economy, public health, and overall awareness of public lands. Opportunities for outdoor recreation are one of the greatest resources that our public lands offer.

*57a.* What is the return on investment that the American public gets for funds devoted to recreation-related spending on public lands managed by the Department of the Interior?

Answer. In FY2014, Interior's lands hosted an estimated 423 million visits. The net economic value of a visit to Interior lands varies depending on the activity. For FY2014, visitation to Interior sites provided an estimated \$24 billion in value added, \$42 billion in economic output, and supported about 375,000 jobs.

*57b.* Could we be doing more to invest in outdoor recreation?

Answer. The Department looks forward to working with Congress on a number of proposals to further invest in outdoor recreation. In 2016, the NPS will celebrate 100 years as the steward of the Nation's most cherished natural and cultural resources. The Administration's proposed National Park Service Centennial Act would provide new sources of funding and strengthen the ability of the National Park Service to manage and operate the national parks and programs that provide so many important natural, cultural, and recreational benefits to the Nation.

The Administration has also proposed full, permanent, and mandatory funding of \$900 million for the Land and Water Conservation Fund's programs beginning in 2018. Mandatory funding will increase the financial certainty needed to build and enhance local and community conservation partnerships and optimize valuable investments by leveraging other Federal and non-Federal funds.

Finally we encourage Congress to provide a permanent reauthorization of the Federal Land Recreation Enhancement Act. The authority is scheduled to sunset September 30, 2017. A potential lapse in this authority will detrimentally impact the agencies' ability to support projects that improve visitor safety, experiences, and opportunities.

*57c.* It is crucial to make sure that all Americans—including diverse populations, underserved communities, and youth—have opportunities to experience nature and to get out on our public lands. What is DOI doing to help connect people, especially diverse and underserved populations, with the outdoors and with our public lands?

Answer. America's public lands and waters offer space to get outside and get active, and provide living classrooms with hands-on opportunities to build skills. The Administration launched the Every Kid in a Park Initiative to inspire the next generation to discover all America's public lands and waters have to offer. Starting with the 2015–2016 school year, all fourth grade students and their families are able to receive free admission to all national parks and other Federal lands for a full year. Studies have shown that the fourth grade is the opportune time to impress upon children the importance of our natural resources and outdoor recreation. Now is a crucial time to inspire the next generation of conservationists. The National Park Service budget for 2017 includes \$20 million for Every Kid in a Park to introduce at least 1 million fourth grade students from elementary schools serving disadvantaged students in urban areas to nearby national parks and provide park programs tailored for young people and their families, especially at high visitation and urban parks.

Further, the NPS, in partnership with the National Park Foundation, has launched a campaign to engage the next generation and new audiences in life-enhancing and sometimes life-changing experiences at national parks. These efforts will draw new visitors, especially millennials and young families, to experience the national parks.

*57d.* Madam Secretary, the President's budget includes a proposal similar to the bipartisan Wildfire Disaster Funding Act, of which I am a co-sponsor. This common-sense legislation would allow us to budget for wildfire suppression the same way we budget for every other natural disaster. Do you believe that restructuring would benefit the Interior Department, and how would the department prioritize funding for programs which would mitigate the cost and severity of future wildfires?

Answer. Yes, restructuring the Wildland Fire Management budget to fund a portion of suppression costs through a cap adjustment would benefit the Department of the Interior by better assuring the availability of sufficient suppression funding in even the most severe fire seasons, thereby eliminating or reducing the potential need for reprogramming or transferring funds from other fire program budgets or non-fire accounts to cover suppression costs. If funds are borrowed from other programs within the Wildland Fire Management account in order to pay suppression costs, it can result in the bureaus having fewer resources available for hazardous fuels management and burned area rehabilitation projects, proven efforts for improving overall forest and rangeland health and reducing the risk of catastrophic wildland fires, and helping these areas recover from wildfire damage. Transfers

from non-fire programs disrupt work in those programs notwithstanding supplemental appropriations to repay the transferred amount. The Administration's proposed cap adjustment allows for increased investments in priority programs in the 2017 DOI Wildland Fire Management budget, such as Preparedness, Resilient Landscapes, and Burned Area Rehabilitation, which will mitigate the cost and severity of future wildfires.

*Question 58.* Madam Secretary, the agency is in charge of monitoring, inspecting and enforcing oil and gas safety standards on public lands. Reports have recently shown that the Department has not kept up with the pace necessary to ensure that public lands are protected from unintended consequences. What is the agency going to do to improve in this area?

*Answer.* The BLM's FY 2017 budget request reflects the need to modernize BLM's oil and gas program to keep pace with development, technological advances, and evolving industry standards. The request includes \$13.1 million to implement and administer recently promulgated and pending updates to BLM's rules governing on-shore oil and gas production activities. These regulatory updates ensure that BLM's rules, which have not received a comprehensive update in over 25 years, reflect modern drilling technologies, practices, and standards.

With respect to inspection and enforcement activities, the FY 2017 budget request reiterates requests made in prior years to establish a new fee schedule to fund inspection and enforcement activities. The BLM's fee proposal is analogous to authority provided by Congress in the offshore oil and gas context. The funds such a fee generates would offset proposed reductions in appropriated funding.

Finally, in order to increase efficiency and transparency of the leasing and permitting process, the BLM is working to automate many leasing functions through the development of the National Fluids Lease Sale System. It is also working to deploy updates to its Application for Permit to Drill processing system.

*Question 59.* In an effort to reduce barriers for youth access, costs and regulatory requirements for many outfitters serving families have increased. For example, the latest National Park Service operating plan requirements for Dinosaur Monument require outfitters offering whitewater rafting trips to "to ensure a safe and risk-free employee and client environment." (Exhibit B, Operating Plan, page 15). Concessioners are also required to collect medical and prescription drug information on their guests. While this may sound good, absolute standards such as the requirement to "ensure a safe and risk-free employee and client environment" is not feasible or possible on adventure trips in the backcountry. One of major insurance providers believes such a requirement could create unnecessary liability for the concessioner and result in higher insurance premiums. Will you apply similar standards to groups serving youth or will such standards be made more reasonable for all operating guiding and outfitting services on our public lands, and will there be an acknowledgement that the commercial groups are often important employers in gateway communities, providing safe and memorable experiences for Americans and international tourists in America's Great Outdoors?

*Answer.* The National Park Service appreciates the important role guide and outfitters play in providing park visitors the ability to experience adventure in our parks as well as the key role these operators play in local communities. The NPS is actively engaged with the guide and outfitter community to share information and address industry concerns as they arise. For example, representatives of the NPS attend and participate in industry meetings including the annual America Outdoors Conference and the Wilderness Risk Management Conference and are represented on the Federal Interagency Council on Outdoor Recreation. Both of the issues you raised were identified through this collaboration and the NPS has already begun to take action on each.

The NPS recognizes the inherent risk associated with backcountry activities such as whitewater rafting and that it is not reasonable to expect concessioners "to ensure a safe and risk-free employee and client environment."

The NPS is working with the Park to amend the Operating Plan for Dinosaur National Monument. The Operating Plan will be revised to state that the "Concessioner will develop and implement a Risk Management plan to comply with all applicable laws and to help provide for a safe and healthy environment for employees and visitors to the extent reasonably possible." This change will also be reflected in a template Operating Plan currently under development for use by all parks.

The NPS is currently working with NPS concession management and NPS emergency response personnel as well as NPS concession guide and outfitters, to evaluate current contractual requirements and industry practices associated with visitor



medical screening and collection of visitor medical and medication data for backcountry activities. Through this effort we are assessing how to facilitate a safe experience for visitors and provide the ability to effectively respond to visitor medical emergencies, while protecting the privacy of visitors and avoiding inappropriate liability for concessioners. The NPS will revise the Dinosaur National Monument Operating Plan regarding requirements for collection of medical information as appropriate based on the findings of this assessment.

#### Questions Submitted by Representative Glenn Thompson

*Question 60.* I am interested in learning more about the status of the cleanup of the Folcroft Landfill, a Pennsylvania property on the Superfund National Priorities List which is owned by the U.S. Department of Interior. According to the CERCLIS database, this is the only Superfund site in the state of Pennsylvania that is owned by the U.S. Department of Interior.

Interior purchased this property in 1980, and it became part of the John Heinz National Wildlife Refuge under legislative authority provided by Congress. Congress initially provided \$11 million for the development of the Refuge, and then increased funding to \$19.5 million for expansion, including acquisition of the Folcroft property (PL 96-315). The legislative history of the Refuge indicates that Congress intended for some of the authorized funds to be directed toward investigation of the Folcroft Landfill (PL 99-191). The record also indicates that DOI understood that by acquiring the property, the Agency was accepting an obligation to study and develop a remedy for pollution in the Folcroft Landfill. I am concerned that now almost 40 years after acquisition of this property, little progress has been made. I believe it is important for us to understand what happened here, and I would appreciate your response to the following questions:

*60a.* DOI testified before Congress that when the Folcroft property was acquired from a private property owner, the Landfill had been properly closed and capped, and no pollution was emanating from the property. What procedures and measures were put in place by DOI after the purchase of the property to preserve and maintain the cap and prevent erosion? What funds were spent on this effort? What reports were prepared by DOI for the period 1980-2015 documenting these procedures and measures?

*60b.* The statute incorporating the Folcroft property into the Refuge (PL 96-315) directed FWS to work with EPA to "investigate potential environmental health hazards resulting from the Folcroft Landfill . . . and to develop alternative recommendations as to how such hazards, if any, might best be addressed in order to protect the refuge and the general public." What investigations were conducted, and what was the cost of these investigations? What recommendations were developed based on this investigation? How were these recommendations implemented? What was the cost and timeline to implement these recommendations? What reports were prepared by DOI or EPA to document these investigations?

*60c.* In 1983, the Folcroft property experienced a fire caused by a FWS vehicle parked on dry brush. Did the fire result in soil or groundwater contamination or otherwise cause damage to the refuge? What measures were taken to address any contamination or damage resulting from the fire? What was the cost and timeline of these measures? What testing was done afterwards to ensure that these efforts were sufficient to prevent the migration of contaminants or damage to the cap? What reports were prepared by FWS documenting the incident, the cause of the incident, the contamination or other damage caused by the incident, and the measures taken to prevent the migration of contaminants and/or to repair the cap?

*60d.* The Folcroft property was added to the Superfund National Priorities List in 2001. As a property owned by the U.S. Department of Interior, the Folcroft property is subject to special rules and timelines under CERCLA Section 120 governing Superfund remediation on Federal facilities. Section 120 requires a Remedial Investigation/Feasibility Study to commence within 6 months of listing. Was this deadline met and why/why not? Section 120 also calls for a timetable and deadlines for expeditious completion of the Remedial Investigation to be published. Was this information published? Is the Remedial Investigation being completed consistent with this timetable? What role has DOI played in the effort to complete the Remedial Investigation and Feasibility Study in an expeditious manner? What interaction does DOI have with EPA on this matter? What interaction does DOI have with the group of private parties that have been completing the Remedial Investigation and Feasibility Study?

*60e.* What do you estimate it will cost to complete remediation of the Folcroft site? How is this liability reported on the DOI's financial reports? What appropriations

have DOI requested for the Remedial Investigation and Feasibility Study and/or the Remedial Action?

Answer. Much of the information you are seeking relative to the Folcroft Landfill dates back over 35 years and would require considerable time to compile. Additionally, the EPA is the lead Federal agency for the cleanup of the Folcroft Landfill under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and therefore, best suited to respond to many of your specific questions. In an effort to provide you with a timely response, cleanup activities at the property and the role of the FWS in this process are summarized here.

The Department, through the FWS, has been working closely with the EPA to manage the Folcroft Landfill since Congress added the property to the National Wildlife Refuge System in 1980. Congress directed EPA to investigate and make recommendations regarding any environmental health hazards caused by the Folcroft Landfill.

EPA has a legal agreement with a group of potentially responsible parties (PRPs) requiring them to perform the Remedial Investigation and Feasibility Study (RI/FS) to determine the nature and extent of contamination. An updated RI is currently being developed. The role of the FWS in this process is limited to project oversight and land management activities, such as reviewing and commenting on project submittals and evaluating the appropriateness and effectiveness of recommendations made for any potential remedial actions.

As per the MOU, the FWS employs a full-time Project Coordinator with responsibilities at the Folcroft Landfill and three other sites in New Jersey. This employee is the FWS's liaison with the EPA on all aspects of the CERCLA process.

The Department and the FWS are committed to working with the EPA through the CERCLA process to implement a remedy that will clean up the site and make it suitable for fish, wildlife and public use.

#### **Questions Submitted by Representative Robert J. Wittman**

*Question 61.* As the Department begins to develop a final offshore leasing program for the 2017–2022 Five Year Plan, will you commit to taking into consideration the continued broad bipartisan support for offshore energy production in the Atlantic Ocean?

Answer. The Department is committed to considering all comments from stakeholders in the development of a Five Year Oil and Gas Leasing Program. It was after an extensive public input process that the sale proposed in the Draft Proposed Program in the Mid- and South Atlantic area was removed from the Proposed Program. Many factors were considered in the decision to remove this sale from the 2017–2022 Program including significant potential conflicts with other ocean uses such as the Department of Defense and commercial interests; current market dynamics; national energy needs; and opposition from many coastal communities. As noted at the time the Proposed Program was announced on March 15 of this year, “We heard from many corners that now is not the time to offer oil and gas leasing off the Atlantic coast. When you factor in conflicts with national defense, economic activities such as fishing and tourism, and opposition from many local communities, it simply does not make sense to move forward with any lease sales in the coming 5 years.” Specific to the 2017–2022 Program, proposed leasing in the Atlantic will not be included in the Final Program since it was removed from the Proposed Program.

*Question 62.* I asked last year when do you expect permits to be granted so seismic acquisition can begin and so far I do not believe a permit has been issued? I continue to believe that it is paramount that we get this new information and premature for the Department of Interior to make any decisions until new information has been received. Once permits are granted, how will this new resource information feed into the Five Year leasing process?

Answer. BOEM has worked extensively with the permit applicants, the public, states and other Federal agencies as it reviews the proposed Atlantic seismic permits. Prior to BOEM making a final decision on the seismic permits, which last 1 year, companies first need to receive individual Incidental Harassment Authorizations from the National Marine Fisheries Service (NMFS). Once a permittee receives the necessary approvals from NMFS, BOEM will complete its review of the permits.

The seismic permit and Five Year Program processes are separate. New data and information will help in the analysis of resource estimates and geological characteristics, both of which are considered as part of the eight factors specified in Section 18 of the Outer Continental Shelf Lands Act. This information is important to

BOEM to inform potential leasing decisions during the development of any Five Year Oil and Gas Leasing Program, now and in the future.

**Questions Submitted by Representative Ryan K. Zinke**

*Question 63.* Secretary Jewell, you allowed the Royalty Policy Committee's charter to lapse before embarking on changes to coal oil and gas royalty and leading policy, thereby ensuring the states had no input to policy. Do you believe it was appropriate to make such changes without input from the states and tribes affected? Will you re-establish the committee as previously constituted? If not, why?

Answer. Through the State and Tribal Royalty Audit Committee and the U.S. Extractive Industries Transparency Initiative Advisory Committee, a FACA committee chartered in 2014, the Department engages with states and tribes and receives input on mineral revenue collections; compliance work; and the Department's royalty management activities, policies, and procedures. Participants in these committees include states and tribes, the extractive industry, civil society organizations, government agencies, and tribal government and individual Indian mineral owner representatives. Coordination through these entities helps the Department to ensure the full and fair return to the American people for the utilization of public resources.

*Question 64.* I would again like to address the question of your assertion that reform of the coal leasing program is required. Last year, at about this same time, you told me that changes to royalty valuation policy, to coal royalties, and to coal leasing were called for by the GAO and IG reports. My staff and I met with GAO shortly thereafter; when I asked if the GAO Report you referenced made such recommendations, he said no. Madame Secretary, one of you is being dishonest. Are you calling the Comptroller General of the United States a liar or would you like to rephrase your remarks about the GAO Report?

Answer. As indicated in the recently issued Secretarial Order 3338 and BLM's Notice of Intent, numerous parties have voiced concerns about the Federal coal program, including the Government Accountability Office, the Department's Inspector General, Members of Congress, and interested stakeholders. The concerns raised by GAO (*Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information*, GAO 14-140 (Dec. 2013)) and the OIG (*Coal Management Program, U.S. Department of the Interior*, Report No. CR-EV-BLM-0001-2012 (June 2013)) center on whether taxpayers are receiving fair market value from the sale of Federal coal. This issue, along with concern that the coal program conflicts with the Administration's climate policy and national climate goals and concerns about the structure of the program in light of current market conditions, was one of the aspects of the coal program that received the most attention during public listening sessions carried out across the country, including in Billings, Montana. As a result, the Department is carrying out this review, through preparation of a Programmatic Environmental Impact Statement, which will identify, evaluate, and potentially recommend reforms to the coal program.

*Question 65.* You have referred several times to the Headwaters Study as a justification for your actions against the Federal coal leasing program. This study was done by an NGO in my state funded almost entirely by environmental groups and foundations with close ties to the Democratic Party. Nevertheless, you have referenced this study as a basis for your actions. Are you then aware of the Energy Ventures Analysis peer review of the Headwaters Study, which concluded the study was based on flawed data and designed to reach predetermined conclusions? It has been sent to you by several people, entered into the official record of this committee by Representative Lamborn, and filed by several parties in official comments to the "listening sessions" on the Federal coal leasing program. Are familiar with the Energy Ventures Analysis peer review? If so, can you please expand upon the conclusions that were reached that discredit the Headwaters Study?

Answer. The review of the coal program is not based solely on any one document and is being carried out instead following concerns about the Federal coal program voiced by a number of parties, including the Government Accountability Office, the Department's Inspector General, Members of Congress, and interested stakeholders.

*Question 66.* Madame Secretary, none of the reports or studies that you have mentioned to this committee demand the changes to the Federal coal leasing program that you have initiated. Can you point to any credible reports or studies not initiated by private special interest groups or organizations tied directly to the

Democratic Party that justify the changes to royalty valuations that you have pursued? Please provide exact information about these reports and studies.

Answer. As indicated in response to a previous question, the programmatic review will identify, evaluate, and potentially recommend reforms to the coal program. A programmatic review of the coal program has not been undertaken in more than 30 years. As articulated in Secretarial Order 3338 and BLM's Notice of Intent, numerous parties have voiced concerns about the Federal coal program, including the Government Accountability Office, the Department's Inspector General, Members of Congress, and interested stakeholders. The concerns raised by GAO (*Coal Leasing: BLM Could Enhance Appraisal Process, More Explicitly Consider Coal Exports, and Provide More Public Information*, GAO 14-140 (Dec. 2013)) and the OIG (*Coal Management Program, U.S. Department of the Interior*, Report No. CR-EV-BLM-0001-2012 (June 2013)) center on whether taxpayers are receiving fair market value from the sale of Federal coal. This issue, along with concern that the coal program conflicts with the Administration's climate policy and national climate goals and concerns about the structure of the program in light of current market conditions, was one of the aspects of the coal program that received the most attention during public listening sessions.

*Question 67.* In your time as Secretary, the agency has initiated several activities that impact coal, oil, and gas produced on Federal lands—activities which provide significant revenues and fair returns to the Federal Treasury and to states like my state of Montana. Specifically, the Agency is considering changes to the Federal Coal Leasing Program with regard to valuation and royalty rates, and now the Agency has instituted a moratorium on Federal coal leases while a Programmatic Environmental Impact Statement and comprehensive review, to analyze fiscal and environmental considerations, is completed in approximately 3 years. You told Senator Daines from Montana that you could not commit to a 3-year timeline because you will only be in office for another 11 months. I would say that your actions, specifically as they relate to the moratorium and PEIS are irresponsible and shortsighted. You put a 3-year moratorium in place, subject to the completion of a PEIS that could take more than 3 years when you will only be in office for less than a third of that time. To me, that's like a pilot parachuting out of a plane after takeoff and telling the passengers they should be fine. You mentioned that you hoped to complete an interim report by the time you are out of office. Will you commit that you will brief this committee on the contents of the interim report once it is ready?

Answer. The Department is happy to provide the committee with a briefing on appropriate information after release of the interim report.

*Question 68.* Why after having communicated that the PEIS and moratorium on Federal coal leasing would take 3 years did you refuse to commit to that time period in Testimony before the Senate last week? Why can you not commit to the time period that you yourself said was required to complete the study?

Answer. The Department expects the review to take approximately 3 years to complete, but it is impossible to know what factors or how a subsequent administration may impact the timing of that review. Regardless, the Department expects to release an interim report by the end of this year containing conclusions from the public scoping sessions and other, additional, information.

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The CHAIRMAN. Thank you very much. We will now turn to the Members for questions. I would remind them we have 5 minutes for questions.

And also, one other thing. The Secretary is the only one who is down there answering all the questions. We get a chance to wait, gear up for it, and then go on the offensive. But I want you to be respectful of the time she has, which means if you want to ask a question, give her enough time left to answer the question or don't ask it in the first place.

And because I want to go through everyone, I am going to cut it off at 5 minutes. So if I am cutting you off at 5 minutes, I may cut her off at 5 minutes, too. But we have to get everyone through here. So please be respectful of that.

Mr. YOUNG. Mr. Chairman, I have a parliamentary inquiry. We will cut our questions short, as long as she cuts her answers short.

The CHAIRMAN. All right, you can argue that one with her as time goes on. I am only concerned about the total time. As soon as it goes to zero, that is it.

And, unlike other traditions, I am going to start off with the first questions, if I could. And I will cut myself off at 5 minutes, as well.

I noted earlier in the opening statement that we received documents that were subpoenaed from the Gold King Mine disaster. As we review those documents, we are going to await your full response. But I do want to address at least one item that is up there.

When you testified last December, you said the Gold King Mine disaster was an accident. Specifically, you stated, "We do not see any deliberate intent to breach a mine." Before we go into that, do you want to amend that statement or retract it at all?

Secretary JEWELL. No, I completely agree with that. It was an accident.

[Slide]

The CHAIRMAN. Then look at the email that we have up on the screen. I want you to look at it. The email is dated August 7, 2015. That is 2 days after the spill. The email was sent by the BLM's abandoned mine program lead in Colorado, who is working with the EPA on the Gold King Mine project. He sent the email to senior leadership within the BLM Colorado State staff. He wrote the email after talking to the EPA's on-scene coordinator.

So, less than 48 hours after the blow-out, your employee in Colorado talks to the EPA official in charge, and then emails all senior leadership at BLM, and basically says EPA was deliberately removing a small portion of the plug to relieve pressure in the mine when the blow-out occurred. There was nothing unintentional about EPA's actions with regard to breaching the mine; they fully intended to dig out the plug and breach it. It was a major mistake and a lack of engineering planning, but it was done on purpose.

So, once again, do you want to do anything about that before I go on?

Secretary JEWELL. The EPA work was preparation, as I testified when I was before this committee, and I stand behind that testimony and the conclusions of the Bureau of Reclamation study.

The CHAIRMAN. Which don't actually go with this document or any others. And one of the most frustrating parts, when we actually subpoenaed documents, you gave us 6,000 pages, much of it redacted, of information. But this particular document we only got on the day we actually submitted the report from this committee that we had to go through and ferret out ourselves. This is one of the key emails that should have been there, and part of the information that was given to us, and one of the reasons why we eventually had to subpoena more.

I am sorry. This we should have had well before the first hearing that we ever had. This should have been part of the information that was given to us, and it was not. I am sorry, your Department sat on it past the December hearing, until we actually gave it out. That is the first day we actually received this document, is the day we submitted our report. That is unacceptable.

Let me move on. In the last 5 years, your Department said that 99 percent of the Department's acquisitions have been inholdings within existing parks and refuges. I doubt that. But what I would really like to know is what percentage of the total acquisitions using LWCF monies actually abut Federal lands on at least a majority of the borders, which should be a definition of inholdings. What percent of those come from LWCF funds?

Secretary JEWELL. I do not have that percentage. Kris, do you have it handy?

Ms. SARRI. As we have mentioned, 99 percent of the properties are inholdings, and that includes what is in the National Park Services, BLM, and the Fish and Wildlife Service refuge boundaries.

The CHAIRMAN. That is not what I am asking—we have a different definition of inholdings. I am asking how many of those LWCF lands are actually abutted by Federal lands on a majority of their sides?

Ms. SARRI. That is something we will have to get back to you on.

The CHAIRMAN. Well, I wish you would, because that is the key definition of an inholding. Anything else, we are spinning it again in something else.

What percentage of land easements acquired by LWCF money were already owned by a land trust that had the land or land in easement?

Ms. SARRI. Again, that is something that we will have to get back to you on. But it is very valid often to protect these lands via non-profit organizations or other stakeholders as we wait on funding to help with acquisition.

The CHAIRMAN. Yes, but that does not help us in our efforts to try and figure out what our policy ought to be. If the definition of what an inholding is is different—and it is, from what you are saying—to what reality is, then we have a problem.

I would like to know how many of these funds are actually going to lands that are already owned and protected by some other agency before we buy it. And then, how can we guarantee recreational opportunities on these lands, once you get hold of them?

Let me say one last thing. In every monument—you knew this was coming, didn't you? In every national monument, you have at least had somebody in the local delegation dumb enough to support it. If you were doing something in Bears Ears, I want it very clear there is nobody in the Utah Delegation, the Senate or the House, who supports it. There is no one in the state administration who supports it. You cannot find a state legislator who represents that area who supports it.

You cannot even find a commissioner who supports it, even though the only elected Navajo we have on a state or county level is in that particular county, and she is opposed to it. The chapters that live in that area are opposed to it. I am going to say there is going to be a different standard. If there is something that is done in Bears Ears in Utah, you do not have the same kind of local support as you do in other places.

Mr. Grijalva, you are recognized.

Mr. GRIJALVA. Thank you very much. Let me start off, Madam Secretary, with an easy question. A newspaper recently reported

that the illegal occupation of the national wildlife refuge in Oregon has already cost the taxpayers \$3.3 million in state and Federal law enforcement expenditures. While we have not seen an official estimate of costs incurred by the Fish and Wildlife Service, I understand that the costs will be significant, potentially in the tens of millions of dollars, once restoration of the refuge is complete.

When can we expect a full estimate of those costs, Madam Secretary? And what can Congress do to ensure that the law breakers, not the taxpayers, bear these costs?

Secretary JEWELL. Thank you, Ranking Member Grijalva.

Mr. GRIJALVA. That was the easy question.

Secretary JEWELL. Well, yes, the answer is we are only now just getting back into the refuge after the criminal sweep has been completed by the FBI, so I do not actually have a number for you yet, or a time frame. It is something that we are estimating right now, but it has cost a significant amount of money. We do not know the damage yet to the cultural resources or the natural resources.

Mr. GRIJALVA. Thank you. Madam Secretary, is the Environmental Protection Agency in the Department of the Interior?

Secretary JEWELL. No, sir, it is not.

Mr. GRIJALVA. OK. Some in the Majority seem to be a little confused about that when you were here a few months ago. Since EPA is not in the Interior Department, do you have any authority to compel documents from them?

Secretary JEWELL. No, sir, I don't.

Mr. GRIJALVA. And, as you are aware, EPA was working at the Gold King Mine when they released 3 million gallons of wastewater. Of course, this is nothing compared to the 330 million gallons of acid mine drainage the mines in the area leak almost every year, which is what EPA was trying to fix. But it is still something worth trying to understand.

To my knowledge, is there anyone investigating what happened at the Gold King Mine that does have the authority to compel documents from them?

Secretary JEWELL. I believe that the EPA's own Inspector General is doing an assessment of the decisions made by the EPA. But the limitation of our review was strictly technical in nature and that was done by the Bureau of Reclamation.

Mr. GRIJALVA. OK. If unaddressed, climate change will continue to make the American West dryer and hotter. Can you discuss the steps the Department is taking to address the threat of climate change as it relates to the West's water supplies?

Secretary JEWELL. Thank you. I am going to ask my colleague, Mike Connor, to take that question.

Mr. CONNOR. Thank you for the question, Congressman. We are taking action on a number of different levels with respect to trying to build resiliency in our water systems to address ongoing droughts, as well as climate change for the long term. We are investing significant dollars through this budget and the previous year's budget in our WaterSMART program. We have, through that WaterSMART program, developed conservation actions, invested in water reuse opportunities, and overall have created or otherwise conserved almost 1 million acre-feet over the last 7 years.

In addition to that, we continue to work with many different communities through our basin studies programs to identify integrated plans to look forward and evaluate supply and demand imbalance in individual river basins, work with stakeholders to develop long-term action plans that would, from a balance standpoint, look at environmental needs as well as water supply needs. The Yakima River Basin is an example of one of those integrated plans, in addition to the Colorado River.

Those are just a sampling of the activities that we are looking at across the board, from a water supply, environmental storage, and conservation perspective.

Mr. GRIJALVA. Thank you. The Land and Water Conservation Fund is an important tool from your perspective, Madam Secretary. What do we need to ensure that remains a successful tool well into the future?

Secretary JEWELL. I don't think there are very many pieces of legislation that have been as successful and important to the American people as the Land and Water Conservation Fund. It funded over 40,000 projects, in nearly every single county in the United States of America, from local ball fields to inholdings like some we are trying to put together in Grand Teton National Park right now that Congresswoman Lummis is well aware of. There are willing sellers and there is a desire of people to have easements for sportsmen's access, for hunting and fishing. LWCF has been a critical part—

Mr. GRIJALVA. Madam Secretary, the designation of monuments, whether it is Bears Ears, Grand Canyon, or other areas that are being talked about, I would hope that that does not slow down at all.

The CHAIRMAN. Mrs. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman. Madam Secretary, regarding the ONRR's proposed coal valuation rulemaking, the BLM's evaluation of royalty rate increases, and the coal leasing moratorium that was initiated by your agency, you are destroying my state's economy, and I am not exaggerating.

Wyoming has the smallest population in the Nation, by far. Half of our state is controlled by the Department of the Interior. You initiated policies with regard to jacking up coal, oil, gas royalties and proposed to increase them, at a time when coal companies are going bankrupt, railroad workers are being laid off, and coal miners are being laid off. In the year just passed, there were coal mine jobs lost every single month.

In the face of the desire of this Administration to literally destroy coal, oil, and gas industries, how is it consistent with getting a fair return on the value of Federal lands? Because no leasing means no financial return. That is my first question.

Secretary JEWELL. Congresswoman Lummis, Wyoming is blessed with many natural resources. They also are tied to worldwide commodity prices. Oil, gas, and coal are tied to commodity prices. You also have a situation in the case of coal where natural gas has become a competitor to coal for electricity generation.

There is no question that coal has been an important part of our energy past, and will continue to be an important part of our energy future. But the prices for coal and how it interplays with



natural gas and other sources of energy are based on worldwide commodity prices.

Second, there is a 20-year supply of coal under lease currently on public lands right now. We are taking a look at a coal program that has not been looked at for many, many years. We are putting a pause until a programmatic EIS is done.

Mrs. LUMMIS. Madame Secretary, I am going to interrupt you, because that pause does not allow companies to plan. And there are no limits on how long these programmatic EISs are going to take.

Let me switch directions. Why did you let the Royalty Policy Committee's charter lapse in 2014?

Secretary JEWELL. I am not familiar with that.

Mrs. LUMMIS. The Royalty Policy Committee was specifically tasked with providing advice to you on royalty management issues and other mineral-related policies. I know because I used to sit on that committee, and I don't think the committee met during the entirety of President Obama's administration. And regarding these six BLM listening sessions that were held around the country, if you would have listened to what was said in the listening sessions, you never would have put the moratorium on coal in the first place.

So the policies of this Administration are absolutely geared toward killing coal, limiting oil and gas production on Federal lands, and diminishing the revenues available from those lands, which hurts my state more than any other state. The manner in which this Administration has treated my state is absolutely deplorable.

I love Yellowstone National Park, I love Grand Teton National Park. I love Devils Tower. I love the Shoshone National Forest. I live right next to the Bridger National Forest. I have a farm that abuts the Bridger National Forest. I love those spaces. That is only part of our state. The things that are being done at the national parks are fabulous and incredible, and I applaud you. But what is happening elsewhere in the vast majority of my state are destructive policies that are destroying my state, families, jobs, and the ability to earn an income. Our population will decline again as a result of Department of the Interior policies.

I want to tell you I am grossly offended by what this Administration has done to my state. Mr. Chairman, I yield back.

The CHAIRMAN. Thank you.

Secretary JEWELL. Mr. Chairman, may I have a quick response?

The CHAIRMAN. You have 9 seconds. No, you don't, I am sorry.

Mr. YOUNG. Not much time left.

The CHAIRMAN. I will come back.

Mr. YOUNG. You have 9 seconds.

The CHAIRMAN. We will come back. Actually, be careful, your farm may be an inholding.

[Laughter.]

The CHAIRMAN. Ms. Bordallo, you are recognized for 5 minutes.

Ms. BORDALLO. Thank you, Mr. Chairman. First, Madam Secretary, it is good to see you again. I am sorry that I was unable to be at the IGIA meeting. I was in the Pacific.

I appreciate this year's budget request. It maintains compact impact discretionary funding of \$3 million. With budget constraints, mandatory funding for compact impact is only a fraction, approxi-

mately one-fifth of what GAO estimates the jurisdictions need for providing social services to COFA migrants.

I understand that Interior's budget proposal does not include a request for Palau compact assistance. Instead, you are anticipating passage of the Administration's legislative proposal, which includes appropriations through 2024. Palau is an important Pacific ally, and I am concerned about any lapse in assistance. Should there be a lapse, how does Interior plan on continuing assistance?

Additionally, can you comment on the impact that not passing the Palau compact will have on U.S. leadership in the region?

Secretary JEWELL. I completely agree with you, Congresswoman Bordallo, about the importance of Palau and the importance of a long-term fix. Rather than a discretionary, year-by-year portion of our obligation to Palau, we believe we need to step up and provide the full amount.

We did have a recommendation to do that with an offset. It was the helium fund, which was used for other purposes. We would welcome opportunities to work on a permanent solution. I would say if we are not able to secure that, we are going to continue to have to provide the annual amounts. Palau is strategically very important, and has been a very, very important ally of the United States since World War II.

Ms. BORDALLO. Right. Well, I certainly hope that we will be able to continue assistance if it does not come through on the administrative proposal.

Secretary, I appreciate OIA's focus on sustainable energy, coral reef management and invasive species control, amongst many other important matters. I understand that there is an overwhelming need for funding from the Technical Assistant Grant Program, or TAP. Could you explain how the request of \$21 million for TAP measures up to the needs of the territories, as expressed in the grant proposals that OIA receives annually?

Secretary JEWELL. I do not have with me the total amount they have received, but I will say that the grant program is a small fraction of the requests that we receive. And having been to Guam, and spent a lot of time with representatives from all of the insular areas, I would say it is much, much smaller than the identified need that we have seen in all of these places.

Ms. BORDALLO. Secretary, as you know, we have a problem with invasive species like the brown tree snake and coconut rhinoceros beetle. As a co-chair of the NISC, in developing the regional biosecurity plan for Micronesia and Hawaii, the RBP is meant to assess and provide a path forward on addressing invasive species' risks to the Pacific area. So please elaborate on how the Interior budget request addresses Interior's role in implementing RBP's recommendations. In particular, how does the budget address the challenges of invasive species?

Secretary JEWELL. I am going to ask Kris Sarri to respond. Kris?

Ms. SARRI. Thank you, Congresswoman. As you mentioned, invasive species are an extraordinary threat to natural ecosystems and to the economy. One of the best things we can do is try to do early detection and rapid response when an invasive species is spreading.

So, the budget actually requests \$1.5 million to help with early detection and rapid response. That can be particularly helpful in the Pacific region. There are also investments in USGS to look at rapidly emerging invasive species and to try to help communities with that.

Ms. BORDALLO. All right. I have just a minute left. So, once again on compact impact, could you discuss how OIA's budget request this year internally addresses some of the needed measures, such as a unified metric across jurisdictions that will more accurately represent compact impact costs?

Secretary JEWELL. I can say that we, as you know, have put one-stop centers in both Guam and Hawaii to try and streamline the process of compact impact. I will have to specifically look into the latter part of your question.

We have a small amount, \$30 million in the budget. The impact on Guam is \$144 million a year in unreimbursed costs. In Hawaii, it is \$163 million a year. It pales in comparison, but we will get back to you on the specific question.

Ms. BORDALLO. Thank you, Madam Secretary.

And I yield back, Mr. Chairman.

The CHAIRMAN. Thank you.

Mr. Young.

Mr. YOUNG. Thank you, Mr. Chairman. Thankfully, this is the last time we have Ms. Jewell before us.

Ms. Jewell, you say you only increased your budget 1 percent. Is that correct?

Secretary JEWELL. It is a half a percent, sir.

Mr. YOUNG. Half. OK. What was the enacted budget of 2016?

Secretary JEWELL. Kris, you have the total budget for 2016?

Ms. SARRI. It is \$13.3 billion.

Mr. YOUNG. No, it was \$18.53 billion.

Secretary JEWELL. We are talking about the discretionary funds.

Mr. YOUNG. That was what was enacted. When you say it is 1 percent, you actually have an 11 percent increase, \$2 billion over last year's budget, requested by this Administration.

The Fish and Wildlife proposed rules in the state of Alaska that take away our authority to manage fish and game. The Park Service has done that and your agencies assert their actions are allowed by the National Wildlife Refuge System Improvement Act. I am an original sponsor of that Act, and I know the law securely states ANILCA takes priority in any conflicts regarding refugees in Alaska.

Now, why is Fish and Wildlife doing this? You want us to go to court?

Secretary JEWELL. The Alaska Department of Fish and Game manages wildlife. The Fish and Wildlife Service and the Park Service also are charged with managing wildlife, consistent with its rules.

Mr. YOUNG. Under ANILCA it is very clear. Read the law. And you have not done that. The law makes it very clear that the state of Alaska has authority to manage fish and game on the preserves, primarily, and on refuges. That is the law.

Now, I suggest you get your legal beagle, because we will go to court. I already passed it in the House to take away that authority.

You are going against the Act of this Congress. I suggest respectfully to do that. You do not mess with the state by regulation. Of course, this Administration does. Taking away a right of this Congress that passed it for the state.

Second thing I would like to know, we have an area called ACEC, special management areas designated by the BLM to protect significant historic, cultural and scientific values, fish and wildlife resources, or natural systems. And three of them have popped up in the state: two are in the 40-mile mining district, 700,000 acres set aside with restrictions against mining; the other one is in front of the Diamond gas line corridor so the mine can be developed.

Where did those restrictions come from and what were they based on?

Secretary JEWELL. The ACEC stands for Areas of Critical Environment Concern.

Mr. YOUNG. OK. What were they based on?

Secretary JEWELL. They are based on an assessment that the BLM does.

Mr. YOUNG. Do you have the assessment before you? Are you aware of it?

Secretary JEWELL. I do not have the assessment before me, and I will have to get back to you for the record.

Mr. YOUNG. Both of these areas are minerally rich. One is a gold mine. It needs a gas line. And all of a sudden the ACEC pops up, ladies and gentlemen, so we cannot get the gas to the mine. Now, what is the reason?

Secretary JEWELL. I am sorry, sir?

Mr. YOUNG. What was the reason?

Secretary JEWELL. The BLM is updating its resource management plan.

Mr. YOUNG. Is it the Fish and Wildlife?

Secretary JEWELL. I believe the resource management plan you are talking about in the Fortymile situation is BLM.

Mr. YOUNG. I am talking about the Diamond mine right now.

Secretary JEWELL. I am sorry, I don't know.

Mr. YOUNG. You don't know?

Secretary JEWELL. I am happy to get back to you for the record.

Mr. YOUNG. And yet you are the Secretary. When you set aside 175,000 acres of habitat for polar bears in the Arctic, did you consult with any of the Native groups up there?

Secretary JEWELL. The work on the polar bears was largely done at the end of the prior administration.

Mr. YOUNG. No, you set this land aside recently, Fish and Wildlife did it. Was there any consultation with the Native groups along the coastal plain?

Secretary JEWELL. Are you talking about in the Arctic National Wildlife Refuge, sir?

Mr. YOUNG. No, no, the whole thing. You set aside over 175,000 acres of habitat for the polar bear. Was there any consultation taking place with the Native organizations up there?

Secretary JEWELL. What the Fish and Wildlife Service does is—

Mr. YOUNG. Did you have any consultation? Did you have any consultation?

Secretary JEWELL. It is based on science and work with the people.

Mr. YOUNG. That is not my question, Madam Secretary. Did you consult with the people it directly affected? They have the right to take subsistence to take those bears, and yet they cannot do it under your recommendation with Fish and Wildlife.

Secretary JEWELL. The Fish and Wildlife Service office is located in Kaktovik. They speak—

Mr. YOUNG. They did not consult with the people. That is an example of this Administration.

The CHAIRMAN. Mr. Costa.

Mr. COSTA. Thank you very much, Mr. Chairman and Ranking Member. I have some issues with regards to both the National Park Service and the Bureau of Land Management, but I will confine those and submit them later, Madam Secretary. Most of my focus will be on the devastating drought that has impacted the West, and California, in particular. I suspect the Under Secretary will be the default to answer the questions that I have.

Clearly, as we all know, this has impacted farm communities, farm workers, and farmers. Last year, over 600,000 acres went unplanted. The current drought has demonstrated the devastating impact that the combination of 5 dry years have had, and no one expects you to control the weather. Clearly, the climate is continuing to change.

But the regulatory impact, combined with those 5 dry years has been, I think, a double whammy, in terms of the impact to people. During the 5-year drought, and let me give you a comparative analogy from 1987 to 1992, the Central Valley Project agricultural services water supply allocations were 100 percent, 100 percent, 50 percent, 25 percent, and 25 percent.

In the 20 years since that drought, numerous state and Federal regulations have been imposed, rededicating the existing water supplies to various other purposes, including the environment for management, and limiting operational capacity of the Central Valley Project.

This effort has focused on readdressing the use of the water. Little or no effort has been used for invasive species or predator fish, which was the topic of an earlier subcommittee hearing last week, a significant cause of the decline of the fisheries.

The result has been a stark review when we recently look at the Central Valley Project and the Ag. service allocations which, beginning in the ninth wettest year on record, 2011, your allocations in a comparative analysis from the late 1980s and 1990s to 2011 were an 80 percent allocation. We had 180 percent of normal water that year; 40 percent the following year in 2012; 20 percent in 2013; 0 percent in 2014; 0 percent in 2015; and likely an expected zero allocation this year, as well.

And it is that devastation, combined with 5 continuous dry years, plus this regulatory scheme that has been so devastating to the people I represent. It seems clear that regulatory reform is essential to providing the Central Valley Project the ability to meet contractual obligations.

Mr. Under Secretary, can you explain to me why, even in years like 2011, the ninth wettest year in our over-100-year historical record, the Central Valley Project was only capable of providing 80 percent of its contractual obligation?

Mr. CONNOR. I can provide a general overview as to why I think that happened. We have basically been in drought for the last 8 years, as you know—

Mr. COSTA. No, no, we all get that.

Mr. CONNOR [continuing]. In the Central Valley of California. So we were in drought until about 2011. The rains and the precipitation came late in the year, which was part of the reason why the allocation was late.

Mr. COSTA. Mr. Under Secretary, and Madam Secretary, I respect all your good work, but I do not have a lot of time.

For over 20 years, we have had an increasing layer of regulatory requirements that have reduced the water supply from 90 percent to 40 percent. That is just the bottom line. And I guess I would feel better about it if, at the same time the water reliability had significantly decreased, that we were increasing the populations of listed species that have declined by all measures and are at the lowest level that have been recorded. I am talking about the native species, not the non-native species. It is very clear that the current regulatory controls are not achieving their intended purpose for species recovery. I mean those are just the facts.

So, Mr. Under Secretary, do you believe that in Fiscal Year 2017 your budget provides the agencies under your jurisdiction the necessary tools to implement measures that will result in goals of increased water reliability for California's and species recovery?

Mr. CONNOR. I think we are investing in both areas of water supply reliability, as well as species recovery.

The drought has taken a devastating impact, not just on water supply, which I fully agree with you, but also with respect to Fish and Wildlife populations.

There are metrics that NOAA Fisheries has provided that indicate in the first few years of the biological opinions for the salmon species that they were doing better. The replacement rate from salmon was improving during that course of time.

Mr. COSTA. I have 10 seconds left. What do you think the allocation is going to be this year for the Central Valley Project?

Mr. CONNOR. At this point in time the allocation, and you are probably talking about water service contractors, is probably going to be at a zero, from where we are at right now.

Mr. COSTA. I am sorry, did you say zero?

Mr. CONNOR. Zero for water service contracts south of the Delta.

Mr. COSTA. I will submit my other questions. Thank you, Mr. Chairman.

The CHAIRMAN. Mr. Lamborn.

Mr. LAMBORN. Thank you, Secretary Jewell, for being here. Representative Lummis already brought up the coal moratorium, where you are even preventing the completion of pending lease applications.

In that order you note that there have been two previous moratoriums on coal lease sales that were in response to legislative action by Congress: the enactment of NEPA in 1970 and the Fiscal Year

1984 Interior Appropriations Act. In your order you do generally cite various existing statutes, but there has not been any specific legislation that would authorize a similar moratorium today.

What is the specific legal justification for your order?

Secretary JEWELL. We will provide a solicitor's opinion if that is helpful.

We went through this in detail. We looked at the historic record. We looked at what had been done in the prior two times that there had been a review of the coal program under the Reagan administration and the Nixon administration, and applied the same tools that Congress had used on the pause.

Mr. LAMBORN. But without the direction from Congress in this case.

Secretary JEWELL. Well, we followed the lead of what Congress did last time.

Mr. LAMBORN. Which we did not do this time.

Secretary JEWELL. We are doing a pause on the program because it has not had a review in 30 years, sir, and we felt it needed it.

Mr. LAMBORN. But Congress did not ask for this.

Secretary JEWELL. No, but we did listening sessions around the country. We did listen, contrary to what was heard before, and we felt a review was necessary.

Mr. LAMBORN. Well, this will be sorted out in the courts.

Changing the subject, according to the Energy Information Administration, marketed natural gas production has increased by 35 percent from 2005 to 2013. Everyone knows it is increasing. But at the same time, EPA data shows that methane emissions have been decreasing.

Now, in light of that, and in light of the fact that the EPA is continuing its efforts to reduce methane emissions from industry sources, why has BLM jumped into this, promulgating its own methane regulations, which sometimes overlaps with EPA's rules?

Secretary JEWELL. The BLM oversees the oil and gas activity on Federal and tribal lands, only. It is a different authority than the EPA. It is our responsibility to both collect revenues on behalf of all American people, and when methane is vented or flared no royalty is paid to the American people on that; and second, to do energy development in a safe and responsible way, which means environmentally responsible.

Our venting and flaring rules, which we have done in consultation with states, including your own in Colorado, which is somewhat ahead of the game, have been to bring those into alignment, recognizing that venting and flaring natural gas is not getting taxpayers or tribes the royalties that they deserve, while also wasting valuable energy that is impacting the environment.

Mr. LAMBORN. There are those who are saying that the BLM-proposed regulation and EPA's regulations overlap and even conflict. In light of that, are you open to extending the comment period, so that people can talk about the conflicts that are being caused by two agencies, which looks like they had not consulted with each other?

Secretary JEWELL. We have been consulting consistently with the EPA throughout this process. In some cases, we will allow an extension. In other cases, we believe there has been adequate time.

I will have to look specifically at that one. We always entertain that, but if comment periods have closed, we also do take comments as people raise them throughout the process.

So, we are intending to keep the venting and flaring efforts on track and believe that there has been sufficient time to comment. I can reassure you we have been consulting with the EPA throughout to make sure that we are not in conflict.

Mr. LAMBORN. Well, I would ask you to extend that period.

Because the BLM venting and flaring rule will impose new costs on Federal oil and gas production, it is going to drive out marginal plays, it will drive out small players who do not have the resources to retrofit new techniques and equipment. Isn't this counterproductive to the Obama administration's policies? I mean, there is a war on coal.

Secretary JEWELL. There is not a war on coal.

Mr. LAMBORN. That goes without arguing. So that means a shift to natural gas. But this reduces natural gas. So isn't that counterproductive?

Secretary JEWELL. First, let me say there is no war on coal. Those are your words.

Second, I do not think it is counterproductive. I do not think it is OK for an oil play to vent and flare natural gas into the atmosphere without any efforts to collect it. That is allowing a resource that belongs to all Americans to go up in smoke or to go up into the atmosphere. We believe it should be collected.

It does cost money. I am sure there is also money to be gained from the production of this natural gas associated with oil.

Mr. LAMBORN. Thank you.

The CHAIRMAN. Mr. Sablan.

Mr. SABLAN. Thank you very much, Mr. Chairman.

Madam Secretary, I want to first thank you for your continuing commitment to the exploration of the potential of geothermal energy in the Northern Marianas, particularly on the island of Saipan.

I have some other questions that I will probably submit for the record. But for now, the Close Up Program brings island students to Washington each year to learn how their government works, a government that they do not have direct participation in. We do not vote for a president, their Delegate does not have a vote. But it is a valuable use of Federal grant funds. In fact, several of my colleagues in the Northern Marianas Congressional Office got interested in government through Close Up.

Your Office of Insular Affairs had recognized that Close Up is a program that is "necessary on an ongoing basis for the insular areas," and "because there was no other source of funds in the Federal budget." That is a quote from the OIA budget justification for 2016, 2015, 2014, and 2013. Close Up had a specific line item of \$1.1 million in your Fiscal Year 2016 proposal. But for Fiscal Year 2017, OIA has dropped any reference to Close Up, and I am not sure what to make of that. It is troubling.

So, I would like to receive assurance today, Madam Secretary, that even though there is no specific mention in your budget documents, the Office of Insular Affairs will continue to use technical assistance funds to support Close Up in Fiscal Year 2017 at the



level that the program needs. My colleagues that represent American Samoa, Guam, the U.S. Virgin Islands, and the Northern Marianas actually wrote the Assistant Secretary asking for the commitment. We have received no response, so I am going to ask you today.

Secretary JEWELL. I believe we have \$1 million in the budget for the Close Up Program, but I will have to check with Esther Kia'aina to provide more specifics on that.

Mr. SABLAN. She has not responded to our letter. If she had responded, I would not be asking.

Secretary JEWELL. OK.

Mr. SABLAN. Thank you.

Secretary JEWELL. We will follow up, thank you.

Mr. SABLAN. Madam Secretary, on another issue, the fiscal year omnibus appropriation authorized a special resource study on the island of Rota to see if it would be feasible to have a national park there. This is something I worked to achieve since my very first year in Congress. I would like to hear from you that the study has begun as scheduled, and that you have the money you need in your Fiscal Year 2017 proposal to keep the Rota park study moving forward and on schedule.

Secretary JEWELL. I don't have an answer to that, either. I am sorry, I will have to look into that specifically for Rota. I have not seen whether it is specifically in the budget or just contained within the National Park Service broadly. We will get back to you.

Mr. SABLAN. OK. I have very little time left. We have in the Northern Marianas the American Memorial Park, dedicated to the war on Saipan and the Northern Marianas. We recently had a devastating typhoon last August. Electricity and water services are restored, schools are in session, life is really getting back to normal.

I have been on two visits. I am hearing from constituents that the American Memorial Park, which the Park Service manages, has been slow to clean up debris, repair damage, and get the park fully open to the public. I would like to ask what is the problem? Is it a money issue? Is it because the park is supervised from Guam, and that means an extra layer of decisionmaking? What can we do to speed things up, Madam Secretary?

Secretary JEWELL. We will follow up with the Park Service directly. We are constrained for resources, but I was not aware of that until you just brought it up.

Mr. SABLAN. Thank you. On the Interagency Group on Insular Affairs, IGIA, which met last week. I was traveling and not able to attend. I think the concept of a White House-led response to the needs of the insular areas is great, I really do. But I am concerned about results.

I have never seen a report on what the outcome of these IGIA meetings has been. Are the problems the island governors raised being addressed? Are the governors satisfied with the results? Is the IGIA process working? I don't know.

So I would like to ask if your office could provide me with a report on the problems the governors have raised at IGIA over the last 7 years, and what the outcomes have been. Have we gotten results? Would that be possible, Madam Secretary?

Secretary JEWELL. I will be happy to ask Insular Affairs to do that. I was at the last IGIA meeting and I do believe we are making progress on a number of the areas that were raised.

Mr. SABLON. I am out of time, Madam, but thank you.

The CHAIRMAN. Thank you.

Mr. Fleming.

Dr. FLEMING. Thank you, Mr. Chairman.

Madam Secretary, under Executive Order 13132, no agency shall promulgate any regulation that has federalism implications, that imposes substantial direct compliance costs on state and local governments, and that is not required by statute, unless the agency, in a separately identified portion of the preamble to the regulation, as it is to be issued in the Federal Register, provides to the Director of the OMB a federalism summary impact statement.

Madam Secretary, yes or no, did the BLM prepare a federalism assessment for the hydraulic fracturing rule?

Secretary JEWELL. I believe we followed all of the appropriate regulatory standards.

Dr. FLEMING. That, again, is a yes-or-no question. We seem to have this problem each time we speak. I am just asking you, did you or did you not do this?

Secretary JEWELL. I am sure we followed all of the appropriate rules.

Dr. FLEMING. Well, apparently you did not, because it did not happen.

BLM believes that there will be no financial impacts to states as a result of this rule. That came from your Department.

Well, it appears that your agency was quite wrong in this assessment. Several states sued the Department of the Interior, alleging that irreparable harm from this regulation will occur. And, as you know, a Federal judge has now found that there exists a "credible threat" of irreparable harm in the way of lost revenue. This finding was on the basis of the four states claiming in their briefs and arguments that there would be lost revenue. North Dakota specified there would be a conservative estimate of lost revenue totaling over \$300 million per year.

Secretary Jewell, in light of the states' statements, do you believe your agency was correct in not providing a federalism assessment?

Secretary JEWELL. Sir, because this is a matter of litigation, I do not think it is appropriate for me to comment.

Dr. FLEMING. Well, I have to say the American people are so angry at Washington, and they have a right to be. I mean, this is absurd. You passed regulations without laws coming through Congress, you just simply roll them out there. They have negative impacts on states at a very critical time in history when it comes to the economies of our states. And you are not even willing to comment on the actions that you take. I just see that as very sad.

Secretary JEWELL. I stand behind the need for fracking regulations.

Dr. FLEMING. In the limited time that I have, I have another question. This is regarding the National Ocean Policy, and I will quote from it, as well. "The order shall prepare and make publicly available an annual report, including a concise description of actions taken by the agency."

Now, President Obama signed the Executive Order 13547 in July 2010 to create the National Ocean Policy. What steps has the Department of the Interior and its agencies taken to implement the National Ocean Policy?

Ms. SARRI. The intention of the National Ocean Policy was to facilitate interagency coordination on cross-cutting ocean issues, and also to work closely with states. It is something that we actually integrate into our work, whether we are talking about science or looking at different uses.

Dr. FLEMING. OK. But what I am specifically wanting to know is about this annual report. Have you been providing this annual report?

Ms. SARRI. That is something that I would actually have to talk to the Council on Environmental Quality about, as they are the lead coordinator for this for the Administration.

Dr. FLEMING. Well, I can give you the answer right here. No, you have not done any annual reports, even though it is required.

But what is interesting is this: in the order it says, "It shall be consistent with applicable international law, including customary international law such as that reflected in the Law of the Sea Convention." Are we a party to that convention, that treaty?

Ms. SARRI. No, we are not a party to it.

Dr. FLEMING. OK. Then why is it that the Administration fails to comply with laws that have been enacted, but intends to comply with laws that have not been agreed to?

Again, the American people are tremendously angry at Washington, because we have a President and those who work for the President who insist on creating their own laws and not complying with the laws of the land, even though we all take the oath to faithfully execute all the laws of the land.

With that, I will yield back.

The CHAIRMAN. Thank you.

Ms. Tsongas.

Ms. TSONGAS. Thank you, Mr. Chairman. And thank you, Secretary Jewell, for appearing before the committee today and for your service at the Department of the Interior.

I, for one, appreciate your work on behalf of the multi-use mandate, which is inherent in the Department of the Interior's management of Federal lands and the Department's critical role in protecting these lands for future generations. This is, obviously, not without its challenges, as we are hearing today. But it is important that we keep in mind that these lands belong to all Americans, that they are part of our national heritage, and that we have to keep this in mind as many difficult decisions are being made.

I want to focus on the national parks, and I want to especially thank you for coming to visit my district this past fall as part of my River Day. I know that I am not the only Member of Congress who you have made a point to come visit and see the remarkable national parks that we call home.

One of the real highlights of that visit was the opportunity to hand out an Every Kid in a Park pass to local fourth-graders. Some of them had come from a nearby city where there was not a resident national park, in fact, I don't think any of them had really ever been to a national park. So, I think it is such an important

initiative that you are taking, especially as you seek to engage diverse populations for the future. It is so important to the long-term health and understanding of the important role that our national parks play in protecting our great heritage.

In that vein, I really see some great numbers reflecting the significant visitation and recreational use of our national parks, and I wanted to give you a chance to simply highlight that. It was great to hear Congresswoman Lummis speak so highly of the national parks in her district, as well.

Secretary JEWELL. Thank you for the comments and appreciation for the national parks. We had record visitation last year: 307 million visitors to the national parks. This is the Centennial year, 2016. I am quite confident we will see an increase on that number. It drives tremendous revenues to local economies, billions of dollars. The outdoor recreation industry estimates, in total, \$646 billion, a big chunk of that is through national parks.

Kris or Mike, do you have the specific numbers for our latest national park study?

We will provide that to you, as opposed to scrambling through the paperwork here.

But as you know from the park in your state, as the Chairman knows from the national parks in Utah, and our other national parks, these are big drivers of revenue, tourism, and jobs across our country.

Ms. TSONGAS. I actually have the numbers in front of me. In 2015 alone, the National Park Service confirmed a record 307.2 million visits, which was a 4.9 increase over the previous record-setting year in 2014 of 292.8 million visits. I wish we could get more of those visits to Lowell. Minuteman does a great job. Eleven parks had more than 5 million recreation visits in 2015, and overnight stays in park campgrounds and back-country were up over 2014. So I think, obviously, there is broad recognition across this country of the unique opportunities that our national parks present.

But yet, despite widespread public support for the National Park Service, its budget has been decreasing. In just the past 10 years, the Park Service has had its budget decreased by 22 percent, compromising its ability to ensure the long-term protection of this great heritage.

In my own district, Lowell National Historical Park has had a 15 percent reduction in full-time staff from Fiscal Year 2010 to 2015, and a 22 percent reduction in the park's base budget. Similarly, at Minuteman National Park, which commemorates the beginnings of the American Revolution, there has been a 27 percent decrease in staff time, which is so important to fulfilling the mission of the park, and an 8 percent reduction in the base budget.

Despite all that, you all are doing a remarkable job, and I think the visitation numbers reflect that. With that, I yield back the balance of my time.

Secretary JEWELL. Thank you.

The CHAIRMAN. Mr. McClintock.

Mr. MCCLINTOCK. Thank you, Mr. Chairman. Secretary Jewell, welcome.

In the 1970s Congress passed laws such as NEPA and ESA that have been abused to drastically restrict our ability to manage our forests. As a result, we have seen an 80 percent decline in timber harvested out of the Federal forests, and we have seen a concomitant increase in the acreage destroyed by catastrophic wildfire in the same period, just proving the maxim that excess timber will come out of the forest, one way or another. It is either carried out or it is burned out, but it comes out.

Trees that once had room to grow now fight for their lives against other trees that are trying to occupy the same ground, making them susceptible to pestilence, disease, and ultimately, catastrophic fire.

After 40 years of such laws and policies that all promised to improve our forest environment, I think we are entitled to ask how are our forests doing, environmentally, these days?

Secretary JEWELL. We welcome the bipartisan recommendations on a fix to how we budget for wildland fires and how we budget for healthy forests fuels removals and working closely with communities—

Mr. MCCLINTOCK. You are not answering the question, Madam Secretary. Would you say that the environmental health of our forests has improved or deteriorated over the past decade?

Secretary JEWELL. I would say it has deteriorated, largely because we have not been able to do the work we could do.

Mr. MCCLINTOCK. I would say so, too. And I think that we need to look at the policies that are in place that are causing that deterioration.

Mr. Connor boasted that programs such as WaterSMART, at enormous expense, have conserved a million acre-feet of water over the last 7 years. And yet, in the last 7 weeks in the Sacramento Delta, we have lost a half-million acre-feet of water to the Pacific Ocean, due to the Delta smelt biological opinion. The Water, Power and Oceans Subcommittee was told at last week's hearing that none of that water was used for any other purpose than for Delta smelt releases. It was all water that went to the ocean.

I wonder what moral authority has the government to demand Draconian conservation measures from citizens when their own government thinks nothing of squandering water on a massive scale to adjust water temperatures for the fish, as was done in the releases last year, or in this case to save one Delta smelt.

Mr. CONNOR. Congressman, the conservation measures that we are taking are not Draconian.

Mr. MCCLINTOCK. You shut down pumps, cost us a half-million acre-feet of water because one Delta smelt was caught in the pumps, and you don't call that Draconian?

Mr. CONNOR. I said our conservation measures are not Draconian.

Mr. MCCLINTOCK. Do you understand how that sounds to the American people, or the people in my region who have stretched every drop of water in their homes, have watched their lawns die, have lost their prize gardens, all in the interest of conservation. They are watching this kind of squandering, and you do not even call that Draconian?

Mr. CONNOR. I said the conservation measures through our WaterSMART program are not Draconian.

To get to your question about the pumps, it is true that we have regulatory restrictions that are in place because of the status of endangered species. Having said that, we are working as best we can to maximize pumping.

Mr. MCCLINTOCK. We just received testimony that endangered species are declining, despite all of these policies. So, obviously, they are not working, but they are causing enormous economic harm in the West.

Mr. CONNOR. The drought takes a toll on all, yes.

Mr. MCCLINTOCK. Let me get on to a question of our national parks. Tourists do not go where they are not welcome. The number of overnight stays at the national parks has declined rather dramatically from their highs. Yosemite, in my district, has just changed management. This is the first day of the new management, and they have just announced they are banning bottled water from sale anywhere in the park.

How does this encourage Americans to enjoy our national parks, when you are systematically removing the amenities that make their stays pleasant?

Secretary JEWELL. We certainly have no intention of removing amenities that make stays pleasant. I would say garbage has been a huge problem for us in parks, and bottles, in particular. This was the genesis behind the policy trying to reduce that.

Mr. MCCLINTOCK. And yet there are no bans on canned soda. And, in fact, they are replacing the bottled water with boxed water. How does that reduce the garbage situation?

Secretary JEWELL. When people can refill their water bottles and reuse water bottles, you have—

Mr. MCCLINTOCK. But you are selling boxed water.

Secretary JEWELL. I don't know what you are talking about with boxed water, sir. We will have to look into that.

Mr. MCCLINTOCK. Well, let me ask you one other question.

At peak tourist season, we have lines over a mile long at Yosemite. You have instituted in certain parts a pilot project that makes scanning of passes available so that people can gain instant entry. Are you planning to bring this to other parks, like Yosemite? And, if so, when?

The CHAIRMAN. Answer that in the next round.

Secretary JEWELL. OK.

The CHAIRMAN. Besides, you are never going to get people to come until you get Dr. Pepper in there. Forget about the water and the Gatorade.

Mr. Ruiz.

Dr. RUIZ. Thank you, Mr. Chairman.

Madam Secretary, you are holding your own with strength and dignity, despite the disrespectful, patronizing, paternalistic bullying, demeaning Washington politics tone of this partisan, gotcha line of questioning.

I want to say thank you for your pursuits in helping Southern California prevent the catastrophe of the receding Salton Sea, and for the funding to create the wetlands, which is very much appre-

ciated. I want to get your ideas of what we can do to further prevent the decaying of the Salton Sea.

Secretary JEWELL. Mike?

Mr. CONNOR. Congressman, thank you very much for the question. The Salton Sea has been very encouraging. Recently the state has stepped up to take a leadership role in looking at how the Salton Sea restoration plan can be revitalized. We are full partners in that effort. We just announced through Reclamation an additional \$3 million investment in the research program.

So, I think we collectively need to stay through that process to develop the appropriate restoration plan that will build upon the restoration plan that Fish and Wildlife Service financed. I think that concept of restored managed wetlands and a smaller sea is the way that we can manage the public health issues that exist there, as well as look for water supply benefits.

Dr. RUIZ. Thank you. I understand that the Desert Renewable Energy Conservation Plan is in its final stages of development, and I want to thank you for the work the Department has done to see this plan to completion, so that there may be a guide for future clean energy development across Southern California, while ensuring our pristine desert landscapes remain protected.

I understand that there are a number of acres in the DRECP broadly labeled as unallocated, much of which lie under the Salton Sea. What plan do you have in place to review these lands over the next several years?

Mr. CONNOR. Congressman, there are unallocated lands as part of the DRECP, as it has been developed. We will have to look into the ones that are allocated under the Salton Sea itself.

I do know that we have worked very closely with Imperial County as we have developed the DRECP, and I believe we have consistency with the DRC plan.

Dr. RUIZ. And I would encourage you to come up with a plan for those unallocated acres.

My last question, but certainly not least, I want to thank you for making many significant investments in Indian Country, from the focus to Native children and their health, security, and family stability to providing critically needed staff for the Bureau of Indian Education.

I look forward to discussing these matters in greater details with someone from the Department later this month. However, what are your priorities for Indian Country and tribal policy, moving forward this year?

Secretary JEWELL. Thank you for the question and for your support. Indian education is critically important. We have a third of our schools that are in poor condition. Getting ourselves on a pathway to replace schools, which this budget begins to do with restructures for Indian education. And we appreciate the reprogramming support we got from both the House and the Senate to do that.

Looking at the whole family through our Tiwahe Initiative to address issues like suicide in Indian Country, which is really in epidemic proportions. We have to work together. We are doing that, in fact, across the whole Federal family, through the White House Council on Native American Affairs.

So, from the Tiwahe Initiative, to education, to law enforcement, and providing opportunities for economic development, all of these are part of our budget and the significant increase of 5 percent that we are asking for in 2017.

Dr. RUIZ. Thank you very much. Can you elaborate on the work to prevent suicide within Native American areas?

Secretary JEWELL. Yes. I would say it is multi-faceted, and it is also with HHS, in particular, through SAMHSA and the Indian Health Service.

When we dissect the issue of suicide in Indian Country, so much of it ties to very deep and persistent issues in the family structure. Schools are a safe place where people can come. We are looking at pilots to use schools as places for training of parents and for counseling. There are a number of youth programs out there and, unfortunately, youth are the first line of defense against suicide. But in many cases, that is the safest place that kids feel that they can go.

We are working on all those programs with a pilot right now at Pine Ridge, but looking at learning from that and taking it throughout Indian Country.

Dr. RUIZ. Thank you very much.

Secretary JEWELL. Thank you.

Dr. RUIZ. I yield back my time.

The CHAIRMAN. Mr. Thompson.

Mr. THOMPSON. Thank you, Mr. Chairman.

Madam Secretary, thank you for being here. Let me jump right into my questions about Northern long-eared bats. I am pleased that the Fish and Wildlife Service has recognized the white-nose syndrome was the driver behind the decline of the Northern long-eared bats, and has ensured that the final 4(d) rule allows for activities to continue that are not impacting the bat.

However, it appears as if the Sierra Club and the Center for Biological Diversity intend to file suit, regardless. So can you provide the committee with a sense of how you intend to defend the Service's use of its 4(d) authority?

Secretary JEWELL. I would say that lawsuits are not uncommon, from all points in this job. I believe the Fish and Wildlife Service has a defensible position, recognizing the primary threat is white-nose syndrome, but also recognizing the importance to the remaining bats of having a habitat that is conducive. The 4(d) rule specifically looks at that and we believe that is legally defensible. But, of course, we will have to determine that if we are sued through the court process.

Mr. THOMPSON. Will you commit to battle that in the courts if the suit is filed—and I hope it is not, but like you said, it commonly occurs—versus what has happened in the past, which appears to be some back-room deal or compromise to the Endangered Species Act. I just want to assure that you are going to do your best to use the resources you have to defeat that effort.

Secretary JEWELL. I am not familiar with the lawsuit in specific, if it has been filed. But I know that we regularly defend our 4(d) rules and the actions that we take in the Fish and Wildlife Service. I would suspect that is the case here, too, but until I look at the specifics, it is hard to know.



Mr. THOMPSON. I appreciate it. I look forward to staying in contact with you over the issue.

Part of the budget request was a 350 percent increase for Federal land acquisition. According to the Congressional Research Service, the deferred maintenance backlog facing Federal agencies is almost \$19 billion. How much of this backlog can be attributed to lands that were acquired using Land and Water Conservation Fund funding?

Secretary JEWELL. I don't know. We will have to get back to you with that for the record.

Mr. THOMPSON. OK. When the Department of the Interior agencies purchase land using Land and Water Conservation Fund monies, is a part of the process committing to performing short- or long-term maintenance on that parcel?

Secretary JEWELL. Let me just say that the conflation of deferred maintenance and Land and Water Conservation Fund, I don't think is accurate. In many cases, when we make acquisitions, they might be for inholdings where we might reduce our costs because we do not have to provide access. They may be for conservation easements across private property. There are a wide variety of uses and I do not think it is appropriate to conflate the two.

Kris, did you want to say something?

Ms. SARRI. Yes, I just wanted to follow up. Often the acquisition can ease the management costs and operation costs on our public lands, and we actually do take a look at that as part of the acquisition process.

But also in terms of some of the backlog issues, a significant part, 50 percent of our backlog, is due to transportation issues. So, that is not directly related to land acquisitions.

Mr. THOMPSON. But I want to deal with that percentage that is not, which is significant, with the amount of money that we are talking about and the amount of acreage that the Federal Government owns today and has taken off the tax rolls and put into the public sector from the private sector.

Is there a consideration of affordability when that decision is made? For example, there is a plan of 42 acquisition projects, according to the President's budget, that had been projected; a 350 percent increase for Federal land acquisition. When whoever put that pen to paper or finger to keyboard and put that plan together—was there a consideration of affordability? Not just on whether you can get the monies for acquisition, but the maintenance, and making sure that those lands are managed in a way that is best for the public.

We see a lot of our public lands that are not today. My colleague talked a lot about the wildfire situation. There are invasive species. I mean creating problems that spread beyond the public lands, that I think many times are inappropriately acquired and poorly maintained, and bleed out into the private sector. Those flames and invasive species do not honor boundaries. Is that affordability considered?

Secretary JEWELL. We do take into account—

Mr. THOMPSON. How much weight is put behind the affordability issue?

Secretary JEWELL. I don't know specifically the weight. There is a complicated process that each department goes through to prioritize.

Mr. THOMPSON. Could you put it in congressional terms? Make it simple, and forward it my way, or to the committee. I would appreciate it.

The CHAIRMAN. Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chairman. And thanks to the witnesses.

Madam Secretary, you and your team have maintained your composure and professionalism, despite a difficult tone that was set at the outset of this hearing, and continued through some of the questioning. It is hard to have a civil discourse when you are greeted with an aggressive partisan gauntlet at the very outset. We heard every manner of attack and insult. I was half expecting to hear a call to arms for people to head to their local wildlife refuge, but, thankfully, some restraint was shown and I am grateful for that.

But I cannot help contrasting the low regard that the American people have for this Congress with the very high regard they have for your agency, and the National Park Service, in particular. I know we are celebrating the 100th anniversary of the National Park Service. And a recent poll, a poll from 2014, gave the Park Service 84 percent approval among western voters. And this was the case in every single western state. Strong majorities everywhere, from Wyoming to Nevada, that not only support your good work, but they oppose these proposals that we keep hearing to give our public lands from the Federal Government over to the state.

And if we needed an even more recent ratification of your work, we got it in the Nevada caucuses recently, where none other than Donald Trump opposed that crazy idea. His opponents, of course, were very much pounding that tired old narrative, that we need to hand our public lands back over to the states, but he said that he thought that would be a bad idea.

And I don't often quote Donald Trump or give him props, but he said, "I don't like the idea because I want to keep the lands great, and you don't know what the state is going to do. We have to be great stewards of this land. This is magnificent land." I am going to stop there with the nice statements about Donald Trump, but I found it interesting that he trounced his opponents despite taking that position.

Given the bipartisan support that we have historically had for keeping our public lands great, I want to ask you how your budget addresses threats to our lands from extremists, like those who recently occupied the Malheur National Wildlife Refuge in Oregon. And specifically, I would like to know, and I think many Americans want to know, how are you going to ensure that the cost to the public, in terms of the damages to property and the desecration of sacred sites, is properly compensated.

Secretary JEWELL. Well, thank you for your comments, broadly and specifically, around that. There is no question the safety and security of the public and our employees is of paramount importance, and the situation that happened at Malheur was very frightening. We actually had people that had to pull their children out

of school and leave town that were being followed around the neighborhoods, in stores, being accosted by people that did not live in their home community. And I don't think you get over that quickly.

I have met with a county judge and elected county commissioners from that region and they want to get back to normal.

For the most part, we have a thin law enforcement presence in our public land management agencies. They will be patrolling more in twos than singly, as they did before. We will do everything we can to make sure that they are kept safe. We are very gratified for the support we received from the FBI in that stand-off. I would say that while the safety and security of people will be of paramount importance, it is going to be difficult to do with the budget that we have.

Mr. HUFFMAN. What about the costs that we incurred, which must have been very significant during the period of this siege, and the damages that occurred to public property during that time? I think Americans want to know that those that were responsible, the law breakers, are going to reimburse us, and that the taxpayers are not going to pick up the tab for this joy ride that these criminals took with public property.

Secretary JEWELL. I think it is fair to say that, right now, the taxpayers are picking up the tab. Fortunately, there are a number of people that have been indicted, and I hope that restitution will be a part of that. But whether there is actually any money collected will be a long time into the future.

Mike, did you want to say something?

Mr. CONNOR. Could I just quickly add that our budget proposal does include a proposal for the Fish and Wildlife Service to have cost recovery authority, similar to the National Park Service and similar to NOAA for marine sanctuaries. So, that is part of our budget proposal and we think it is applicable now.

Mr. HUFFMAN. In the couple seconds that I have left, we continue to hear this narrative about 500,000 acre-feet in the West being lost to the Delta smelt. Secretary Connor, that does not jive with my understanding of how the system has operated. Would you agree with that?

Mr. CONNOR. I think it is correct. I don't know what the assumptions are there. It looks to be about 60,000, 70,000 acre-feet.

The CHAIRMAN. Thank you, you are over. And I appreciate your application for your job in the Trump administration. Way to go, Huffman.

[Laughter.]

The CHAIRMAN. Mr. Benishek.

Dr. BENISHEK. Thank you, Mr. Chairman. Thank you, Madam Secretary, for being here. And, contrary to what Mr. Huffman said, I want to say something nice. I applaud the U.S. Fish and Wildlife Service delisting the gray wolf in the Great Lakes states and Wyoming. And, unfortunately, we are dealing with a lawsuit there and a judge has reinstated the listing. But I appreciate your agency actually delisting a species that has recovered.

We just passed legislation here in the House this past week to rectify what we think is a bad decision by the court and affirm the

position of the U.S. Fish and Wildlife Service in that instance. So there you go, I said something nice.

[Applause.]

Dr. BENISHEK. I do have a question, though.

The CHAIRMAN. If you say anything nice again, their applause will take away your time.

[Laughter.]

Dr. BENISHEK. OK. I think that there is a position here that we do not understand why we are acquiring more land when we have a backlog of just maintaining the land? I think that is a theme that has been presented here fairly accurately.

The answer of just buying inholdings does not ring true to me, to tell you the truth, because it is a 350 percent increase in the funding there. And especially in my district, we have several National Park Service facilities, the National Pictured Rocks, Sleeping Bear Dunes, and Isle Royale National Park.

I am looking at some of the critical infrastructure issues that are there. Somebody mentioned the \$19 billion backlog in total. In my district, for example, at Sleeping Bear Dunes, there is a \$19 million backlog of maintenance, with \$4 million of critical systems deferred maintenance, according to this NPS asset inventory summary. I am reading over these documents, trying to figure out what is the solution here. There is a huge backlog.

But then I also noticed that in a note here it says, "The parameters used to calculate the data in the report do not match the Federal real property profile parameters or the Federal Account Standards Advisory Board parameters." So this is, apparently, the standard way the Federal Government evaluates land and values, but they are not used in this report. Do you know why that is the case?

Secretary JEWELL. I will need the specific language in what you are talking about. I am not sure what that refers to. But can you clarify this 350 percent increase that you and Mr. Thompson referenced?

Dr. BENISHEK. That is a BLM number here that we have. The proposed budget includes \$88 million for BLM land acquisition, including \$44 million in current appropriations and \$44 million in permanent funding. This is \$68 million or 350 percent more than the \$19 million enacted in Fiscal Year 2015.

Secretary JEWELL. So this is specific to BLM?

Dr. BENISHEK. That is the proposed budget.

Secretary JEWELL. Yes, because the increase for the Land and Water Conservation Fund is not nearly what you are suggesting. So, I think I just need to coordinate on numbers. But let me say this, again, that maintenance backlog is an issue. Our budget proposes a methodical way of reducing the maintenance backlog, particularly in the National Park Service, where it is most acute. It is \$12 billion, of which about half is transportation.

Dr. BENISHEK. By transportation you mean roads?

Secretary JEWELL. Roads, yes, typically paid for out of the Highway Trust Fund.

Dr. BENISHEK. So why wouldn't you use the standard accounting techniques that the rest of the Federal Government used in developing these numbers?

Secretary JEWELL. Kris, do you know what he is talking about with that?

Dr. BENISHEK. Is this number too high? Too low? Why don't you use the same numbers as everybody else?

Ms. SARRI. I am actually not familiar with this. So I would be happy to get back to you on the record on that one.

Dr. BENISHEK. I am just reading a National Park Service asset inventory summary published by the National Park Service. These are numbers that Congress looks for. There is \$19 million in backlog in my district. But it also says these do not comply with the standard way that the Federal Government measures things.

Secretary JEWELL. We will have to look back into that for you. I don't know.

Dr. BENISHEK. I would just like to know why we are not using the standard way, and how does it affect the numbers? Is the number too high? Too low? How could I judge what to do if we are not getting accurate numbers and you are not using the standard way that the Federal Government reports numbers? That does not make sense to me.

Secretary JEWELL. We will have to get back to you.

Dr. BENISHEK. I applaud you with the wolf thing, but in order to make a judgment as to how to proceed on my level, we would like to get standard numbers. I would appreciate a response in writing. I am out of time.

The CHAIRMAN. I am sorry, I was so enthralled and lost the list. Who comes next? Mr. Cartwright.

Mr. CARTWRIGHT. Thank you, Mr. Chairman. And thank you, Secretary Jewell, for appearing here today to discuss the President's 2017 budget.

Secretary Jewell, I would like to discuss the abandoned mine lands and also the POWER Plus programs to see what we can do to help clean up these old sites and provide economic development opportunities to rebuild our historic coal mining communities. For the people of Pennsylvania, especially those in my district, the problem of abandoned mines is one that we have lived with for decades. In fact, there are 575 abandoned mines in my district alone, creating 382 miles of acid drainage affecting streams.

Many communities in my district and across the region live with the environmental legacy of the coal industry and live in communities struggling to recover from the decline of the coal industry. With coal production lessening across the Nation and major coal companies recently declaring bankruptcy, and in light of the U.S. Geological Survey's recent revelation that coal reserves are not as abundant as we had once thought, this problem will only worsen nationally.

I have introduced my own legislation to close loopholes in the coal royalties program to provide more funds for AML cleanup. I have offered amendments on the Floor to direct funding to the regions that need the money the most. I am the lead Democrat on a bipartisan bill to direct unexpended AML funds toward cleanup projects that provide economic benefits.

Now, I know the Administration has been pushing to use these unexpended AML funds to clean up our abandoned mines and also

to create jobs. I look forward to continuing to work with you toward that laudable goal.

My first question is, Madam Secretary, do you know approximately what the AML balance is right now? And how much is expended every year, as opposed to what is brought into the fund every year?

Secretary JEWELL. The total, I believe, is \$11 billion. While we are continuing your line of questioning, we will see if we can get the answers to the rest of your questions. If not, we will respond for the record. But there is a lot that is accumulating that, with POWER Plus, we would like to accelerate to put people to work on reclamation projects. And the recommendation is \$200 million a year, a billion total over 5 years, be accelerated to address this issue right now.

Mr. CARTWRIGHT. I don't mean this as a pop quiz. If you want to get back to my office later, I would be obliged.

Secretary JEWELL. OK, great.

Mr. CARTWRIGHT. Second, is there a scarcity of good projects? And how large is the problem? Or some reason to delay funding the projects? What is the total impact of these mines on public health and the environment?

Secretary JEWELL. The impact is probably beyond measure, when you look at the water quality; the sinkholes, particularly in your own state, which I have seen firsthand; the inability for people to develop on these landscapes because of the poorest nature of the underground mining that took place before.

The situation that was referenced earlier with the Gold King Mine spill, which is not coal, but that is indicative of abandoned mine land problems across the entire United States, both hard rock and coal. We would welcome an opportunity to work with you on a long-term solution on abandoned mine lands, and certainly taking this money that has been set aside by the coal industry for this purpose, to actually put people to work addressing it right now.

Mr. CARTWRIGHT. Well, I thank you, Madam Secretary, and I yield back my time.

Secretary JEWELL. Thank you.

The CHAIRMAN. Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman.

Secretary Jewell, when can we expect the next 5-year plan for oil and gas lease sales to come out?

Secretary JEWELL. We have submitted the draft proposed plan. This spring, potentially even this month, we will have the proposed plan, which will have taken input from the draft proposed plan. We hope to finalize the proposed plan by the end of 2016. There will be an opportunity to take additional comment on the proposed plan, which will be released this spring, based on comments from the original plan.

Mr. DUNCAN. This seems like it has drawn out a lot longer than past 5-year plans. Is that the case?

Secretary JEWELL. I don't believe that is the case.

Mr. DUNCAN. OK. I am going to ask, Mr. Chairman, if we could submit for the record a letter to Secretary Jewell dated February 29. Also, copies of letters dated August 1, 2014; March 27, 2015; and April 23, 2015 from the Atlantic Offshore Energy Caucus,

requesting that areas in the South Atlantic/Mid-Atlantic be included in the 5-year plan.

The CHAIRMAN. Without objection.

[The information offered for the record by Mr. Duncan follows:]

CONGRESS OF THE UNITED STATES  
WASHINGTON, DC 20515

February 29, 2016

Hon. Sally Jewell  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell:

As the co-chairs of the Atlantic Offshore Energy Caucus, we represent a diverse group of members unified around opening the Atlantic for offshore energy exploration. While the Department of the Interior concludes the planning period for the 2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Proposed Program, we wanted to remind you of the continued support that exists for Atlantic lease sale 260 and ask that you retain the full area included in the Draft Proposed Program (DPP) without further limitations.

According to the EIA, Gulf of Mexico production is estimated to increase to record high levels in 2017. This increase in production is a result of the leasing decisions made a decade or more ago. Knowing that oil and natural gas will be needed for many more decades to come, DOI should not prematurely close the door on future leasing and exploration of the Atlantic OCS. Decisions made today matter.

We are joined by our colleagues in Virginia, North Carolina, South Carolina, and Georgia in supporting future access to the oil and natural gas resources off our states' coasts in the mid- and south-Atlantic. We ask that you take into consideration the support of the many stakeholders in our states including our Congressional delegations, our Governors, state and local leaders and the citizens of our states. We ask that you not close the door on the potential for thousands of new jobs, enhanced national security and much needed new government revenue by removing the Atlantic in the Proposed Plan or further limit the one proposed lease sale included in the Draft Proposed Program.

Members of our caucus have written to the Department regarding their support on several occasions. On April 23, 2015, a diverse group of 163 members from the Senate and House of Representatives wrote expressing our views on the Department's draft proposed plan. This letter highlighted our support for opening new areas for exploration, including the Atlantic OCS.

On March 27, 2015, more than 30 members of the House of Representatives wrote the Department regarding their specific support for Atlantic lease sale 260. Additionally, on August 1, 2014, during the Department's Request for Information comment period for the draft proposed plan, 164 Members of Congress wrote to the Department encouraging them to establish a rigorous lease sale schedule in the Gulf of Mexico and open new areas for development. All of these letters, which are enclosed here, were signed by a broad group of Members of Congress reflecting different constituencies that recognize the benefit offshore oil and gas exploration would have on our communities and our nation's goal of becoming energy secure.

Clearly, members of the House of Representatives and the Senate have demonstrated their strong support for opening the Atlantic OCS for energy exploration and this support remains today. We continue to urge you to retain the entire proposed Atlantic lease sale 260 area without further restriction, and open these areas for future oil and gas leasing, exploration, and production.

Sincerely,

RICHARD HUDSON,  
*Member of Congress.*  
JEFF DUNCAN,  
*Member of Congress.*  
SCOTT RIGELL,  
*Member of Congress.*

Enclosures [3]: Letters dated August 1, 2014, March 27, 2015, and April 23, 2015

ENCLOSURE 1CONGRESS OF THE UNITED STATES  
WASHINGTON, DC 20515

August 1, 2014

Hon. Sally Jewell  
Secretary  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell:

As Members of Congress committed to a comprehensive domestic energy strategy, we encourage the Department of the Interior (DOI) to proceed with a new Five Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program for 2017–2022 that establishes a rigorous lease sale schedule in the Gulf of Mexico, but also expands opportunity for development to areas not included in the last plan—such as the vast acreage that was opened in 2008 when both the Presidential and Legislative moratoria on offshore drilling expired. A broad, bipartisan majority in the U.S. House of Representatives and the American public have long supported increased development of our nation’s OCS resources. This commitment has been repeatedly demonstrated by passage of legislation that expands access to these new areas, while continuing leasing in existing areas. We wish to see a Five Year Outer Continental Shelf leasing program that reflects these important principles.

The commencement of this program occurs at a critical time in our country’s resurgence as an energy superpower. Increasing onshore production on state and private lands is helping to pull our nation out of a recession and driving down our trade deficit. At the state and local level in Pennsylvania, Texas, Wyoming, Colorado, North Dakota and many others, economic activity related to energy production is creating thousands of jobs and generating increased revenues that are being reinvested in public education, transportation projects, and other municipal improvements. The energy boom on state and private lands stands as a paradigm of our nation’s entrepreneurial spirit. There is no reason why we cannot replicate this vigorous job growth in more states by opening new OCS areas for development as was envisioned in 2008 when the moratoria on the OCS was lifted in a bipartisan fashion between the then Democrat Majority House and President Bush.

Since the 1950s, the Gulf of Mexico has been the world’s preeminent area for offshore drilling alongside thriving fishing and tourism industries. This is where the technological innovation behind pursuing deepwater resources was born and where it has flourished. Today, over 60 years later, the playing field has significantly changed. Countries like Canada, Mexico and China are ramping up their efforts to develop their offshore resources and directly competing with the United States. Simply put: the status quo will not suffice. By producing more American energy from our OCS resources, we can help to insulate our nation from global price shocks and put the United States and our allies on a more secure path.

As you consider areas to include in the 2017–2022 Draft Proposed Program, we note that the administration and the Department of the Interior have made considerable changes to the structure and regulations that govern offshore energy development to enhance safety. The industry has also stepped up with the development of best practices and technologies focused on the areas of spill prevention, containment, and recovery. We are confident that these changes will allow offshore exploration and development to proceed in an environmentally responsible way.

For these many reasons, we believe the Department must move forward with a Five Year Program that continues to lease in the Gulf of Mexico but also includes new areas with the greatest resource potential as well as areas such as the Mid- and South-Atlantic, or the Arctic, where there is strong bipartisan support from Members of Congress, governors, state legislators, local leaders and the general public for allowing oil and natural gas development. With the formation of the 2017–2022 Five Year Program, this administration will be responsible for a decade of offshore lease planning; a legacy of leasing in existing areas will not put our nation’s offshore energy production on sound footing. We cannot afford to pass up this pivotal opportunity to expand safe and responsible OCS energy development.

It is our sincere hope that you will demonstrate a similar commitment to our nation’s energy future by crafting a program that increases offshore production in new



areas to create more American jobs, provide much-needed federal and local government revenue, and fortify our nation's growing position as an energy leader.

Sincerely,

Signed by the following Members of Congress:

Jeff Duncan	Bill Flores
Scott Rigell	Richard Hudson
Doc Hastings	Doug Lamborn
Rob Bishop	Bill Cassidy
Jeb Hensarling	Steve Scalise
Dave Camp	Joe Barton
Tom Cotton	Michael McCaul
Patrick McHenry	Shelley Moore Capito
Lamar Smith	Jim Jordan
Cathy McMorris Rodgers	Tom Price, M.D.
Robert Aderholt	Rob Woodall
Andy Harris	Mick Mulvaney
Patrick Tiberi	Mike Pompeo
Cynthia Lummis	Lou Barletta
Blake Farenthold	Glenn Thompson
Robert Hurt	Jim Renacci
Joe Heck, D.O.	Cory Gardner
Jim Bridenstine	Marsha Blackburn
Scott Tipton	Mark Amodei
Robert Pittenger	Peter Roskam
James Lankford	Chuck Fleischmann
Todd Rokita	Kevin Brady
Gregg Harper	Brett Guthrie
Pete Olson	Vance McAllister
Richard Hanna	Chris Stewart
Aaron Schock	Bob Gibbs
Steve Palazzo	Randy Hultgren
Phil Roe, M.D.	John Carter
Tom Marino	David McKinley
Scott DesJarlais	John Fleming, M.D.
Joe Pitts	Renee Ellmers
Tom Graves	Tom McClintock
Ann Wagner	Phil Gingrey, M.D.
Keith Rothfus	Paul Gosar
Randy Weber	Michael Grimm
Doug Collins	Austin Scott
David Valadao	Todd Young
Steve Stivers	Kevin Cramer
Kenny Marchant	Markwayne Mullin
Chris Collins	Stephen Fincher
Steve Womack	Roger Williams

David Schweikert	Sean Duffy
Sam Johnson	Adam Kinzinger
Paul Cook	Brad Wenstrup
Mo Brooks	Tim Griffin
Trey Gowdy	Sam Graves
Randy Neugebauer	Alan Nunnelee
Charles Boustany	Tom Reed
Susan Brooks	Reid Ribble
Mark Meadows	Mike Kelly
Raul Labrador	Diane Black
Billy Long	Bill Johnson
Rick Crawford	Jeff Denham
Rodney Davis	Randy Forbes
Ed Whitfield	Howard Coble
John Duncan	Bill Shuster
Steve King	Joe Wilson
Jason Smith	Pete Sessions
Bradley Byrne M.C.	Adrian Smith
Louie Gohmert	Lee Terry
Ken Calvert	Bob Goodlatte
Don Young	Mac Thornberry
John Campbell	Tim Murphy
Michael Burgess, M.D.	Matt Salmon
Virginia Foxx	John Culberson
Steve Chabot	Ralph Hall
Ted Poe	Michele Bachmann
Mike Conaway	Stevan Pearce
Lynn Westmoreland	Trent Franks
Tim Walberg	Paul Broun
John Kline	Blaine Luetkemeyer
Mike Coffman	Bob Latta
John Shimkus	Robert Wittman
Charles W. Dent	Tom Cole
Jason Chaffetz	Dana Rohrabacher
Marlin Stutzman	David Joyce
Patrick Meehan	Kerry Bentivolio
Lynn Jenkins	Martha Roby
Michael R. Turner	Steve Daines
Morgan Griffith	Mike Simpson
James Sensenbrenner	Fred Upton
Luke Messer	Andy Barr

ENCLOSURE 2CONGRESS OF THE UNITED STATES  
WASHINGTON, DC 20515

March 27, 2015

Hon. Sally Jewell  
Department of the Interior  
1849 C Street, NW  
Washington, DC 20240

Dear Secretary Jewell:

As Members of Congress who represent Atlantic states, we are encouraged by the Department of the Interior's (DOI) decision to include areas in the Mid and South Atlantic as part of the 2017–2022 Outer Continental Shelf (OCS) Oil and Gas Leasing Draft Proposed Program (“Five Year Program”), but we remain disappointed in the draft plan’s unnecessary restrictions in the Atlantic that could jeopardize America’s long-term energy and economic security. As the planning process moves forward in the development of the Five Year Program, we urge you to retain the entire proposed Atlantic lease sale 260 area without further restricting these areas for future oil and gas leasing, exploration, and production.

A strong all-of-the-above energy strategy for our nation cannot exist without a robust offshore oil and gas leasing program that includes access to America’s energy resources in the Atlantic. In the current 2012–2017 Five Year Program, 87 percent of America’s OCS remains off-limits to energy leasing, exploration and production. While other countries are actively expanding OCS energy development, it is unacceptable that our nation remains blindfolded with regard to what resources exist offshore and that this Administration continues to unnecessarily restrict access to critical domestic energy resources. The American public, and particularly the overwhelming majority of residents in our states, support the increased development of our nation’s OCS resources, and we wish to see a Five Year Program that reflects these important principles. Restricting access within a 50 mile buffer along the entirety of the proposed area, and only including one lease sale in 2021, fails to meet this standard. We urge the Department to reconsider the configuration of the buffer and add more lease sales earlier in the plan, which would more accurately reflect the desires of individual states.

As we have seen in the Gulf of Mexico and in other areas around the world for decades, other ocean industries, as well as tourism and military operations, can all thrive in conjunction with offshore energy exploration and development. In addition, there are numerous existing regulatory systems—at the state, federal, and local levels—that ensure the compatibility of all industries, as well as the conservation of our environment. By relying upon a cooperative process to reach science-based decisions, offshore development is guided by ample public input from state officials, local communities and leaders, and all coastal stakeholders. Furthermore, the energy industry has enhanced spill prevention and containment, as well as proven response capabilities, and the Department’s robust regulatory requirements have put in place various new standards that have made offshore drilling safer than ever. As the co-chairs of the national spill commission formed after Macondo said in April 2014, “offshore drilling is safer than it was four years ago.”

There is strong bipartisan support in our states from Members of Congress, governors, state legislators, local leaders and the general public for allowing oil and natural gas development in the Atlantic. Our states, which have not seen the direct benefits of offshore development, are anxious to reap the many economic benefits and help put America on a path to greater energy security.

Offshore energy production must play a key role as America continues to grow as an energy superpower—creating more good-paying American jobs, providing much-needed federal and local government revenue, and enhancing our nation’s energy security. For these many reasons, we urge the Department to move forward with a Five Year Program that includes the entire proposed Atlantic lease sale 260 area without any additional restrictions on access, while thoughtfully reconsidering the proposed 50 mile buffer.

It is also important that the Department work quickly to approve permits for seismic and other geophysical surveys in the Atlantic. These permits have been pending since last July when the Department completed its Final Programmatic Environmental Impact Statement and Record of Decision for Geological and Geophysical Activities in the Mid- and South Atlantic OCS. Since the current estimates of the Atlantic’s resource potential are out of date and based on surveys conducted over

30 years ago, the information derived from these new surveys will provide an updated and environmentally safe assessment of the oil and natural gas reserves in the Atlantic. As you have indicated in testimony before Congress, the importance of these surveys will enable informed decisions to be made on how to best utilize these resources to ensure our future energy security. Timely consideration and approval of the permits is critical so that companies can plan their operations, conduct the surveys, and process the data into meaningful tools that can be used by decision-makers.

We look forward to working with you to ensure that exploration and production of our natural resources continues to move America to energy security in the 21st Century. We await your response.

Sincerely,

JEFF DUNCAN,  
*Member of Congress.*  
RICHARD HUDSON,  
*Member of Congress.*  
SCOTT RIGELL,  
*Member of Congress.*

Also signed by the following Members of Congress:

Bob Goodlatte	Tom Price
Jeb Hensarling	Pete Sessions
Robert Hurt	Jody Hice
Joe Wilson	Rick Allen
Mick Mulvaney	Austin Scott
Tom Graves	Doug Collins
Mark Meadows	David Rouzer
Robert Pittenger	Mark Walker
Virginia Foxx	Renee Ellmers
Patrick McHenry	George Holding
Barbara Comstock	H. Morgan Griffith
Robert Wittman	Randy Forbes
Louie Gohmert	Paul Gosar
Glenn Thompson	Steve Pearce
Pete Olson	Cynthia Lummis

ENCLOSURE 3

CONGRESS OF THE UNITED STATES  
WASHINGTON, DC 20515

April 23, 2015

Hon. Sally Jewell  
Secretary  
Department of the Interior  
1849 C Street, NW, Room 7229  
Washington, DC 20240

Dear Secretary Jewell:

We are writing to express our views on the recently released Draft Proposed 2017–2022 Five Year Outer Continental Shelf (OCS) Leasing Program (DPP). Specifically, we have concerns over the premature restrictions placed on the proposed lease sale areas in the Atlantic, including the 50-mile buffer zone for the entirety of the Atlantic proposed areas, the permanent withdrawal of areas offshore

Alaska and the limited opportunities available under the program as proposed. As this process moves forward, we urge you to retain the entire Atlantic lease sale 260 area without additional restrictions in these planning areas for future oil and natural gas leasing, exploration and production. We also strongly encourage the Administration to make additional areas of the OCS available for leasing and to increase the amount of lease sales from the historic low number proposed in the draft plan.

As Members of Congress committed to a strong, comprehensive domestic energy strategy, we wholeheartedly believe that the United States must not shrink away from developing our nation's offshore energy resources. A robust Five Year OCS Program should be a key component of the Administration's all-of-the-above energy strategy that can continue to advance the job creation, economic growth and energy security gains that the U.S. has enjoyed thanks to the recent boom in energy production on state and private lands. Given that offshore developments have high costs and exceptionally long development timelines, the Five Year program sets the foundation for more than a decade of development. As such, we fear that the currently proposed DPP sets the stage for energy insecurity instead of domestic prosperity.

While we were pleased to see the Administration finally take a step in the right direction by including one potential lease sale in the Atlantic in the draft plan, this step was offset by the additional restrictions in the Atlantic and area withdrawals in the offshore of Alaska. What the administration proposed appears merely to be an effort to provide political cover irrespective of the opportunity foregone. When coupled with the imposed buffer zones, and an insufficient number of lease sales, none of which are required to be held, this draft proposal fails to produce a long-term energy policy that harnesses the potential of our nation's vast natural resources. In this respect it is disingenuous.

During your March 5, 2015 testimony before the House Natural Resources Committee you admitted that you cannot guarantee that the Atlantic would have a single lease sale in the final DPP. Considering that the Department of the Interior (DOI) is not mandated to actually hold any lease sale made available in a DPP, it seems shortsighted and irresponsible to limit at this early stage in the process the proposed lease sales to a number that doesn't even meet President Jimmy Carter's low threshold nearly 40 years ago.

This Administration's insistence on keeping more than 85 percent of our OCS off-limits to domestic energy development has been counterproductive to efforts to boost our nation's economy. Our struggling economy is on the verge of a transformational manufacturing renaissance and is capable of producing the resources needed to make it a reality. The federal budget needs new revenues, and U.S. energy security, which is finally on the brink of breaking OPEC's stranglehold, could be realized if not for these unnecessary bureaucratic barriers. Considering the significant and uncontrollable geopolitical forces that continue to impact our energy security, this Administration can no longer afford to ignore our abundant offshore resources.

There is strong bipartisan support from Members of Congress, governors, state legislators, local leaders and the general public for allowing oil and natural gas development in more areas of the U.S. OCS. States that have not directly seen the economic prosperity that accompanies offshore development are anxious to reap the benefits from the indirect investment in technologies and manufacturing that facilitate such work. We strongly believe that the Department should move forward from the DPP with a 2017-2022 Proposed Program that sets a more aggressive schedule of sales in currently open areas and also allows for the exploration of new areas, such as the Atlantic and the offshore in Alaska. These areas are significant for future resource development, without subjective and potentially damaging area withdrawals, omissions and exclusions. The 2017-2022 OCS Five Year Program must represent a significant departure from the existing moratorium on the vast majority of the U.S. OCS and embrace America's offshore energy program as a serious contributor to the nation's standing as an energy superpower.

Rather than just indulge our engagement in the development stages of the 2017-2022 OCS Five Year Program planning process, we ask that you actually work with Congress on this important proposal. We are at a critical time in developing America's energy policy, and decisions we make today will have an impact on future U.S. oil and natural gas production. Such decisions will also significantly impact our standing in a volatile global economy. It is important that the administration is forward-thinking in America's energy development planning and we are eager to work

with the administration to ensure we are headed down the path to prosperity and security through increased offshore American energy production.

Sincerely,

Lisa Murkowski	Rob Bishop
Tim Scott	Doug Lamborn
Bill Cassidy, M.D.	Garret Graves
John Barrasso, M.D.	Mike Lee
James Inhofe	John Cornyn
Rob Portman	Roger Wicker
Deb Fischer	Cory Gardner
Orrin Hatch	David Perdue
Johnny Isakson	Michael Enzi
Thom Tillis	Thad Cochran
Jeff Sessions	James Risch
Shelley Capito	Steve Daines
John Thune	David Vitter
Dan Sullivan	Ted Cruz
Tom Cotton	Richard Burr

—Signed along with 133 other Members of Congress.

Mr. DUNCAN. Do you think the 5-year plan will mirror the DPP, as far as the areas available?

Secretary JEWELL. There has been tremendous input that we have taken since the DPP. When the proposed plan comes out, you will see the answer to that question, based on the input we have received.

Mr. DUNCAN. Yes, and I appreciate the input that you have taken, and I hope that it does.

Are we seeing any serious movement on permits for G&G activity in the South and Mid-Atlantic? Because last year at this time, and a couple of times last spring, we had hearings with BOEM and some of the sub-agencies that are under you about G&G activity, and they have been slow-walking these permits. I know that is U.S. Fish and Wildlife Service doing that, but are we seeing any movement on that?

Secretary JEWELL. Yes. Actually, it would be NOAA Fisheries with the marine mammals that Bureau of Ocean Energy Management works closely with. We had 13 conventional energy G&G permit applications: 3 were withdrawn; 1 is being held pending additional information; 1 was issued, but they did not choose to use it, and it expired January 11 of this year; 8 are currently under review.

Six of them have applications with the National Marine Fisheries Service—one has not determined if he needs one yet, and one of them has not even begun that process. So, we are being responsive as the requests come in.

Mr. DUNCAN. OK, I appreciate that. And I ask you, could you just put that in writing into my office for me? That is just so I will have it for my record. We are asked about that quite a bit.

I want to shift gears a little bit. I followed the story in the Malheur Wildlife Refuge very closely, as many Americans did. When I was looking at the history of that, I understand that the Ammons had water rights and permitted grazing rights on BLM land within the refuge. Then, at some point in time, their access to that water was fenced off, and their road access to grazing areas was blocked off. That is based on what I read in numerous sources as I was investigating that.

Now, I am not going to get into Oregon's issues, but are those common practices within the U.S. Fish and Wildlife Service or within BLM, to block off permitted grazing rights or to block off water access?

Secretary JEWELL. Let me just clarify. I believe you are talking about the Hammonds. That is completely separate from the people that occupied the Malheur Refuge. And those two individuals who are serving time for arson charges on Federal public land basically distanced themselves from the people that took over the refuge.

Mr. DUNCAN. But it was all interconnected. I agree, it was the Hammonds, but their arrest and re-imprisonment was all part of what led to the occupation. So let's go back to just the Hammonds, and leave the Malheur Refuge out. The Hammonds had grazing rights on BLM land permitted. My understanding from what I read is that they also had water rights in the area that were fenced off, and then the grazing rights were blocked.

The question to you is, is that normal practice to do that when people have permitted grazing rights?

Secretary JEWELL. We operate within the rights that people are granted. So, I have to look specifically into the circumstances that you bring out, but there is nothing that I have heard from the BLM or the Fish and Wildlife Service that suggested that agreed-upon rights were not provided. That is consistent with the way we operate.

So, if there is something specific, we are very happy to respond directly on that.

Mr. DUNCAN. Will do that.

Secretary JEWELL. OK.

Mr. DUNCAN. Mr. Chairman, I yield back.

Secretary JEWELL. Thank you.

The CHAIRMAN. Thank you.

Mrs. Dingell.

Mrs. DINGELL. Thank you, Mr. Chairman. Thank you, Madam Secretary. I spent 2 hours in the dental chair before I came here, and I think I had a better 2 hours than you are having.

And I thank Mr. Duncan for the tone of his questions, because I do think that the Secretary is really doing a good job, and the Interior Department is something that is very important for protecting our natural resources in this country. Last week was Great Lakes week, and the advocates and local leaders were in talking to all of us from the Great Lakes Basin region. The Number one issue that is on everyone's minds is the Asian carp.

We have 20 percent of the world's fresh water, thousands of jobs are tied to it, a \$16 billion recreation industry. So, protecting the delicate ecosystem that provides drinking water—and, lord knows, drinking water is on everybody's minds throughout the country—it sustains more than 3,500 species of plants and animals. The presence of a single carp in the lakes could disrupt the entire ecosystem and cause serious damages to the lakes.

The Fish and Wildlife Service and the U.S. Geological Survey now are all involved in the fight involving invasive species. Your budget request was a very modest increase of \$669,000 to improve aquatic invasive species prevention. How will this funding help the Department prevent Asian carp from reaching the Great Lakes?—which you know has us all very neurotic. And what would happen if this were to be cut? Nobody else asked you this, but is it enough?

Secretary JEWELL. The short answer on this invasive species, of Asian carp and others, it is not enough compared to the situation we have. I hear it from every state and I hear it from both political parties.

We have \$13.5 million specifically for Asian carp for the USGS, in its work in eDNA, on early detection, and the Fish and Wildlife Service, on different methodologies to try and prevent the Asian carp from getting into the Great Lakes. It is a very serious and risky issue. We don't want it to get away from us, as we have with the zebra and quagga mussels that are infecting many, many water bodies.

This is really critical funding to maintain the work that we have done. If there was more money, we would be able to put it to good use, as well.

Mrs. DINGELL. Thank you, Madam Secretary. I want to also applaud the fact that your budget proposes a significant investment in our National Refuge System. Again, I think a lot of people are not appreciating the fact that these refuges are a national treasure, that it is a network of lands and water which have been established for conservation management and appropriate restoration of fish, wildlife, and plant resources, so that we are protecting these habitats generation to generation.

I was shocked when I read your testimony last night and saw that more than 400 staff positions have been eliminated since 2010, or have been lost. Your proposal to increase funding by \$25 million for the refuge system would go a long way toward making the investments we need to be making in the system. What consequences have you seen from the elimination of these jobs to invest adequate resources in the refuge system, and how will you use these increased resources you are proposing and I hope we are going to give you?

Secretary JEWELL. Well, I will give you a specific example from one particular refuge I had visited, which had a staff of 16. It is down to about six. They had a volunteer coordinator that burned out, because it is really a full-time position, so they could not even harness the volunteers necessary to continue the education programs. And this is a refuge that is located close to an urban area.

The budget that we have does prioritize urban refuges, in particular, to begin to give some of these children that are so discon-



nected from nature and urban areas an opportunity to understand what is at risk, but it does not even go close to addressing the issue of where we were a few years ago, in terms of providing access, resources, invasive species control, hunting, fishing access, and so on, which is so important to people on refuges.

I appreciate your support. We will put it to good use, largely around the visitor experience and the urban refuge partnerships. But it is nowhere near where we were just half-a-decade ago.

Mrs. DINGELL. Thank you, Madam Secretary.

Mr. Chairman, I had a question on self-bonding, but I am respecting your time limitations and would request asking a question for the record.

The CHAIRMAN. OK, thank you. But you are just in pain, right? You are just in dental pain, that is really the reason you are doing it, right?

Mrs. DINGELL. That is right. A tooth implant. I don't recommend it. It is more fun than this, though.

[Laughter.]

The CHAIRMAN. Probably more productive, too.

Mr. LaMalfa.

Mr. LAMALFA. Thank you, Mr. Chairman.

We appreciate you being here today. Notwithstanding the intensity of the questions today, they are very important because we get the same intensity when I go home to my district. The growing poll numbers on BLM and parks is not the same for the people that live next to them when they are subject to burning forest, wolf introduction, mountain lions, and all this other stuff they have to live next door to, and you are getting after their livestock, their pets, and even their families. So it is a little bit different when you live next to these areas as it is in the cities that they get the polling information from. That said, I do appreciate you coming here and answering the hard questions, as we have to in our districts.

For years there has been an effort to address water supply issues in the Klamath. We have worked many hours with folks up and down the region who are impacted by this situation, as well as my colleague, Mr. Walden, who is here today, who offered a draft bill that I think would have really gone a long way toward resolving these issues and providing a water supply certainty to those folks in the region.

Now what we have pressing forward is the dam removal. What I have here is a copy of an agreement in principle that you just signed this last month, in which the Department of the Interior agrees to work with California, Oregon, and PacifiCorp to create a so-called non-Federal entity to engage in removal of the four dams. This agreement focuses on dam removal alone, leaving the water supply issues of the basin unresolved. They are doing so without the approval of Congress or consultation.

Is this non-Federal entity you agreed to create subject to open government and Freedom of Information Act requests? And since my time is short, I will ask you for a compact answer along the yes-or-no lines.

Mr. CONNOR. The non-Federal entity has not been formed yet. It will be dependent on how it is structured. I don't know the answer to your question right now.

Mr. LAMALFA. Well, there is Federal involvement here with your agency and others.

Mr. CONNOR. It will be a non-Federal entity formed by the states of California and Oregon.

Mr. LAMALFA. But you are signers on the agreement.

Mr. CONNOR. The agreement in principle, which will include provisions to create this non-Federal entity by the states of California and Oregon.

Mr. LAMALFA. This seems like a front company for a process to avoid public scrutiny. My own staff had to work pretty hard to get involved in the Sacramento meeting. We asked to be part of one that is going on in Portland today, and they did not get back to us, but they will be there anyway. So that sounds like a no to me, because there does not seem to be the opportunity for open government or freedom of information.

OK, I have another document here. It is the confidential settlement communication discussion draft, which was circulated at that meeting I mentioned last week in Sacramento. This document specified that the non-Federal entity must be created by yesterday. Was there a signature made by your office yesterday on the creation of the entity? The target date was February 29.

Mr. CONNOR. No signature by our office.

Mr. LAMALFA. OK, very good. This was just a month after the first document, the AIP. Did Congress authorize the Administration to create a non-Federal entity?

Mr. CONNOR. The Administration is not creating a non-Federal entity. Congress has not authorized it. It is not a creation of the Administration. It is a creation by the states of California and Oregon, as contemplated by the agreement in principle.

The whole premise here is there has been a desire to have the Federal Government removed from the dam removal process. I understand that was an issue. That was one of the reasons why the Klamath Basin restoration agreement legislation was not enacted.

Mr. LAMALFA. Well, these are administrative goals.

Mr. CONNOR. Now we are taking the Federal Government out of the dam removal process.

Mr. LAMALFA. These are Administration goals here. Now here is Administration involvement. Unless you are doing it pro bono, it is going to have impacts on your budget.

The very fact you are involved and signed the agreement indicates that we are spending Federal dollars in this process. Is this a pro bono process?

Mr. CONNOR. There has been significant environmental analysis done on the question of dam removal.

Mr. LAMALFA. But are you spending money from your agency toward this effort?

Mr. CONNOR. Toward the environmental analysis associated with dam removal, yes.

Mr. LAMALFA. The answer would have to be yes, because you are spending your time, you are spending agency hours and staff, yes?

Mr. CONNOR. That is correct, Congressman.

Mr. LAMALFA. OK. So they do not feel it is important that they need authorization from Congress to participate in this project, even though we are supposed to budget for it.

Mr. CONNOR. There is Federal authorization for dam removal through the Federal Energy Regulatory Commission, and that is the process. The proceeding will go through the Federal Energy Regulatory Commission.

Mr. LAMALFA. But the process of creating a non-Federal entity, a shell corporation, basically?

Mr. CONNOR. That is not part of the FERC regulatory process. That is a creation by the states of California and Oregon.

Mr. LAMALFA. I am out of time, Mr. Chairman. Thank you.

The CHAIRMAN. Mr. Lowenthal.

Dr. LOWENTHAL. Thank you, Mr. Chair. And thank you, Madam Secretary, for being here and for answering all our questions.

I want to talk about coal, and I want to thank you for pushing the pause button on Federal coal leasing while you take a long-needed review of the program.

You have said before that this sort of thing, this kind of pause, has been done multiple times in the past, and I believe by Republican administrations. Is that right?

Secretary JEWELL. Yes, that is correct. Both under Nixon and Reagan.

Dr. LOWENTHAL. So, both under Nixon and Reagan it has been done before. We have had a bipartisan precedent for this pause. You have made it clear that this will not impact existing operations, even with a pause on new coal production, since coal companies now hold approximately 20 years' worth of coal under lease.

But I think it could be even more than 20 years, based upon current amounts of production, that coal use, as you have indicated earlier today, is actually on the decline. And, according to information that I have from the Energy Information Administration, coal production in 2015 was 10 percent less than in 2014, and that our use of coal to produce electricity in the United States is now less than 30 percent. I think that is great for the climate. I hope that number gets even smaller as we move forward and that we work with the Department of the Interior to develop more renewable sources for energy, rather than coal.

Can you tell us, in your words again, why is coal production down in the United States?

Secretary JEWELL. Largely, coal production is down because of a change to natural gas in electricity production. We are the world's largest producer of natural gas. Natural gas is both a cleaner burning fossil fuel than coal, as well as less expensive to construct new plants, and we have seen a significant transition. That, plus renewables and conservation is a large reason why coal has declined in its use.

Dr. LOWENTHAL. Isn't it also true that other countries are now becoming less interested in purchasing coal, and would rather also purchase more natural gas? Is that not true, also?

Secretary JEWELL. Yes, that is correct, also. We have seen significant declines, for example, in China.

Dr. LOWENTHAL. Well, I think, then, it is really important for us to get on the record to say that these changes in coal production are not due to administrative policies, but they are really due to the marketplace. And that the marketplace now is driving down coal production, not administrative processes or policies.

Actually, I think we have unfairly been subsidizing coal production, such as from the Powder River Basin, and letting coal be produced or mined at rock-bottom prices. So, I am glad you are taking another look at how we lease coal and that we do not give it away too cheaply, Madam Secretary.

But while you are doing this review, are you going to include some of the external costs that burning coal produces on our environment and on our public health?

Secretary JEWELL. It is our intent in the programmatic EIS to look broadly at the coal program, which will include the environmental impacts of the mining and burning of coal, and that will be scoped as we continue with this process in the coming months.

Dr. LOWENTHAL. Thank you. I think it is very important that we take this overarching careful look at coal.

I also want to commend you and your Department for taking a number of other positive steps. For example, the recent methane venting and flaring draft rule is a win-win for both the environment and for the taxpayers. Just last week, Gina McCarthy said that the oil and gas industry is emitting far more methane than was previously assumed. I think this rule will be timely and it is critically important.

I also want to thank you for the proposed rules to strengthen oil and gas oversight in national parks and wildlife refuges. I know Ranking Member Grijalva, Ms. Tsongas, and I sent to Assistant Secretary Schneider, with over 50 of our colleagues, asking her to finalize those rules as soon as possible.

The last question I have is, there was a proposed renewable energy competitive leasing rule which was published almost a year-and-a-half ago. When might we see that rule finalized?

Secretary JEWELL. Mike, do you have the answer to that?

The CHAIRMAN. You have 1 second.

Secretary JEWELL. Sorry, we will get back to you on that. I cannot scramble through the book in time.

Dr. LOWENTHAL. Thank you, and I yield back.

Secretary JEWELL. Thank you very much.

The CHAIRMAN. Mr. Graves.

Mr. GRAVES. Thank you, Mr. Chairman.

Secretary Jewell, thank you for being here. I want to thank all of you for being here. I also want to commend you for including funding for the Land and Water Conservation Fund in the budget request. I have seen some of the projects that you have participated in around the United States. I think when you acquire land from willing sellers, you make sure you are using the right investment principles in acquiring land that truly provides value to the country, and preserves opportunities for recreation, and I think it is the right move. Again, I want you to commend you for funding the program.

But I want to pivot on that a little bit. The Land and Water Conservation Fund is derived from offshore energy production. While you are proposing to conserve and protect lands in the West, primarily, you are taking money from offshore energy production, which is primarily, in some years up to nearly 90 percent of all offshore energy production, off the coast of Louisiana.

Your budget request further slaps the Gulf Coast in the face by proposing to take those funds to fund the Land and Water Conservation Fund and at the same time proposing to divert our GOMESA, Gulf of Mexico Energy Security Act funds and give those to Alaska.

I talked to Mr. Young earlier and told him that I was not going to say anything offensive about Alaska. I understand there are severe coastal problems and I have been to a lot of the coastal communities up there. He threatened to knife me if I did not put that caveat in there. He assured me it would be a non-essential part of my body.

[Laughter.]

Mr. GRAVES. But I am having trouble reconciling this, Madam Secretary. So let me just take the synopsis here.

You are taking funds from energy production off the coast of Louisiana and other Gulf states. You are funding the Land and Water Conservation Fund in western states to protect their environment and conserve lands. Then you are proposing to take other funds that were due to the Gulf states, and you are proposing to give it to Alaska. I am not doubting that there is merit there and I think they should have revenue sharing, but why is Alaska more important than the Gulf Coast, and why are the western states more important than the Gulf Coast?

Secretary JEWELL. Let me be clear on this, our position is that the offshore oil and gas revenues collected from Federal waters belong to all Americans.

Mr. GRAVES. And if I can quote you, you just said, in response to a question previously, that onshore flared gases were also a resource that all Americans enjoy.

As you know, for onshore production under refuge revenue sharing in the Mineral Leasing Act, up to 90 percent of the revenues that "belong to all Americans" are sent back to those states through the reclamation fund and through revenue sharing. So, this whole argument about it belongs to all Americans, and trying to treat onshore and offshore differently, it does not hold water.

Secretary JEWELL. Well, let me just say that we are talking about Federal waters. In state waters, obviously, the state gets the revenues. On lands that are within state boundaries, they have a 50 percent revenue share. Offshore is owned by all Americans, it is in Federal waters, it is not in state waters. So that is a difference.

Mr. GRAVES. Wait a minute, you are saying that onshore is not owned by all Americans? Because earlier you just said that flared gas was owned by all Americans. I thought that those lands were all Americans that are Federal lands within states' boundaries.

Secretary JEWELL. Public lands are owned by all Americans.

Mr. GRAVES. OK

Secretary JEWELL. There is a 50 percent revenue share.

Mr. GRAVES. And the mineral resources on those lands are all owned by all Americans.

Secretary JEWELL. That is correct.

Mr. GRAVES. OK.

Secretary JEWELL. And when it is within the boundaries of a state, there is a revenue share. When it is outside the boundaries

of the state, as in the case of the Outer Continental Shelf, there is not a revenue share until GOMESA.

Mr. GRAVES. And is that because the offshore energy production does not affect our coast? Like in the example of Deepwater Horizon, where we had 660 miles of our coast oiled in Louisiana? Is that the reason?

Secretary JEWELL. You are impacted both from environmental consequences and also economic opportunity. There is \$17 billion, I believe, for Gulf Coast restoration as a result, largely, of the BP Horizon spill.

Mr. GRAVES. Madam Secretary, I am sorry, you raised the same thing last time. That is because of law. You cannot say that we lose money because BP is now paying their fines and penalties. You cannot have a maintenance of effort swap here. So, Madam Secretary, I have to tell you, I am offended, I really am. And a lot of people in the Gulf Coast are offended.

But let me take it a step further. If you look at what is happening right now, we have lost 25 percent of our oil and gas workforce in the state of Louisiana, 25 percent in the last 14 months. To add insult to injury, you proposed a well control rule. God bless the people that work at Interior, and offshore energy is very, very complex and highly technical—but the rule that they have written, they fundamentally do not understand the technology associated with offshore energy. I don't want to pretend to understand it as well as industry does. I can tell you it is flawed.

Number two, you are proposing a \$10-a-barrel tax at the same time we just lifted the export ban. How in the world are we going to compete on a global basis if you are increasing the tax on a domestic product by anywhere from 30 to 40 percent of the prices? This simply does not make sense.

Secretary JEWELL. The well control rule will be finalized soon and I think you will find that significant changes have been made.

The CHAIRMAN. Thank you. But now we know all we have to do is brandish a knife to control him.

Mr. Beyer.

Mr. BEYER. Thank you, Mr. Chairman. Thank you all very much for being here. I would like to add my support to Mr. Cartwright's RECLAIM Act, which is bipartisan, that Mr. Cartwright is the lead Democrat on.

I would like to clarify. Dr. Benishek has left, but we said nice things about his praise of the Fish and Wildlife Service for delisting the gray wolves. Let's point out the judge set aside that delisting because, as part of the Fish and Wildlife delisting, they made it contingent on the state's developing scientifically managed plans for the wolves, and those scientifically managed plans did not happen. What we found was the wholesale slaughter of the gray wolves, poisoning, trapping, anything other than recreational hunting. So we will see how the court case goes and how it goes in the Senate.

I wanted to start with three thank you's. First, thanks so much for the Every Kid in a Park initiative. I think it is just great to get all of these fourth-graders—we are taking fourth-graders from Mount Vernon Woods Elementary School out to Great Falls. We are not going to let any of them fall in, but it will be very exciting

for them. I think it will perhaps change their lives to think about the outdoors in a different way.

Thank you very much for putting in your budget all the efforts to save the coal miners' pension fund. I know there are 100,000 coal miners that are affected by this. When the whole thing went bankrupt, there were a lot of people that were just desperate in southwest Virginia and across the country, who spent their lives mining coal who suddenly had no pension or health benefits to look forward to. So, thank you very much for that.

And thank you for putting the \$2 billion in for a coastal resilience project. Again, the East Coast of the Atlantic is so heavily affected by it. I am sorry Mr. Young has left because I was impressed to see in your written testimony that you said that this coastal climate resilience program will address the unique impacts of climate change in Alaska, where rising seas, coastal erosion, and storm surges are threatening Native villages that must prepare for potential relocation.

One quick question. It looks like the \$2 billion may not be approved. Is there any merit in looking for a smaller pilot project, \$5 to \$10 million, that would continue the National Fish and Wildlife Foundation's work on coastal resiliency?

Secretary JEWELL. Coastal resilience is a big issue. It is certainly on the Atlantic Coast; and Alaska, as you mentioned; and also on the Gulf Coast, which was part of the intent on the redirection of the GOMESA money to coastal resilience programs. It certainly did not exclude the Gulf, that is very much included.

We have a problem with coastal resilience across the United States. If we are not successful in this particular program, we are going to have to find ways to support these communities that are very much impacted. In your own state, the impact on Jamestown is very significant, both in terms of historic artifacts and archeological artifacts, because we see dramatic increases in sea level rise and storms associated with climate change. That is true along the Atlantic seaboard, as it is in Alaska and on the Gulf Coast.

Mr. BEYER. And we have seen a 14-inch rise in water level in Norfolk in the last 10 years, affecting the naval base.

Secretary JEWELL. Right.

Mr. BEYER. I would also like to mention an effort to quantify outdoor recreation's contributions. I think you know a little bit about outdoor rec. Once again, it is a bipartisan bill called the REC Act, the "Recreation and Economic Enhancement Act." It was introduced last year in the Senate by Senators Gardner and Shaheen, and now we are putting it together with Representatives Reichert, McMorris-Rodgers, and Blumenauer.

Can you tell us about how you will work with the Department of Commerce and the Department of Labor to make sure this kind of economic data is comprehensive and gives us the tools we need to stimulate outdoor recreation?

Secretary JEWELL. Yes, I am going to turn to Kris, because we are working very closely with the economic folks on this right now.

Go ahead.

Ms. SARRI. It is our hope to work with the Department of Commerce, the Bureau of Economic Analysis, and the Department of Labor to capture how beneficial the outdoor recreation is to our

economy. That would be something that all of the land management bureaus, whether it is within Interior, Forest Service, or NOAA, would work with those entities.

The hope is to create what they call a satellite account to supplement what we have in terms of data on economics from outdoor recreation.

Mr. BEYER. Great, thank you. We only have 35 seconds left. We spend a lot of time in this committee talking about the Endangered Species Act. Can you go one step further, because I know you have done a lot on connectivity, especially with the sage-grouse. Can you talk more about connectivity efforts, nationally?

Secretary JEWELL. Really, the key to habitat in general for species is looking at the landscape more holistically, and that means connectivity. One of the biggest challenges we have had has been fragmentation. You cannot really have little pockets and islands and support a species. The pine forest in the southern states, the Great Lake ecosystem, the Chesapeake Bay, these are all very important. Thanks.

The CHAIRMAN. Mr. Newhouse.

Mr. NEWHOUSE. Thank you, Mr. Chairman.

Welcome, Secretary Jewell. I have three questions to ask, so I am going to try to talk fast and I'd appreciate if you would do the same.

The state we both call home the last 2 years has suffered from record-setting catastrophic wildfires. In my district, certainly, that has been the case. Since 2000, the Department's budget for fighting wildfires was less than their actual cost. I know about the 10-year averaging system that you use for suppression efforts.

So after these last two fire seasons, do you think a 10-year average is the most practical way to allocate funding for fire suppression, even with your proposed \$290 million adjustment to the cap? Additionally, what will likely happen to other critical activities, such as forest fuel management, health, and resiliency projects, should more funds be required to fight fires in this coming year?

And, as a follow-up, what do you believe the Interior Department and Forest Service could do to ensure adequate forest management and rehabilitation occurs in order to get ahead of this vicious cycle that we find ourselves in?

Secretary JEWELL. Thank you very much for pointing out the vicious cycle. We do not have adequate funds in our budget to continue the work of rangeland and forest health, as well as fighting fires. It is more acute in the Forest Service than it is for the Department of the Interior, but it acute for both of us.

I was on the Colville Reservation. I am red-carded so I was able to go out on the fires themselves. These fires are burning hotter and longer, because we are not doing fuels treatment. We do not have the money to do that, so we would welcome a fix.

We have put in place in our budget the fix that was recommended by Congress in both bodies, and we hope that that passes. Certainly we could use more for fuels removal, and it would put people to work. We would welcome an opportunity to do that.

Mr. NEWHOUSE. I want to thank you for addressing the elephant in the room in your opening comments about the recent protests



that shined a spotlight on Federal management of lands in the West. I am talking about what happened in Oregon.

One of the issues I hear from my constituents is regarding the practice of back-burning. Certainly, in the case of the Hammond family, they are being prosecuted for using an anti-terrorism statute for trying to protect their private property, which I find somewhat concerning. It seems like that is over-prosecution, especially since the Federal Government uses the same practice. It is not unusual for those fires the Federal Government starts to spread onto private lands with no compensation to the landowner.

So, could I ask you your position on the use of back-burning? What would you have me tell my constituents who have to decide whether to protect their land or face an anti-terrorism charge if they do?

Secretary JEWELL. Well, let me separate these a little bit. Back-burning is absolutely an important practice for fuels management on private and public lands. When there is an inadvertent spread, which does occasionally happen, there is typically not a criminal prosecution. The situation with the Hammonds was different and there was other poaching activity that was being covered up that came out in that criminal prosecution, which has not really hit the media.

But, there is no question back-burning is important and I would suggest that your constituents work closely with the Federal land management agencies to coordinate those efforts. We do that frequently across the landscape.

Mr. NEWHOUSE. One more question, just real quickly. Given that there is ample evidence to support delisting of the gray wolf, do you believe that the wolf has been adequately recovered, and should be delisted?

Additionally, why has the Department of the Interior and the Fish and Wildlife Service failed to finalize this proposed rule and move forward with delisting?

Secretary JEWELL. The Fish and Wildlife Service has recommended delisting of the gray wolf due to recovery. We have had that action stayed by the courts. So, we cannot move forward as a result of that. But we have recommended for delisting due to recovery.

Mr. NEWHOUSE. So you support delisting?

Secretary JEWELL. Correct.

Mr. NEWHOUSE. We look forward to working with you on making that happen.

Secretary JEWELL. Thank you.

Mr. NEWHOUSE. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Ms. Secretary, I don't know what your schedule was. We have roughly about 40 minutes worth of questions still here with this panel. That would take us to quarter to. Are you on a drop-dead schedule here?

Secretary JEWELL. No, I am willing to stay until quarter to.

The CHAIRMAN. OK. Mrs. Torres.

Mrs. TORRES. Thank you, Mr. Chairman. I am happy to be having at least an initial discussion on a budget process here in this committee.

Secretary Jewell, thank you for being here. As you know, the Indian Health Service, through its annual appropriation, provides contract support cost to Indian tribes in tribal organizations to offset the cost of administering IHS-funded programs under self-determination contracts.

Indian tribes and tribal organizations have raised concerns about the contract support funding shortfalls, and note that these shortfalls have resulted in reduced services or decreased efficiency for tribes with contracts.

My first question to you is, do you consider the Fiscal Year 2017 request of \$278 million for contract support costs adequate to help tribes as they work to provide effective health services?

And second, because we don't have a whole lot of time, how were tribes consulted and their program needs considered when coming up with the \$278 million budget?

Secretary JEWELL. Let me just answer generically. The Indian Health Service is within HHS, so that is not my budget. But we do have contract support costs for all of the self-determination contracts we have in Interior.

We are fully supportive of 100 percent contract support costs and that is what we anticipate the level to be that is reflected in our budget. We did settle the litigation which was around past non-payment of contract support costs. That resulted in close to \$1 billion of payouts to tribes for us not living up to our obligations in the past. This budget reflects our intent to pay full contract support costs, both for Indian Health Service and those contracts as well as those within Interior and other agencies.

Mrs. TORRES. So, my second question was how did that process look like?

Secretary JEWELL. I am sorry.

Mrs. TORRES. What did it look like? Were you consulting with tribes to ensure that their needs were met?

Secretary JEWELL. The short answer is yes. There is a tribal budget committee that meets in conjunction with policy, management, and budget. There is tribal consultation throughout.

Ms. SARRI. Yes, we worked very closely with the tribes in looking at the program costs on this issue.

Another thing that we did this year is, we adopted what the Congress provided in 2016, which is an indefinite count, to make sure that there are sufficient funds for contract support costs. We continued the proposal from last year, where we were asking for full mandatory funding in 2018 for this purpose.

Mrs. TORRES. Thank you. Going back to the question that Mr. Graves asked, can you help me understand that process of funding or taking funds from international waters, which would be considered for the entire country, and areas where it is within a state? What does that look like?

Secretary JEWELL. In 1964, Congress passed the Land and Water Conservation Act. That said we are going to allow up to \$900 million from offshore oil and gas activities in Federal waters to support land conservation across the United States. That was authorized and roughly about 50 percent of what was authorized has been spent over the years. That is because those are in the

Outer Continental Shelf waters that belong to all Americans. As Congressman Lummis said, it is about 1.7 billion acres.

Onshore, within the boundaries of the states, there is a 50 percent revenue sharing. When BLM typically does oil and gas activities by private companies, those companies pay a royalty to the Federal Government. Half of that goes to states when it is onshore. That is not true offshore, with the exception of this GOMESA proposal, the Gulf of Mexico Energy Security Act, which starts to ramp up in 2018 and directs money from revenue sharing from Gulf of Mexico production to four states only. The President's budget recommends that be repealed and that money be used for coastal resilience projects across the country.

Mrs. TORRES. So, the only way to change that formula would be through the legislative process?

Secretary JEWELL. That is correct.

Mrs. TORRES. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. Thank you. Mr. Gosar.

Dr. GOSAR. Thank you, Madam Secretary, for being here. One of President Obama's signature pledges on the campaign trail was to run "the most transparent administration in U.S. history." In fact, his commitment to create an unprecedented level of openness still stands proudly at the top of the White House's Open Government Web page.

Secretary Jewell, do you believe in transparency and honoring that pledge?

Secretary JEWELL. I do.

Dr. GOSAR. Does your agency typically comply with the Freedom of Information requests, and if so, what is the average turnaround time?

Secretary JEWELL. We do comply with the requests. That is done by career staff. I don't know what their average response time is.

Dr. GOSAR. My understanding is you do try to respond within 30 days, true?

Secretary JEWELL. I don't know.

Dr. GOSAR. I find it interesting that yesterday at 4:00 p.m. your agency sent me 143 pages of crap, responding to an FOIA request from eight Members of Congress made 3 months ago about information related to potential monument designations.

In our request, we asked for all Federal land units under your jurisdiction that have been considered, analyzed, and designated as national monuments since January 20, 2009. Your agency sent us a crap sandwich, comprised entirely of other Members' written questions to you during last year's budget hearings without your response. A third-grader could have provided this. Shame. And you wonder why we have problems.

Your agency is intimately involved in carrying out the national monument designations, right?

Secretary JEWELL. That is a Presidential power. We are asked to weigh in on recommendations.

Dr. GOSAR. But you are involved?

Secretary JEWELL. Yes, we are involved.

Dr. GOSAR. OK.

Secretary JEWELL. Sometimes.

Dr. GOSAR. In fact, your agency requested \$43 million, a \$9 million increase for such activities in this year's budget. Since you have not responded to our FOIA request from the eight Members of Congress, I am going to give you one more chance today. How many more new national monuments does this Administration plan to designate this year? What are the names and geographic locations of potential monuments being considered?

Secretary JEWELL. That is entirely up to the President of the United States. There are many people that come through the doors saying, "We would like you to look at monuments." There are assessments that happen from places across the country of interest. They go directly to the White House.

Dr. GOSAR. Let me stop you there. So, the President has not given you any detailed leanings, one way or the other?

Secretary JEWELL. The President has not.

Dr. GOSAR. Absolutely zippo?

Secretary JEWELL. Absolutely zippo.

Dr. GOSAR. OK, let's move on. Let's go to another one.

Have you ever visited Oak Flat?

Secretary JEWELL. I have been to the area. I have been to the San Carlos Apache Tribe, and very close by.

Dr. GOSAR. But you haven't, though.

Secretary JEWELL. I have flown over it. I have not been on the ground.

Dr. GOSAR. You have not been on the ground.

Secretary JEWELL. I have not been on the ground.

Dr. GOSAR. OK. Well, once again, the same type of thing. In December 2014 you stated in a poorly worded press release, "The Oak Flat area has significant religious, cultural, historical, and archeological value." If you never visited there, how can you make such a claim?

Secretary JEWELL. I sat in a room in a nursing home with elders from the San Carlos Apache Tribe, all of whom were in tears over the potential mining development of Oak Flats.

Dr. GOSAR. Oh, I am glad you just said that. I have very little time. Dale Miles, a current member of the San Carlos Tribe, and a former tribal historian, recently wrote a full-page Op-Ed stating that the Oak Flat Campground had never been a sacred site. Here is a copy for your record, so you can read this.

Three times, Representative Ann Kirkpatrick and I have sent the Park Service a bipartisan letter asking the agency to withdraw a fundamentally flawed historical place nomination for Oak Flat. The first time this nomination was published in June 2015 there was no notification to my office, nor Ms. Kirkpatrick's. The initial nomination was redacted, included no maps, and was listed under a misspelled city, not even close to the proposed location.

Just yesterday, the Park Service finally utilized the name Oak Flat and published a new listing notice in the Federal Register, allowing 5 days for public comment. Does this sound like a transparent process to you?

Secretary JEWELL. There are many, many properties that come up for National Register listing. I don't know what the normal process is.

Dr. GOSAR. Five days of public comment for people around there is an adequate statement, right?

Secretary JEWELL. I will have to look into it. I don't know the specifics.

Dr. GOSAR. You know, this gets old and old, and you were talking about back-burning in forests. When are we going to start taking the loads out of the forest so that we do not have these exorbitant catastrophic fires? I mean 4FRI initiative is one of those applications where we are supposed to be going and thinning the forest so that we do not have this horribly, despondently, non-scientifically based problem of burns.

We need to come to a common denominator here and start pushing common sense. Thank you.

The CHAIRMAN. Mr. Polis.

Mr. POLIS. Thank you, Mr. Chairman. I want to actually follow up on a bill that I have with Mr. Gosar, who just got to ask the question.

Madam Secretary, of course we know that renewable energy development on public lands has great opportunity. Since 2009, there have been over 50 large-scale renewable energy projects approved on public lands. But the siting and permitting process around getting those renewable energy projects going frequently stands in the way. I recently heard an anecdote from a company yesterday that abandoned a project after seeking permitting for several years.

When we compare this to oil and gas, it just seems to be they get our public lands without hardly any notice, and without any NEPA process or anything else. They just go and drill. So, I wonder what we can do to make it more of a level playing field.

I, along with Mr. Gosar, have introduced the Public Lands Renewable Energy Development Act. As an overseer of 20 percent of our Nation's land, can you commit to pushing for more renewable energy development and facilitating and expanding the opportunities to move through the permitting process around use of Federal lands for renewable energy?

Secretary JEWELL. Let me just start by saying we do a NEPA process any time we do activities on Federal land, including with oil and gas. But, absolutely, it is our intent to help facilitate renewable energy development.

I think the best examples of that have been in California and Nevada, which have been the Desert Renewable Energy Conservation Plan, a landscape-level look, and then the solar energy zones within the state of Nevada. We would welcome the opportunity to do more of that and to accelerate the potential that we have on our public lands.

Mr. POLIS. Are you saying that establishing a drilling rig on public land requires the full NEPA process?

Secretary JEWELL. We do NEPA when we do the leasing process. I don't know that each individual rig would require that. I don't think so, once we issue a permit. That is within the broad NEPA for the development in each of those areas.

Mr. POLIS. Yes, once the land is leased, there is really no NEPA process around the siting of the wells.

As you know, I represent a district that has a great tourism economy. And of course, one of the types of land you oversee are

our national parks. And, of course, congratulations on the centennial. We are very excited about that. We had a number of festivities in Rocky Mountain National Park in my district. We had our own centennial last year for that same park.

It is also, of course, an economic lifeline for our area; 3 million visitors generating hundreds of millions of dollars of economic activity and thousands of jobs. And, of course, it is your responsibility to maintain those treasures. Rocky Mountain National Park alone faces a deferred maintenance backlog of \$68 million.

Do you believe that the National Park Service has the efficient resources to manage its natural assets across ecosystems? And, what can Congress do to help ensure that NPS can help maintain this vital investment in keeping economic prosperity in regions where our economy relies on our national parks?

Secretary JEWELL. Well, thanks for recognizing that an investment in national parks actually drives a great return to the American taxpayer. It is about 4 dollars of return for every dollar spent.

The budget that we have, on the discretionary side, begins to chip away at the maintenance backlog. But we really need a longer-term solution, and we have put on the table proposed Centennial legislation that would do that and would clear up the high priority maintenance backlog within 10 years. We would very much appreciate support from this body to make that happen.

Mr. POLIS. Thank you, and thanks for mentioning the return on investment for public lands. You mentioned four-to-one.

In addition to that return, it is also crucial that we make sure that all Americans, including diverse populations and under-served communities and youth, have opportunities to experience nature and benefit from our public lands. What can your Department do to help connect people, especially diverse and under-served populations, with the great benefits of the outdoors and our public lands?

Secretary JEWELL. Thanks very much for the question. We have about \$100 million spread across the Department with everything from internships at the USGS to Every Kid in a Park. The Every Kid in a Park program gives every fourth-grader in America access to America's public lands. We are gearing up our training for that. We are raising private money, supplemented with our money, to get Title I schools access to go out to those places. There are many other programs that we are doing philanthropically, as well as with our own resources, to ensure that next generation is introduced.

Mr. POLIS. My final question is around interstate transmission lines, like TransWest and Gateway South. There has been concern that they were given deferential treatment, even though they have huge impact on, for instance, sage-grouse habitat, as well as other areas with wilderness character. What are you doing to ensure that transmission lines will not cause undo and unnecessary degradation to our public lands?

Secretary JEWELL. Well, that was certainly factored into the analysis. We know these are important lines and we took that into account with the sage-grouse plans. Thank you.

The CHAIRMAN. And for the record. Mr. Zinke.

Mr. ZINKE. Thank you, Mr. Chairman.

You mentioned that the driver behind the lack of coal demand was the market. But I will submit to you also that the punishment that coal has been taking on regulation also has an impact. My question really is about the moratorium.

You said in statements and today that it would not affect jobs. But have you done an economic analysis of the jobs in states like Alabama, Arkansas, Colorado, Kentucky, Wyoming, North Dakota, Oklahoma, Utah, and Montana on the effect of jobs and the moratorium on coal leases?

Secretary JEWELL. The pause that we are putting on coal leases for the length of the PEIS had a number of exclusions to them, exclusions for metallurgical coal, recognizing that existing coal mines have nearly 20 years, or more than 20 years, of coal under lease. But exceptions also so that if a mine is at risk of shutting down, that we can consider that an exception, or if a power plant is at risk of shutting down.

We also grandfathered a number of projects that were in the pipeline and nearing completion, and we have provided ongoing ability for people to conduct their NEPA analysis so that they can continue their efforts during the time we are doing the PEIS. So, we believe we have made accommodations to where there will be no impact on coal jobs.

Mr. ZINKE. So, do I have your commitment, then, if a mine company applies for one of these exceptions, your agency will work to ensure that the processing of those requests and applications is done before they have to shut down?

Secretary JEWELL. Yes, I mean they have to come to us with sufficient time. They cannot come the day before they are going to shut down, but as long as they come to us and work with us, we are very happy to work with them to support the exceptions that we have put in place.

Mr. ZINKE. Well, thank you for your commitment.

Turning to the buffalo, which is a big issue in Montana with the BLM; I went out to Montana and toured across, and there is concern about placing the buffalo. The argument is this: the cattlemen that lease BLM land are required to have a certain number of animals per acre, they are required to have fences, they are required not to graze year-round, and there are a number of U.S. Fish and Game areas that have been identified for grazing not to occur. The fear is that when the buffalo came in, it seems like we have scraped all those rules away. The proposal is that buffalo do not have to have number of buffalo per acre, fences are going to be removed because buffalo are very difficult to keep in a fence, there is year-round grazing.

And you talked about the NEPA process. If we are going to make a change of that scope, would you agree that the same environmental impact statements would apply to cattle as they do to buffalo if we are going to make this scale of change?

Secretary JEWELL. I know there is a national bison plan. I am not specifically familiar with how a bison-grazed range compares versus a cattle-grazed range. All that would be taken into account if we were taking Federal action to impact that. But we are happy to get back to you for the record with more information on that, if that is helpful.

Mr. ZINKE. Well, and the national bison plan is by a group. I have never had a problem on private land when you do it, as long as it brucellosis free, and there are provisions in place where the cattle and buffalo can live in a relative area of harmony. But on public land, we are obligated to have the same environmental review on it, and if there are brucellosis problems, they need to be addressed. The buffalo plan, to my knowledge, has never been through the state of Montana, where it affects it.

My last question is about parks. I am sure we all agree on the importance of our parks. But looking at your budget, we all know you are behind. I just got finished talking to the superintendent of Yellowstone. I know the superintendent of Glacier. I know how important it is, I grew up in the backyard. You and I both have toured the parks. But in your budget it does not seem like you prioritized the infrastructure.

So, if the infrastructure is so important on road maintenance, why isn't it at the top of the list on your budget, as far as national parks?

Secretary JEWELL. Infrastructure and beginning to deal with the backlog is a very high priority in our budget. So it is in there, not only in the discretionary budget, but also in our recommendations for the centennial initiative, which would clear up the high-priority maintenance backlog over 10 years.

Mr. ZINKE. Would you say it is a top priority? Because as you look through it there are a lot of other programs in there, but it should be infrastructure first, I would think, before some of these other education programs and some of these ones that are less on the list.

Secretary JEWELL. In our centennial year of the Park Service, visitor experience also is very important.

Mr. ZINKE. Thank you.

The CHAIRMAN. Look, we are almost a quarter to. I have four, five Members left. I don't know about your time and I feel bad about this, but if I could ask us to voluntarily limit to 3 minutes instead of 5 for the last round, can you stick around that long? I am sorry.

Mr. Gallego.

Mr. GALLEGO. Secretary Jewell, as you know, PILT is one essential program that supports rural counties in Arizona and across the West. In fact, Arizona receives the fourth largest PILT payment in the country. Counties depend on PILT funds to provide a quality of services. They provide it every year, but they are struggling without permanent, stable funding from Congress, in terms of the long-term budgeting.

The volatility that county budgets have faced during the annual budget process has caused counties to withdraw money from their reserve accounts to pay for essential services. The continued instability will eventually lead to layoffs of some of our essential employees in these county areas.

Secretary Jewell, could you talk about the importance for Congress to work to secure guaranteed future funding for PILT and how it impacts services on public lands?

Secretary JEWELL. Thanks for the question. We do not believe that PILT should be subject to the vagaries of this budget process



every year. We know it is essential for 911 services, for many, many county services, education and so on. So, we are fully supportive of a long-term solution to this, and we would welcome this body working with us on that. Thank you.

The CHAIRMAN. Wow, thank you.

Mrs. Radewagen.

Mr. GALLEGO. Done.

The CHAIRMAN. Oh, I am sorry, were you done?

[Laughter.]

The CHAIRMAN. OK, Mrs. Radewagen.

Mrs. RADEWAGEN. Thank you, Mr. Chairman.

Secretary Jewell, thank you for taking time from your busy schedule to be here today. I know you have a demanding job and I appreciate the work you do.

As you know, every year a little over \$22 million is provided to American Samoa by the Office of Insular Affairs for the operations of the local government, judiciary, community college, and LBJ Hospital. The people of American Samoa are very grateful for the assistance that the United States provides and we cherish our relationship, as demonstrated by the rate of enlistment into our Nation's armed forces, which is higher than any other state or territory.

However, as you may know, this level of funding has not changed since its inception over 20 years ago, despite inflation, a growing population, and federally-mandated wage hikes. On page 19 of the Fiscal Year 2017 budget justifications for OIA, it is noted that American Samoa does not have sufficient local revenues to fund the entire operating costs of its government.

Also, within that very section, it is noted that a secondary object of the funding program for American Samoa is to promote self-sufficiency by maintaining the operations funding at a constant level. Requiring American Samoa to absorb the costs of federally-mandated wage hikes and inflation does not lend itself to self-sufficiency. Actually, quite the opposite.

By maintaining a consistent funding level since its inception, the government of American Samoa has been forced to play catch-up, which has caused some real needs on the island.

For instance, the hospital cannot serve our local veterans, due to the fact that they do not meet VA standards, forcing them to fly to Hawaii, which is like flying from Los Angeles to DC every time they need hospital care. An increase in this funding would go a long way in resolving those issues at the hospital. The ASG operation funding provided currently represents approximately 13 percent of ASG's general fund revenue and 11 percent of LBJ's revenue.

Costs that are outside of the control of our constrained local government, and costs that prevent our people from resources that could be needed, could be used to further other initiatives, such as badly needed energy infrastructure projects and climate change initiatives.

I look forward to continuing to work with the Department to ensure that the people of the U.S. territories, and particularly American Samoa, are not left behind and are allocated the same resources and opportunities as their counterparts in the states.

Mr. Chairman, I yield back.

The CHAIRMAN. Thank you.

Mr. Hardy.

Mr. HARDY. Thank you, Mr. Chairman. Thank you, Madam Secretary, for being here along with your deputies.

Each year, we hold budget hearings and we hear about the massive backlogs. Currently it is at about \$19 billion. Yet the same time each year the Congress receives a request to spend hundreds of millions of dollars on acquisition of new lands, which gives me grave concern, especially with the comment that I just heard a few minutes ago that we acquire these lands to close access to our lands. Those were your words when the question was asked.

Also, it is hard for me to understand and square this circle when we need these extra dollars. I understand that we have massive bureaucracy that already cannot manage the enormous land holdings currently in its possession and asking for more money to buy more land gives me concern. Either we manage the land we have, or let someone else buy it who can take care of it.

Let's say that the Department of the Interior gets this \$20 billion that it requested in the President's budget. That is an 11 percent increase. Can the American people expect a minimum 11 percent decrease in our backlog with that 11 percent better management across the board? And especially given the fact that the budget requests are funding another 1,100 new full-time employees?

Secretary JEWELL. Let me start with the first part of your comments. We actually have money in the budget to increase access through the Land and Water Conservation Fund. There is money in there that would be used for sportsmen's access, for conservation easements across private land. There is nothing that we do in the Land and Water Conservation Fund to limit access.

Mr. HARDY. Thank you. Mr. Thompson made the statement and asked you about why we acquired these lands, and your words were, "It helps us close access."

Secretary JEWELL. No, I don't believe I said that. I think that is incorrect.

Mr. HARDY. Well, it is on the record.

Secretary JEWELL. Kris was going to answer your other question.

Mr. HARDY. OK.

Ms. SARRI. Sorry, I just want to be clear. In terms of the \$18 billion figure, that includes permanent and mandatory funding. The fair comparison is the \$13.3 million that is in discretionary funding, compared to the \$13.4 million in discretionary last year.

Mr. HARDY. OK. The answer should be yes, in my opinion. So, I want to go to another thing that was just stated here by Mr. Polis, from the other side of the aisle. You asked a question that said a four-to-one return was on those public lands. Is that the case?

Secretary JEWELL. That is a National Park Service number.

Mr. HARDY. OK. He said public lands, you said Park Service. OK. With that, we should not be needing a budget. We should be able to handle it yourself, if you are getting that kind of return.

Secretary JEWELL. The return goes oftentimes to local communities, places like Estes Park in Colorado, like Moab, Utah. So it

is not a return to the Park Service, it is a return to the local communities, largely.

Mr. HARDY. With your indulgence, Mr. Chair, I really would like to ask a question on sage-grouse. The BLM indicates that it will focus on revoking the withdrawals that are no longer needed. At the time they announced the 10 million acre mineral withdrawal, DOI officials went on record as saying the withdraw areas do not appear to have highly prospective mining.

On what information were such statements based, as there is abundant USGS and state data indicating otherwise?

The CHAIRMAN. I have been unfair with trying to cut these last questions off quickly, so I will give you a chance to answer that, if you would like to.

Secretary JEWELL. OK, I will answer very quickly. The 10 million acres of proposed lands for mineral withdrawals are 10 million acres that are critical habitat for sage-grouse. There are some areas that have mining potential. The vast majority of them do not. We are working through this 2-year segregation process with states, with mining companies, with counties and other interested parties, to identify areas where they believe they should not be part of the withdrawal.

There are active discussions, for example, going on in Nevada. We are going to continue to work with states throughout this 2-year segregation process.

The CHAIRMAN. OK, thank you.

Mr. Walden.

Mr. WALDEN. Thank you very much, Mr. Chairman.

Madam Secretary, Secretary Connor, thank you for being here today. I will try and move through these quickly.

First of all, as you know, the Malheur Wildlife Refuge is in my district. We appreciate the work of the people who work there and at the BLM and I understand what they have been through. They are important parts of our community. But I want to get to the issue of the monument.

You and I had a phone conversation about this. I know you met with Judge Grasty and Commissioner Reynolds, as well. And the Malheur County Commission and judge there have written you expressing their opposition to any monument there. I just want to reconfirm: there is no effort in your agency, there is no coordination with CEQ or the White House that you are aware of to do an Owyhee Canyons National Monument?

Secretary JEWELL. The concept of Owyhee Canyons came from Keen Footwear. It has been kicking around, it is one of those things people have recommended to us. But we have not held any community meetings, we have not had any discussions in those communities. People have not been actively in my office asking about it.

Mr. WALDEN. OK, but is there any coordination with the White House that you are aware of, or with CEQ, because I would assume they would have to come to you.

Secretary JEWELL. Not that I am aware of.

Mr. WALDEN. If that does happen, would you be willing to let me know and the committee know?

Secretary JEWELL. Yes.

Mr. WALDEN. If that process begins.

Secretary JEWELL. Yes.

Mr. WALDEN. Because, as you and I have talked in the past, there has been dark-of-night from prior administrations that have caused you headaches and people I represent real concerns.

Secretary JEWELL. I understand.

Mr. WALDEN. I appreciate that. Second, now that the armed standoff is over at the refuge, I do hope the BLM will move rapidly on complying with Federal law regarding Steens Mountain and the fencing issue up there on Steens. I think you talked to Judge Grasty about that, as well.

Secretary JEWELL. I did talk about that with Judge Grasty and I plan on following up with the BLM.

Mr. WALDEN. Perfect, because under the Cooperative Management Protection Act, which I helped author, that fencing, if it is an issue of doing an EA or an EIS, could cooperatively be done on adjacent private land. The landowners are open to that to facilitate this compliance with the law. The BLM was wrong in this case in their initial analysis and I hope you can help correct that.

On another note, thank you for coming out regarding the sage-grouse habitat cooperative collaborative. I am sure you will be disappointed to know one of the environmental groups has now sued over that. This is kind of the frustration that we feel very strongly, as I don't have to tell you in the West, when the collaboration does come together and then another group sues. It is really, really frustrating to what we are trying to do out there. And so, that is an issue, as well.

I want to commend the Interior Department for finally getting done the change in the Wild and Scenic Rivers status on Bowman Dam and moving that down. It took far longer than I wanted it to take, but I commend you for finally getting that done. This is a important movement forward.

As for law enforcement funding, because this was a Federal facility, and because most of the people who were there were not from Harney County, let alone from the state of Oregon, I do hope the Federal Government will figure out a way to help cover some of the local costs. I know you are looking at that. I don't know if you have anything to add to any of those statements.

The CHAIRMAN. Again, let me give you some flexibility, because these are arbitrary time limits.

Secretary JEWELL. Thank you for your comments, and particularly for your advocacy of the people of Harney County and also for the education we had in my conversation about your work on Steens Mountain.

I don't know about the reimbursement and how the process works with the FBI and so on, so that is certainly something that we are happy to have a dialogue on. But I don't know what the rules are.

Mr. WALDEN. And I am with you, but I would be happy to have that conversation on this and other matters. And I will be meeting with Mr. Bezdek later this week on the Klamath Basin.

Secretary JEWELL. Great. Thank you.

Mr. WALDEN. We are out of time to get into that, but I look forward to continuing those discussions, as well. Thank you.

The CHAIRMAN. I ask unanimous consent to have Mr. Luján added to our panel, as well.

[No response.]

The CHAIRMAN. We recognize you. Try to keep it within 3 minutes and we will see how close we can get it for you.

Mr. LUJÁN. Thank you, Mr. Chairman.

There are three documents that I asked to be given to you, Secretary Jewell, I hope that they have been put in front of you. There are three documents that have been given to your staff right behind you. If you could, please hand them to Secretary Jewell. Thank you so much.

The first document is a right-of-way agreement between San Ildefonso Pueblo and Santa Fe County. If you would go to page 5 of that agreement, Madam Secretary, you can see that it is signed and agreed to by San Ildefonso Pueblo Tribal Council on this day, June 6, 1989. On page 6 of that agreement, there is an amendment. This amendment is to issue rights-of-way to some of the county roads.

I want to read this into the record. "This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following: the El Ranch Bridge, County Road 101D, and County Road 84," which is critically important, County Road 84. "All rights-of-way are as presented in the resolution dated June 6, 1989 and addressed in San Ildefonso's resolution SI008, dated June 6, 1989."

The purpose of this amendment is to specify the term of "rights-of-way." "It is hereby agreed to by all parties that the rights-of-way for items one, two, and three," item three, which I will remind everyone is County Road 84, "in this amendment are granted in perpetuity." The way I understand perpetuity, that is forever, right? That is perpetuity.

"By San Ildefonso Pueblo and the Santa Fe County," signed by Santa Fe County, signed and dated by the former governor of San Ildefonso Pueblo, signed and dated by the Secretary of Tribal Council, signed and dated by the county attorney, and then it says "approved by the Bureau of Indian Affairs," and it is signed and dated. Madam Secretary, that was 1989.

On December 6, 2013, the BIA wrote a letter to show cause to Santa Fe County alleging trespass on County Road 84 and Sandy Way. You can see why I am confused. Here is a letter accepted by the BIA. Twenty-four years later, a trespass letter is issued.

Then, on January 7, 2014, Santa Fe County responded to the BIA. If I could submit all three of those documents into the record?

The CHAIRMAN. Without objection, so ordered.

[The information offered by Mr. Luján for the record follows:]

**RIGHT OF WAY AGREEMENT  
BY AND BETWEEN  
SAN ILDEFONSO PUEBLO AND SANTA FE COUNTY  
LEASE NO. 8700628999**

THIS AGREEMENT, is entered into by and between the County of Santa Fe, a political subdivision of the State of New Mexico, by and through its Board of County Commissioners (hereinafter referred to as "the County"), and the Pueblo of San Ildefonso, a federally recognized Indian tribe, by and through its Governor and Tribal Council (hereinafter referred to as "the Pueblo")

**WHEREAS:**

ARTICLE 1. The Pueblo owns, subject to federal restrictions, a tract of land situated within the geographical boundaries of the County, known as the San Ildefonso Pueblo Grant. The Pueblo has ownership rights and governmental jurisdiction over and within such lands, defined and protected by Federal law;

ARTICLE 2. The County wishes to replace a bridge on County Road 101-D within The Pueblo Grant; (Exhibit A)

ARTICLE 3. The County wishes to pave a portion of County Road 84 (Exhibit B). The County also wishes to develop plans for the paving of County Road 101-D from its intersection with County Road 84 to its intersection with County Road 84C. All projects in articles two (2) and three (3) are described in Exhibits C-1, C-2, and C-3;

NOW THEREFORE, The parties agree as follows:

A. For all right-of-way and temporary construction easements needed to complete the projects referred to in Articles 2 and 3 the County will:

1. Install a gate at the end of County Road 84B which leads into the Pueblo. This gate will be part of the construction project on County Road 84. This gate will be closed during Pueblo ceremonies and festivities at the discretion and direction of the Pueblo.
2. The County will sponsor the Pueblo with the New Mexico Department of Energy and Minerals, Land and Water Conservation Division in a cooperative effort to obtain lights for the baseball field. Sponsorship shall include application for funding.
3. The County will clean up illegal dump sites on Pueblo Land and bury the trash on Pueblo Land.
4. The County will hire one summer youth to be employed at the Pueblo's Visitor Center. The youth will be hired at minimum wage for eight (8) to ten (10) weeks during 1989.
5. The County will pay the Pueblo \$20,000.00.
6. The County will install four (4) lights at the entrance roads into the Pueblo at their intersection with State Road 502. The installation of the lights will be part of the County Road 84 Paving Project. Once installed the operation and maintenance for the lights will be provided by the County.
7. The County will give a high priority to funding requests from the Pueblo for advertising monies from Lodger's Tax Revenues specifically earmarked for such purposes. This agreement does not create any obligation for any payment out of property tax revenue.
8. The County will give to the Pueblo title to and possession of a 1969 Ford Van currently in the County's possession.
9. The County will give to the Pueblo title to and possession of a new 1989 Chevrolet 3/4 ton 4X4 Pick-up truck. The vehicle will be purchased by the County and the County shall obtain the approval of the State Board of Finance and deliver the vehicle to the Pueblo upon the notice of approval from the State Board of Finance.
10. The County will, on an annual basis and in co-operation with the Pueblo, clean up any illegal dumping that has taken place on Pueblo lands. The time of the annual clean up will be decided upon by mutual agreement between the parties. Additional "clean-ups" of illegal dumping on Pueblo Lands shall also be mutually agreed upon by the parties.

B. Right-of-way for the bridge project on County Road 101-D is shown in Exhibit A.

1. The Pueblo consents to the Grant by the Secretary of the Interior to the County of a right-of-way for the construction of a bridge across the Rio Pojoaque and public highway, together with approaches, abutments, temporary construction easements and construction maintenance easements.
2. The right-of-way, as shown by Exhibit A, shall extend from a tract of non-Indian land in the vicinity of the El Rancho Bar to a tract of non-Indian land approximately one hundred eighty two and eighty one-hundredths (182.81) feet north of the bridge.
3. The right-of-way shall be sixty (60) feet in width, the roadway shall be thirty (30) feet in width but the bridge structure shall not be less than twenty-five (25) feet in width.

C. Improvements to existing development. The alignments will necessarily follow the existing roadways adjusted to meet minimum Highway Department standards.

1. Construction Plans have been developed for the County Road 84 Project and will be supplied to the Pueblo.
2. As of the date of execution of this agreement, plans for the paving of County Road 101-D have not been developed. While plans are in design, the Pueblo will be informed and shall have the right of review and approval of said plans.

D. The County agrees to indemnify and hold harmless the Pueblo from property damage and personal injury caused by the acts or omissions of the County and/or its employees, agents or representatives.

Agreed to by action of the Santa Fe County Board of County Commissioners this 12 day of May 1989.


  
 Nancy Rodriguez, Chairman

Agreed to by the San Ildefonso Pueblo Tribal Council

this day 6<sup>th</sup> of June 1989.

  
 Dennis Martinez, Governor

APPROVED BY  
THE BUREAU OF INDIAN AFFAIRS

BY:   
 Authority: 10 BIA, SECTION 2.14  
 Amendment No. 2  
 AAO Redelelegation Order #2

JUN 12 1989

APPROVED AS TO FORM

  
 Norman Osborne, County Attorney

AMENDMENT

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The "El Rancho Bridge".
2. County Road 101-D.
3. County Road 84.

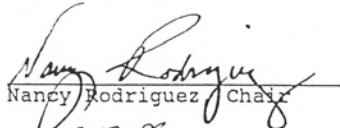
All rights-of-way are as presented in the agreement dated June 6, 1989 and addressed in San Ildefonso's Resolution # SI-008 dated June 6, 1989.

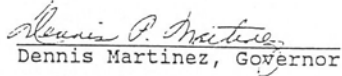
The purpose of this amendment is to specify the term of the rights-of-way.

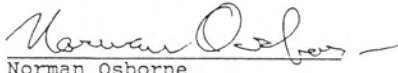
It is hereby agreed to by all parties that the rights-of-way for items 1, 2 and 3 in this amendment are granted in perpetuity by San Ildefonso Pueblo to Santa Fe County.

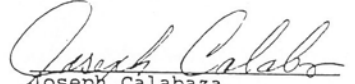
Santa Fe County

San Ildefonso Pueblo

  
 Nancy Rodriguez, Chair  
 7.12.89  
 Date

  
 Dennis Martinez, Governor  
 7/18/89  
 Date

  
 Norman Osborne  
 County Attorney

  
 Joseph Calabaza  
 Secretary, Tribal Council

Approved By:  
 The Bureau of Indian Affairs  
 Authority: BIAM Section 2.14  
 Amendment # 2  
 AAO Redelelegation  
 Order # 2

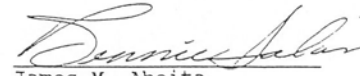
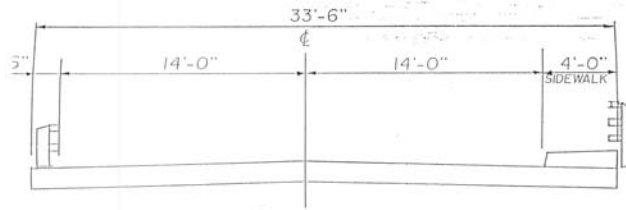
By  AUG 01 1989  
 James M. Abeita  
 Acting Superintendent  
 BIA/Northern Pueblos Agency



EXHIBIT C-1

BRIDGE PROJECT

The new bridge will be replacing the existing one-lane wooden structure. The bridge is located on County Road 101-D. The present bridge is 200 feet long + or - 09. The new structure will be 185 feet long with approximately the same channel width but with steeper abutment slopes. Pre-stressed concrete beams will form the base for the poured (concrete) deck. The deck will have two fourteen (14) foot drive lanes , a four (4) foot sidewalk and guardrails. The approaches will be base coursed and paved. A typical section is attached. A temporary detour will be used during construction. The detour will be located within the construction boundaries.




 <small>TEC ENGINEERING CONSULTANTS INC. 10000 N. 100th Ave. Suite 100 Denver, CO 80231 Tel: 303.440.1000 Fax: 303.440.1001 www.tecinc.com</small>	EL RANCHO BRIDGE
	TYPICAL SECTION NOT TO SCALE

EXHIBIT C-2

COUNTY ROAD 84 PAVING PROJECT

As shown on Exhibit B the alignment of the existing roadway will be followed. The road will be bladed and shaped. Base course will be installed to a depth of four (4 ) inches. A minimum of two and 5 tenths (2.5) inches of hot mix paving shall then be installed. The width of the paving will vary from nineteen (19) feet to approximately twenty four (24) feet. Drainage will be handled with culverts and low water crossings where appropriate. The termination of the project spans two and two tenths (2.2) miles and is the prioritized length. The County's goal is to pave the entire two and two tenth (2.2) miles if funds allow.

A typical section is attached.

TYPICAL SECTION

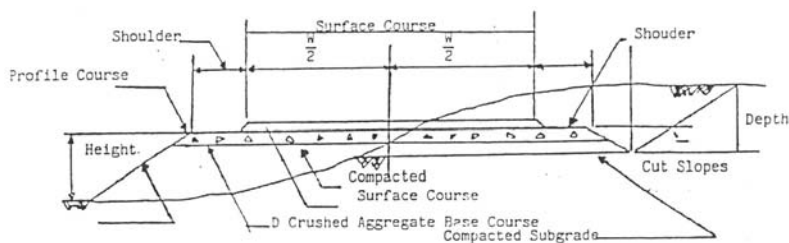


EXHIBIT C-3

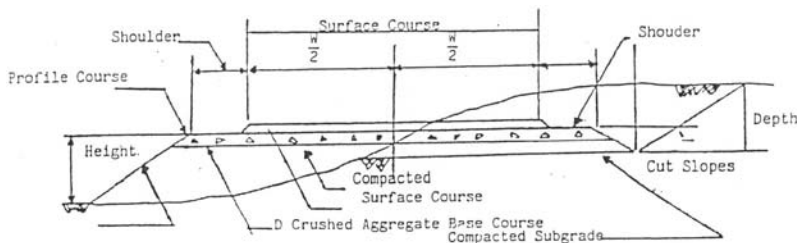
COUNTY ROAD 101-D PAVING PROJECT

The County will be receiving funds for this project, however until monies are in place plans will not be developed. When the money is available the design will follow the existing roadway adjusted to meet minimum Highway Department standards.

The existing alignment will be bladed and shaped (sub-grade preparation). Base course will be installed. The depth to be based on soils test results. Paving will be a minimum of two and five tenth (2.5) inches, again based on test results. Width will be approximately twenty (20) to twenty four (24) feet. Culverts and/or low water crossings will be used for drainage purposes.

A typical section is attached.

TYPICAL SECTION



## ENVIRONMENTAL STATEMENT

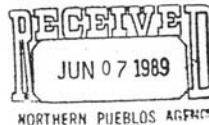
This statement will address the proposed bridge project on County Road 101-D and the proposed paving projects on County Roads 101-D and 84.

The bridge project will entail the replacement of an existing bridge. The land area involved will be essentially the same for the new structure as for the old structure. The project is compatible within the parameters of the present use.

The road projects will entail the paving of existing dirt roads already being used by the public. The improvements will be limited to existing alignments adjusted to meet minimum Highway design standards.

- None of the projects will require relocation and/ or displacements.
- All of the projects will improve the public safety.
- The road projects, and to some degree the bridge project, will improve the air quality by significantly reducing the present dust pollution.
- Water quality and supply will not be affected.
- There will be no increase in energy consumption.
- The projects are in compliance with applicable laws and regulations.
- An EIS is not required.

Our research and planning of the projects indicate that a finding of no significant impact (FONSI) can be made. The projects will not adversely affect the quality of the human environment.



SI-89-03  
RESOLUTION  
SI - 008

(505) 455-2273  
DENNIS P. MARTINEZ  
GOVERNOR  
EDMUND GONZALES  
1st LT. GOVERNOR

WHEREAS, the Pueblo of San Ildefonso is a federally recognized tribe with sovereign powers and authority to conduct and determine the business of Tribal Government, and

WHEREAS, the Pueblo wishes to participate in the "Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County."

WHEREAS, the Pueblo agrees to all terms and conditions set forth in said agreement.

NOW THEREFORE BE IT RESOLVED THAT, the Pueblo of San Ildefonso hereby enters into the Right of Way Agreement By and Between San Ildefonso Pueblo and Santa Fe County.

BE IT FURTHER RESOLVED THAT, the Governor of San Ildefonso Pueblo or his designated representative is authorized to negotiate and execute the contract and any amendments.

713-2 - 89

**CERTIFICATION**

I hereby certify that the foregoing resolution was considered at a duly called meeting of the San Ildefonso Pueblo Tribal Council on the 6th day of June, 1989, at which time a quorum was present with 0 voting in favor, 0 opposed and 0 abstaining.

ATTEST:

*Joseph Calabrese*  
Secretary, Tribal Council

*Dennis P. Martinez*  
Governor, San Ildefonso Pueblo

AMENDMENT NO. 1

This document will amend the right-of-way agreement between San Ildefonso Pueblo and Santa Fe County regarding the easements for improvement purposes of the following:

1. The "El Rancho Bridge".
2. County Road 101-D.
3. County Road 84.

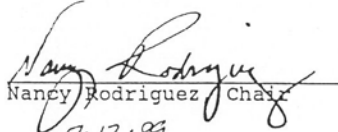
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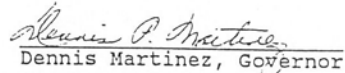
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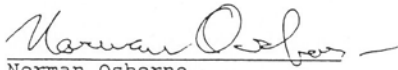
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Santa Fe County

San Ildefonso Pueblo

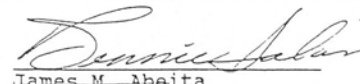
  
 Nancy Rodriguez, Chair  
7.12.89  
 Date

  
 Dennis Martinez, Governor  
7/18/89  
 Date

  
 Norman Osborne  
 County Attorney

  
 Joseph Calabaza  
 Secretary, Tribal Council

Approved By:  
 The Bureau of Indian Affairs  
 Authority: BIAM Section 2.14  
 Amendment # 2  
 AAO Redelegation  
 Order # 2

By  AUG 01 1989  
 James M. Abeita  
 Acting Superintendent  
 BIA/Northern Pueblos Agency



IN REPLY REFER TO:  
M25 - Office of the Superintendent

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
NORTHERN PUEBLOS AGENCY  
P.O. BOX 4269-FAIRVIEW STATION  
ESPANOLA, NEW MEXICO 87533



**CERTIFIED MAIL  
NOTICE TO SHOW CAUSE**

December 6, 2013

Ms. Katherine Miller  
County Manager, Santa Fe County  
102 Grant Avenue  
Santa Fe, New Mexico 87501-2061

Dear Ms. Miller:

We are formally informing you and the County of Santa Fe ("County") of the issue of trespass by the County on tribal lands of the Pueblo of San Ildefonso ("Pueblo"). Upon notification by the Pueblo and a review of our documents, we have determined that the County is in trespass on Pueblo land. This Notice provides the County information concerning the instances of trespass and notifies the County that it must show cause why the County should not be immediately assessed trespass damages and why the County should not be evicted from the subject Pueblo lands.

**TRESPASS**

The County of Santa Fe is in violation of the federal requirements in the use of Indian trust land. County Road 84 and side roads 84A, 84B, 84C, 84D and Sandy Way (see attached map and photo) are in trespass. No record exists to the fact that the County has an easement or rights-of-way in our files nor is there any record that the County has submitted an application for an easement or Rights-of-Way.

**County Roads in Trespass:**

**County Road—84**

\*Township 19 North, Range 8 East, NMPM within Sections 17, 8, 9 and 10  
From the intersection of Povi Kaa Drive (main entrance to the Pueblo of San Ildefonso from Hwy. 502) east to the intersection of 101-D.

**County Road—84A**

\*Township 19 North, Range 8 East, NMPM within Section 10  
From the intersection with Evergreen Lane east to the reservation boundary line.

**County Road—84B**

\*Township 19 North, Range 8 East, NMPM within Sections 8 and 9  
From the end of the pavement east of the Pueblo, east to the intersection with County Road 84.

**County Road—84C**

\*Township 19 North, Range 8 East, NMPM within Sections 5, 4, 3, 10, and 11  
From the intersection with Tunyo Po east to the reservation boundary line.

**Country Road—84D**

\*Township 19 North, Range 8 East, NMPM within Sections 10 and 11  
From the intersection with Sandy Way east to the reservation boundary line.

**Sandy Way**

\*Township 19 North, Range 8 East, NMPM within Sections 9 and 10  
From the intersection with 84D west to the private claim.

*\*Española Quadrangle, New Mexico—7.5 Minute Series (Topographic)*

**CONCLUSION**

The County is in direct violation of the federal requirements governing the use of Indian trust lands. Specifically:

No easement or Rights-of-way exist for County Road 84 and the side roads on tribal trust land of the Pueblo of San Ildefonso, thus, the County is in trespass.

You are hereby informed that the County has thirty (30) business days from receipt of this letter to either enter into good faith negotiations to settle the current trespass and enter into a new easement for rights-of-way, or to show cause why the County's failure to pursue valid easements for the county roads should not be turned over to the U.S. Department of Justice for action against the County.

We encourage the County to enter into negotiations with the Pueblo to resolve the current trespass as quickly as possible and establish legal bases for the County's continued use of Pueblo land.

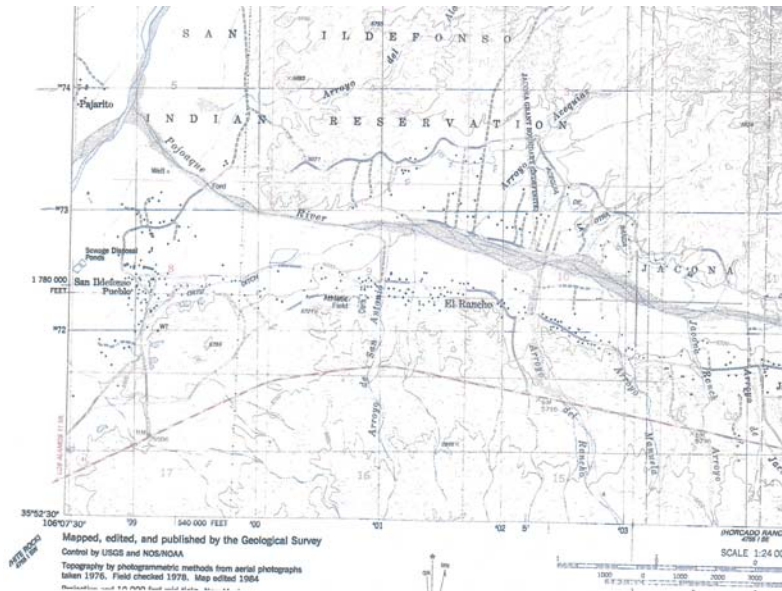
If you should have any questions or require additional information, contact my office at (505) 753-1400 or Norman Jojola, Natural Resource Manager at (505) 753-1451.

Sincerely,



RAYMOND FRY,  
*Superintendent.*

Enclosures







Daniel "Danny" Mayfield  
Commissioner, District 1

Miguel M. Chavez  
Commissioner, District 2

Robert A. Anaya  
Commissioner, District 3



Kathy Holian  
Commissioner, District 4

Liz Stefanics  
Commissioner, District 5

Katherine Miller  
County Manager

Office of the County Attorney

January 7, 2014

Raymond Fry, Superintendent  
United States Department of the Interior  
Bureau of Indian Affairs  
Northern Pueblos Agency  
P.O. Box 4269—Fairview Station  
Española, New Mexico 87533

Re: Notice to Show Cause Dated December 6, 2013

Dear Mr. Fry:

Your letter of December 6, 2013 has been forwarded to this office for response. The letter demands that Santa Fe County, New Mexico show cause why it ". . . should not be immediately assessed trespass damages and . . . should not be evicted from the subject Pueblo lands." The "subject Pueblo lands" consist of County Roads numbered 84, 84-A, 84-B, 84-C, 84-D and Sandy Way. The letter further states that the Bureau of Indian Affairs has "determined" that the County is in fact trespassing on San Ildefonso lands.

Santa Fe County believes the assertions in the December 6 letter to be a serious overreaching on the part of the Bureau of Indian Affairs and request it be withdrawn immediately. This is far from a constructive way to renew the debate about County lands and access to non-Indian property within the Pueblos. It comes at a time when the County had already initiated discussions with all four Pueblos on this very issue. It also has the potential to shift what has been a positive and responsible discussion of the issues to a negative adversarial situation.

The most obvious problem is that the Bureau of Indian Affairs lacks any authority (statutory or regulatory) to require the County to "show cause" in this or any instance. An order to show cause is not authorized by statute. It is authorized by regulations of the Bureau only as specified in 25 C.F.R. § 141.56 (show cause order authorized to enforce compliance with business practices specified in the regulation on the Navajo, Hopi and Zuni reservation); and 25 C.F.R. § 162.006 (show cause order authorized for violations of leases and permits). Aside from these meager regulatory examples, nothing further exists. In fact, 25 C.F.R. § 162.006(b)(1) explicitly states that it *does not* apply to right of way issues, which this is. Nor is there authority in the Code of Federal Regulations for the "declaration" of trespass. 25 C.F.R. § 161.700 *et seq.* authorizes a declaration of trespass on Navajo Partitioned Lands, but not on lands of the Northern Pueblos.

The letter also failed to undertake even the most basic and rudimentary research concerning the underlying sweeping findings of trespass. For example, nowhere in the letter does the Bureau mention that Santa Fe County has maintained many of the "subject Pueblo lands" in many cases for a period in excess of one hundred years. Nowhere in the letter are the activities of the Pueblo Claims Board and the Federal Courts in the 1920s and 1930s discussed with respect to the roads in question or the adjoining property. Also not mentioned or analyzed in any way, even cursorily, is the fact that *hundreds* of non-Pueblo residents live on the roads in question and the import of the "determination" by BIA is to deprive those persons of access to their homes and businesses, title to which is derived from proceedings of the Pueblo Claims Board and the Federal Courts. Also not discussed or analyzed are the many discussions between Santa Fe County and the Pueblo of San Ildefonso going back decades on these various issues.

But paramount among the failures of the Bureau to properly analyze this situation is the fact, discussed below, *that an agreement with San Ildefonso Pueblo explicitly grants the County a right-of-way on all of the roads in question.*

The agreement referred to in the previous paragraph is the "Right of Way Agreement by and Between San Ildefonso Pueblo and Santa Fe County." A copy is attached. That agreement, dated June 7, 1989, amended once on August 1, 1989, was developed to address the immediate need to construct a bridge on County Road

101-D and to pave certain County Roads within the Pueblo grant, including County Road 84 and 101-D. The agreement was supported by substantial consideration, which is recited in the agreement. The original agreement provided rights-of-way for the bridge project, and the amendment granted perpetual rights-of-way for the bridge, County Road 101-D and "County Road 84." Both the agreement and its amendment were signed by the Governor of the San Ildefonso Pueblo, a representative of the Tribal Council, and a representative of the Northern Pueblos Agency of the BIA. If you assume, as the County does, that the grant of right of way for CR-84 includes all of its respective subparts (84-A, 84-B, 84-C and 84-D), to the extent those roads pass through San Ildefonso lands (see below), the grant *expressly permits the County's activities* and no "determination" of trespass is legally sustainable. As 25 C.F.R. § 169.28 ("Public highways") permits state or local authorities to apply to "open public highways across tribal and individually owned lands in accordance with State laws, as authorized by the Act of March 3, 1901 . . ." (*see also* 25 U.S.C. § 311 (1901)), the Right of Way Agreement is very clearly an exercise of the authority granted to the BIA and the Tribe by 25 U.S.C. § 311 and 25 C.F.R. § 169.28.

Unlike the Bureau, the County has thoroughly researched its rights-of-way within all of the Five Northern Pueblos, and commissioned an extensive analysis from Dr. Stanley Hordes, supported by a team of expert and well-qualified historians and researchers. The resulting report was provided to the San Ildefonso Pueblo many years ago. We have had brief discussions about the report with the Pueblo from time to time, but those discussions did not mature into serious discussions until Governor Aguilar initiated further discussions last year, and indicated he wanted to resolve the issue once and for all. We discussed the Governor's desire to close certain roads which had been created by the public, and the need for the County to acquire formal easements rather than rely on the previously-mentioned agreement. And we discussed with Governor Aguilar the County's concern that local residents have legal access, and the right to receive gas electric, water and other utilities through the County roads. We believe that through concentrated efforts and dedication on the part of both governments on this issue, both governments would ultimately benefit. Of overriding concern with respect to the Bureau's sweeping conclusions and directive here is the fact that the Pueblo Lands Act of 1924, in authorizing the activities of the Pueblo Claims Board and the Federal Court, failed to expressly provide a process for adjudication of non-private, i.e. public land, or the issue of access to and from the many private claims and exception lots that were adjudicated by the PCB and the Federal Court. This failure is a failure of Congress, and the ambiguity about these important matters continues, but it is certainly not something that is susceptible of a "declaration" by the Bureau. The Bureau's declaration is tantamount to a determination that many thousands of non-Pueblo residents in the Pojoaque no longer have legal access to their homes and businesses—rendering those homes and businesses worthless—and which was something that the Pueblo Lands Act was intended to avoid.

Dr. Hordes' discussion of the PCB and its work is helpful to understanding the present status of the County maintained roads in question:

"As stated above, in 1924, Congress passed the Pueblo Lands Act in an attempt to clear up title issues resulting from overlapping claims between Pueblos and non-Indians living in close proximity to Pueblo lands. The Act established the Pueblo Lands Board (PLB), which gathered testimony and issued reports based on its investigations. The PLB confirmed to the Pueblos all the lands within each of their grants, with the exception of portions of tracts of land that were patented to non-Indian settlers, as well as rights of way for utilities, railroads, and roads. The claims of the non-Indians were only partially honored by the PLB. In many cases, while the tracts claimed by the non-Indians included grazing areas located above their cultivated lands, houses and barns, extending to the hills, the PLB recognized only the cultivated lands and improvements, eliminating over half of the acreage claimed by the non-Indian settlers. This was to have a particularly significant impact on one of the roads passing through the boundaries of the Pueblo of San Ildefonso . . .

"During its proceedings for all the Pueblos, the PLB used discrete numbers that had been assigned to each of the private (non-Indian) claims, based on a survey that had been conducted in 1914 by U.S. Surveyor F.E. Joy (commonly known as the Joy Survey). These "private claim" (PC) numbers provided the order by which the PLB conducted its hearings and heard testimony of local residents, Pueblo and non-Indian alike. The site-specific information that these hearings generated provides historians with the ability to derive valuable observations with regard to the status of the lands in dis-

pute, and more important, the nature and ownership of the roads that pass through these lands.

“The records of the PLB proceedings vary slightly from Pueblo to Pueblo in the late 1920s and early 1930s, but typically they begin with a cover sheet indicating the PC number and the name of the claimant, followed by a summary of the ownership of the tract, often extending back to the late nineteenth century, and sometimes a century and a half earlier. Typically these abstracts will contain detailed descriptions of the boundaries, sometimes referencing the existence of a *camino real*, public road, state road, or county road. In the case of most of the five Pueblos under consideration in this report, there followed a detailed plat of the tract, indicating dimensions, placement of structures, and often an indication of the existence of public roads bordering the property. Next in the file is a transcript of the hearings held by the PLB, where owners of the tract, family members, neighbors, and representatives of the adjacent Pueblo offered detailed testimony with regard to boundaries, land use and roads running by or through the property. For each of the Pueblos, the PLB prepared large comprehensive plats, showing the locations of each PC, as well as the course of the roads that passed through Pueblo and non-Indian properties.

“After the PLB considered the evidence before them, they issued a series of reports including the validity of claims to land asserted by the Pueblos and the non-Indians, the valuation of the lands, and, in some cases the status of the roads that were located within the Pueblo grant lands. Some months later the U.S. Court of Equity issued rulings confirming or revising the PLB’s decision, and sometimes contained additional information with regard to the ownership of these roads.”

Dr. Hordes’ report contains a detailed history of County Road 84, over which you assert the County has “trespassed,” and which casts significant doubt on your ultimate conclusion. For example:

**“1. CR 84:**

“County Road 84, approximates the course of the road that has connected the communities of Pojoaque and San Ildefonso for centuries. Beginning in the 1890s Santa Fe County authorities began to assert responsibility for maintaining this thoroughfare, which runs through the grant lands of both Pojoaque and San Ildefonso Pueblos. In response to petitions from local residents, the BCC in 1892 instructed the county road overseer to “put in good condition the public road known as the road from Jacona to San Ildefonso on the south side of the river as soon as possible. . . .” A 1913 map shows a “wagon road” running near the same route as today’s CR 84 and 84B. Six years later, the BCC again responded to the request of local residents, and resolved to investigate the possibility of constructing a new road between San Ildefonso and Pojoaque, “so that it may be made in such condition that it may be used for the public, and for the regular mail route from the above towns to Santa Fe.” Apparently no action was taken immediately, since the journals of the BCC did not reflect any such implementation.

“In 1925, however, the State Highway Engineer revived these plans in a preliminary letter to the Northern Pueblos Agency. The Engineer articulated the antiquity of the highway, indicating that “the road now in existence and being traveled through the Pueblo of San Ildefonso on the east side of the Rio Grande is the old original trail which has been in use for an indefinite period.” He acknowledged that the 1919 plans still remained unfulfilled, stating that “[w]hile this route was made a part of the State Highway System by act of the State Legislature in 1923, it has not yet been improved by the State Highway Department.” Thus, the State Highway Engineer not only linked CR 84 to the old *camino real*, but asserted that it was now an official part of the state network of highways.

“The PLB’s Report No. 1, as cited above, exempted certain roads from Pueblo ownership, including FAP No. 14-B, the highway that “extends in a westerly direction to and across what is known as the Jacona Grant and to and across the west boundary of the said Pojoaque Grant, and is known as State Highway Project No. 4,” clearly referring to today’s CR 84. The Report acknowledges the absence of a formal right of way from the Pueblo of Pojoaque, but cites the fact that the roads or highways through said

grant have been in use by the public for more than 50 years, and the Board has determined, and hereby determines, that the Territory and State have acquired by such use an easement in and over said lands, subject only to a reverter to the Pueblo, whenever said land shall no longer be used by the public or the State as a highway, or shall be abandoned for a new location across said grant.

“Over the next seventy years the documentary record reflects consistent acknowledgment of ownership and/or maintenance of the road by state or county authorities. In 1947 the BCC responded to a request from one of its constituents that “the road [from Pojoaque to San Ildefonso] belongs to the State and should be taken care of by the State.” The following year the BCC asserted that the road was in bad repair, and they would refuse to take it over as a county road unless proper repairs were made. By 1966 it appears that the County had assumed control of the road, as that year the BCC reported abandonment of a small segment of then State Road 4 adjacent to Pojoaque High School, no longer needed for road purposes. The land was deeded to the Board of Education. BCC minutes from 1988 to 2000 reflected action by County officials relating to paving and repairs to CR 84.”

Note that italicized language that recites that the Pueblo Claims Board, assigned to address conflicting claims with the Northern Pueblo boundaries, explicitly determined with respect to County Road 84 that: “. . . the Territory and State have acquired by such use an easement in and over said lands, subject only to a reverter to the Pueblo, whenever said land shall no longer be used by the public or the State as a highway, or shall be abandoned for a new location across said grant.”

The County has always been interested in reaching a more permanent solution to the claims of the San Ildefonso Pueblo concerning these roads. We are aware that this matter, even though the subject of express right-of-way agreement, is still unsettled in the view of the San Ildefonso Pueblo. The present uncertainty is made even more complex by the *Aamodt* settlement, in which the Pueblo has agreed to provide rights-of-ways for the public water system and an accompanying wastewater system. These matters are best the subject of a negotiated resolution by the County and the Pueblo, without intervention by the Bureau of Indian Affairs. Certainly, the Bureau’s finding of a trespass and the *ultra vires* declaration of a responsibility of the County to “show cause” are completely unhelpful to a resolution of these issues, which have persisted for 80 or more years.

Please withdraw the letter immediately, or consider this to be an appeal of the determination pursuant to 25 C.F.R. Part 2.

Sincerely,

KATHERINE MILLER,  
*County Manager.*

STEPHEN C. ROSS,  
*County Attorney.*

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Mr. LUJÁN. Madam Secretary, the reason I am here before you is for the last 2 years I have been trying to work with the Bureau of Indian Affairs to bring some resolution, some assistance, some help, some recognition. I have not been getting anything except for what appears to be a bit of a stonewall.

There is a letter dated April 16, 2014, where the BIA wrote back to my office, quoting part of the letter from Santa Fe County, which I highlighted on the second-to-last page, stating that the county has always been interested in reaching a more permanent solution to the claims of San Ildefonso Pueblo concerning these roads. We are aware of this matter. But the BIA asserted that that is ambiguity.

We need to get to the bottom of what these easement agreements are. When I have been asking for a criteria or a process by the BIA on what they do to issue trespass letters, a database that is re-

viewed, documents and agreements that are stamped as approved by the BIA to be looked at and considered, and these ambiguities are created.

What is happening now is in 1924 there was something called the Pueblo Lands Act that the Congress adopted. And in 1930, all the adjudicated lands were cleared up with land disputes in this area. Patents were issued by the United States of America, which, is my understanding, the clearest title that you could have in the United States. But now there is a dispute with some of these roads.

Subsequent to that, these agreements have been put in place. I need your help now, because the lands that are owned by the non-tribal residents in this case in the exterior boundaries of San Ildefonso, they are trying to sell their land or build homes on their land, third, fourth, fifth generations, whatever they may be. The title insurance companies are saying that this letter from the BIA dated December 2013 is stopping all of that.

So I bring all of this to your attention with a little bit of passion, Madam Secretary, because this community needs our help and I am concerned what is going to happen there.

Thanks again for the indulgence, Mr. Chairman. I look forward to working with you and your team to bring resolution here, and hopefully reversing that 2013 letter in light of the amendment on that agreement. Thank you, Mr. Chairman.

The CHAIRMAN. Do you want 15 seconds to respond?

Secretary JEWELL. Well, I will just say this is the first I have heard of it. My door and my phones are always open, as you have concerns. You don't feel like you have to come to a budget hearing for that. But we are happy to look into it.

The CHAIRMAN. Mr. Denham, we are way over time. You have not had a chance to ask any questions. Can you do it in a couple of minutes?

Mr. DENHAM. I will do my best, sir.

The CHAIRMAN. OK.

Mr. DENHAM. Secretary Jewell, there are a number of social justice issues in California's Central Valley areas that will once again have a zero water allocation, have a 30 to 50 percent unemployment in a number of different cities, water that is going to be trucked in once again, mobile showers, food lines. The social justice issues go on and on in California and Central Valley. But there is one question in particular that I want to have you address.

Three weeks ago, this committee heard about the non-native fish in the Stanislaus River, in the Delta, and elsewhere, that are killing and eating up to 98 percent of the threatened endangered species that we are spending so much money and so much water on trying to save.

The big conflict has been perpetuated by the Central Valley Project Improvement Act, which is CVPIA. It has a fish doubling goal. So not only are we trying to double the goal of trying to double the endangered and threatened species, but also the goal is to double the non-native fish that are eating 98 percent of what we are trying to save, and the main reason that we are pushing all of this water out to the ocean, bypassing the Central Valley, and creating these big social justice issues.

So, my question is very simple. I have a bill that eliminates this Federal fish doubling goal for the striped bass, and I would just ask you simply: Would you agree with addressing the endangered and threatened species, rather than having a conflicting goal that causes a greater imbalance?

Secretary JEWELL. I am going to ask Mike Connor to answer.

Mr. CONNOR. Congressman Denham, thank you for raising the issue. There have been many legislative proposals. I think this is one that has been a constant theme of what to do about striped bass. So we are happy to take a look at your legislation.

I believe the CVPIA provisions have been essentially stayed, because they are supposed to be implemented in partnership with the state of California and there has been no action on them. But there have been provisions for a demonstration project to reduce the predation by striped bass. Your provision to undo that provision within the CVPIA, we are happy to look at those legislative authorizations.

Mr. DENHAM. Thank you. We certainly have an amendment in both the House and Senate bills that deal with predation on the Stanislaus River, but this is obviously a much bigger issue and the doubling goal in CVPIA needs to be addressed. So, I would ask you to give me a written response, once you get an opportunity to look at that legislation.

But I will say in front of this committee, we have had several people testify that have said predation is one of the key reasons that we have already pushed 500,000 acre-feet out to the ocean in the last 2 months. We would look forward to working with you on that and look forward to a rapid response.

The CHAIRMAN. Thank you.

Mr. LaMalfa, if you can do it in 1 minute, you get the last question.

Mr. LAMALFA. Thank you, sir. I appreciate it.

Ms. Jewell, again, the Portland hearing right now, which required non-disclosure forms to be signed, same as in Sacramento, so far the highlights are that they have formed a Klamath River removal corporation, a 501(c)(3), and that they are going to call the dam removal disconnecting them rather than decommissioning them. Those are highlights from Portland so far.

Were you aware, Madam Secretary, that non-disclosure forms are required to be signed to participate in the Sacramento and Portland hearing?

Mr. CONNOR. Yes, I was made aware of that after the original hearing.

Mr. LAMALFA. Do you think it is appropriate for government employees and even my office to be subject to that, when it would seem like a public process with millions of taxpayer dollars involved?

Mr. CONNOR. With respect to those meetings, the process is being carried out under the Klamath Hydropower Settlement Agreement amongst the parties. It was the parties themselves who, I believe, were seeking non-disclosure.

Mr. LAMALFA. Mr. Chairman, the Federal Government is a partner in this thing because they are deep into it, they are going to be seeking Federal funding.

For the record, sir, I want you to know that I will be submitting a Freedom of Information request to your office, Secretary Jewell, for all these documents related to the Portland meeting today, the Sacramento meeting last week, and anything else that comes on line. So, I really appreciate a rapid response on that.

With all these secret meetings, a front company being formed, and no end being discussed on how the water supply issues for the people in the Basin, this is really a jam job on my district.

Sorry about that, but this is tough business. And I yield back. Thank you, sir.

The CHAIRMAN. Thank you. I also have a request that we came in there on a Department law enforcement database and your staff said you could get our answers soon. I hope that could be done this week, as well.

Ms. Jewell, I really do apologize for keeping you this long. You do realize the only other person that stayed the entire time is me. So we have to quit meeting like this. But I do appreciate you coming here with the answers.

There may be some additional questions Members have. Under our rules we have 10 business days to accommodate those.

With that, unless there is anything else, with our deep consideration, I want to sincerely thank you for actually staying here and especially staying the extra half-hour, which was above and beyond the call that was supposed to be here. So, thank you very much for doing that. I apologize we kept you this long.

With that, the committee is adjourned.

[Whereupon, at 1:07 p.m., the committee was adjourned.]

