

**THE PRESIDENT'S BUDGET REQUEST FOR THE  
DEPARTMENT OF THE INTERIOR FOR FISCAL  
YEAR 2021**

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**HEARING**  
BEFORE THE  
**COMMITTEE ON**  
**ENERGY AND NATURAL RESOURCES**  
**UNITED STATES SENATE**  
ONE HUNDRED SIXTEENTH CONGRESS  
SECOND SESSION

—————  
MARCH 10, 2020  
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**TUESDAY, MARCH 10, 2020**

U.S. SENATE,  
COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
*Washington, DC.*

The Committee met, pursuant to notice, at 10:15 a.m. in Room SD-366, Dirksen Senate Office Building, Hon. Lisa Murkowski, Chairman of the Committee, presiding.

**OPENING STATEMENT OF HON. LISA MURKOWSKI,  
U.S. SENATOR FROM ALASKA**

The CHAIRMAN. Good morning, the Committee will come to order. There are not too many of us here this morning in the Energy and Natural Resources Committee. It is kind of a foul day. Mr. Secretary, I am sorry that you are coming before the Committee this morning when we thought that we were going to have some relatively good news for your Department and the Department of Energy because we would be moving forward with a package of energy-related bills that we have been working on for well over a year, in many cases, for years. Equities from some 70 different Members of the Senate, and we are stalled out right now. We are not done, but we are certainly stalled out not because of the good, strong work the people on this Committee have not participated in, but because of matters completely unrelated to the jurisdiction of this Committee, completely unrelated to anything that we had been working on prior to it, so we are stalled out right now.

As a Committee Chairman, it makes me wonder why we work so hard around here to try to incorporate the good works of so many if the purpose is going to be to just tank good Committee work. So I am not in a particularly good mood, but my mood should not have anything to do with your responsibility as the Secretary of the Department of the Interior and all that you are seeking to do, but I do know that the work of the Congress, the work that we can do helps you do your job much, much more efficiently and better. It is incumbent upon us to update our policies working with the Administration to make sure that you have the tools that you need so you can best proceed.

Whether it is initiatives like we are trying to advance with our American Minerals Security Act that can help agencies like USGS do more, know that we are going to continue to focus our efforts

as we work through this process that has come to an unfortunate pause right now.

I want to welcome you back to the Committee. It was just about a year ago, I think, that you were sitting here in the same chair for your confirmation hearing. I am glad that you have been in this place now for a year. I am glad that we were able to give you a Deputy Secretary, Kate MacGregor. I think you have some good folks working over there.

You know that in Alaska, we look very closely and critically at what comes out of Department of the Interior because in many ways we have to be working hand in glove with you as a state that has such significant lands under federal management. Whether we are talking about lifting public land orders, activities on NPRA, access for the good people in King Cove, we do a lot with you and we appreciate that good work.

To the budget for FY 2021, the Administration has requested \$12.8 billion for the Department. That is a reduction of about \$2 billion, or 16 percent, from last year's enacted. And while this year's request is not perfect, and I am sure you will hear from colleagues here this morning, I do acknowledge some real positives within it.

For starters, the budget highlights the Dingell Act, our seminal public lands package that became law just about a year ago now that was good work from this Committee and it was recognized as such. Again, we want to try to do more of that, but the Dingell Act has done well, the steps to promote access for hunting, fishing, recreational shooting activities on public lands, the new economic development opportunities for states and local governments that advances at the same time measured and responsibly and locally supported conservation. Some of these things are very specific to Alaska, so I will ask in my questions to you this morning more directly about the Department's implementation.

The budget request also maintains our shared commitment to an all-of-the-above energy strategy by investing in renewable energy development, promoting hydropower, wind, geothermal and solar energy on federal lands and waters. That is why we have to get an energy bill through because these initiatives that you are working on will be bolstered by updated policies. It also continues the oil and gas development program in Alaska's 1002 Area in the non-wilderness portion of ANWR. We are looking forward to a successful lease sale this year.

I am also grateful that the budget mentions the maintenance needs of the Denali Park Road in Denali National Park. This is, in my view, a clear definition of critical infrastructure. As you know, there is only one way in. There is only one way into that park and, right now, this road is compromised. We had an opportunity to talk about this last week when you were before my Interior Appropriations Subcommittee. I said it there. I will say it again that a longer-term solution to keep that road open and safe is really what we need.

This budget proposal also invests in wildland fire programs including a new initiative to build a better wildland firefighting workforce that is designed to help implement active forest management activities, including hazardous fuel reduction and fire breaks

to reduce wildfire risk and severity. I am looking forward to more discussion about this proposal. We had a tough year, as you know, in Alaska with last year's fire season. More than 2.5 million acres burned. It was the most expensive fire in the country—it burned for nearly four months and started on the Kenai National Wildlife Refuge in an area that has seen serious bark beetle infestation. We expect this same area will again be active landscape this fire season, so I am very concerned about the cuts proposed to programs that support state and tribal partnerships such as wildlife management and collaborative landscape conservation. I think these partnerships are important to address not only the beetle outbreak but also the issues related to vegetation management.

I also think we should be looking at extending Good Neighbor Authority to the U.S. Fish and Wildlife Service so that we can partner more effectively in places like the Kenai. We know that wildfires don't know any boundaries there, so that is something that I would like to discuss with you.

Last point is the cuts, the deep cuts, for USGS in their natural hazards program, particularly the earthquake and volcano hazards program. Senator Cantwell and I have worked in these areas for some time. It is certainly critical to Alaska. Again, 2019 was a standout year for seismicity in Alaska. The Anchorage Earthquake in 2018 is still very much on the minds of folks. There was an earthquake, a smaller one, over the weekend, but it just reminds you. When it comes to volcanoes, we started 2020 with an eruption at Shishaldin. We think that, I can't even pronounce them, Semisopchnoi—whatever, they always name these volcanoes really interesting names, usually Russian names, I believe—but we are seeing recent eruptions there as well. So I want to talk to you about that.

I am pleased the budget bolsters reforms to the Department's workplace culture and anti-harassment programs at the Department of Ethics Office in the Office of Solicitor received a plus-up in training and staffing and it looks like some of these misconduct complaints are on the decline. That is important for you. I certainly would encourage you in those efforts. We have had a conversation about this and I think we all agreed that employee misconduct of any kind, any department, but certainly under your leadership there at Interior.

With that, I will close my comments and turn to Senator Manchin for his so that we can get to members' questions and concerns. But again, Mr. Secretary, thank you for being here this morning and I look forward to the discussion.

**STATEMENT OF HON. JOE MANCHIN III,  
U.S. SENATOR FROM WEST VIRGINIA**

Senator MANCHIN. Thank you, Madam Chairman, and thank you, Secretary Bernhardt, for being here and I second what she said at the beginning. We are all a little bit challenged right now, but we will get through it. We have a lot of work to do.

It is really a pleasure to welcome you to your first budget hearing before the Committee as Secretary of the Department of the Interior. You are not a stranger here to these types of hearings, but in your role that you have now, it is a first. I want to thank you

for visiting Canaan Valley National Wildlife Refuge in Tucker County last year. We are getting ready to open a new visitor's center and it is going to be great, and we appreciate all you have done.

The Department of the Interior has a huge amount of responsibility and a broad mission, whether it is preserving public lands for the enjoyment and inspiration of future generations, processing permits for the privilege of energy production on federal lands or ensuring that the U.S. Geological Survey can conduct its critical work for collecting and analyzing data on our changing climate. Like Chair Murkowski, I am both an authorizer and an appropriator, and I believe it is vital that your Department has the necessary funds to deliver the proper customer experience to our great nation. Unfortunately, I think that a 16 percent decrease in your budget would have some really dire consequences.

For example, one of my top priorities, as you know, is making sure that the Federal Government makes good on its promises to coal country. Last year, Congress passed the bill that I worked on and so many of you all were so helpful and co-sponsors on, the bipartisan Miners Act, to protect the healthcare and pension benefits for the United Mine Workers of America. However, to date, Mr. Secretary, the Office of Surface Mining Reclamation and Enforcement has yet to complete the transfer of benefits to the United Mine Workers Pension Fund. We have been waiting and we have been hearing it is supposed to be coming, but it has never happened.

This budget also proposes, again, to eliminate the Abandoned Mine Land Pilot Program and that is so important to those of us in West Virginia, Kentucky and Pennsylvania. We have utilized those grants from the program to eliminate the hazards and reclaim areas for future economic benefit. To see the elimination of this program which creates jobs and promotes prosperity is really disappointing, and it is going to be harmful for those areas.

We are working on legislation that would help grow our outdoor recreation economy and establish West Virginia's first National Park and Preserve at the New River Gorge in Fayette and Raleigh Counties. West Virginia's outdoor recreation generates an estimated \$9 billion in spending and supports over 90,000 jobs. I look forward to continue working with you, Mr. Secretary, and the National Park Service to get the division of park and preserve right, and to get this bill enacted.

I also need to call attention to the incredible opportunity that we have before us both to provide permanent, mandatory funding for the Land and Water Conservation Fund, or LWCF as we know it, at its fully authorized level of \$900 million and address the deferred maintenance backlog of our federal land management agencies and the Bureau of Indian Education. I was proud to join my colleagues on both sides of the aisle to introduce the Great American Outdoors Act yesterday, a bill to accomplish both of these goals. I was very happy to see the President express support for this package last week as well and appreciate the recent departure from the position the Administration took when drafting their budget proposal. So it's a complete turnaround, and we are very appreciative of that.

The day after we secured permanent authorization of LWCF last year, I went to work with all my colleagues to secure permanent, mandatory, full funding. LWCF funds have helped to protect federal areas designated by Congress for the national significance like national parks while also providing important financial assistance for many non-federal programs like state and local parks and state and local protection of historic battlefields. For the last 55 years, the LWCF has been the primary conservation tool, helping provide access for hunting, fishing and recreational use of public lands in every state, every territory. Almost every county in every state has benefited from it. We now have a historic opportunity to ensure this access is secure for many generations to come.

The Great American Outdoors Act also includes \$9.5 billion to address deferred maintenance on our public lands. The infrastructure projects that will be funded through this bill are critical to protecting many of our national treasures and will provide a significant benefit to the outdoor recreation economy. This is a necessary step for us to be good stewards of the taxpayer's land. This bill is a shining example of bipartisan work for both Democrats and Republicans coming together to put politics aside to do what is best for conserving the natural resources of this great nation. I am confident with the strong bipartisan support behind us that the Senate will be able to quickly pass the bill, and hopefully the House will be able to join us in sending this bill to the President.

With that, Secretary Bernhardt, thank you for joining us today and for all the Department of the Interior and for our country and what all you do. I look forward to hearing from you.

The CHAIRMAN. With that, we turn to you, Mr. Secretary. We appreciate, again, you being here. Your full statement will be incorporated as part of the record this morning, but please, present on behalf of the Administration.

**STATEMENT OF HON. DAVID BERNHARDT,  
SECRETARY OF THE INTERIOR**

Secretary BERNHARDT. Well, Chairman Murkowski, Ranking Member Manchin and members of the Committee, thank you for inviting me here today to discuss the 2021 budget request for the Department of the Interior. Before I turn to the budget proposal, I do want to note that as Senator Manchin said in his opening remarks, last week President Trump called upon Congress to send him a bill that fully and permanently funds the Land and Water Conservation Fund and restores our national parks. And I guess you took that step to do that yesterday.

President Trump is the first President to seek mandatory funding for both of these items from Congress in the entire 171-year history of the Department of the Interior. The enactment of such legislation would be historic and members on this Committee have, on both sides of the aisle, been working for this effort for a very long time. I believe the President's support is extremely significant in getting this across the goal line. In the time that I have led Interior it has been clear to me that the President takes in a lot of information when he makes a decision and once he makes a decision, he wants to see it through. He's willing to lean in to the face of

headwinds, and I look forward to working with all of you to get it done.

Turning to the matters at hand at today's hearing, I would like to begin by thanking the Committee and, frankly, its staff, for working with the Department over the last year to expeditiously confirm several of our nominees. That is deeply appreciated. Assistant Secretary Susan Combs, Assistant Secretary Rob Wallace, Solicitor Dan Jorjani, Inspector General Mark Greenblatt and Deputy Secretary Kate MacGregor. We thank you for your time and effort in doing that. In addition, I look forward to the confirmation of our Director of the Office of Surface Mining soon.

As the Committee knows well, the Department's mission affects Americans across the country, and its mission delivery creates economic benefits both in terms of direct investment and facilitating private sector activities and contributions. The President has been clear in his direction and priorities, and he's set ambitious goals for challenging agencies to deliver results. Our 2021 budget will allow us to continue advancing the President's priorities. Overall, the budget for the Department totals \$12.8 billion in current authority. We would also continue to have access to an additional \$310 million in the event of our wildfire season escalating, and we also anticipate that we have about \$7.5 billion in additional permanent authority.

In 2021 we are proposing several targeted investments to advance specific objectives, and I'd like to talk to you about a few of those. First, we have proposed in our budget an effort to strengthen the Department's wildfire program. We propose to transform our firefighting force, and we have an additional \$50 million in to add career firefighters. This would complement an effort I've already connected which was to extend our part-time firefighters' hours. The reality is, irrespective of where you are in the political spectrum, you should be able to agree that we are fighting more fires for a longer period of time and, frankly, we need to treat more fire, do more preventive treatment. That requires us to rethink our workforce and I think I've put in a good proposal to do that. And that's something very significant.

We also are continuing in our efforts to implement the John D. Dingell, Jr. Conservation, Management, and Recreation Act, and we have some investments in there that I think are worth your consideration. And finally, and importantly, I'd like to emphasize that you really think robustly about the investment you're making in the Inspector General's Office. The return on investment of investing in the Inspector General's Office is something that is quite significant since we're protecting taxpayer dollars, and I would encourage you to think robustly about that office.

I've also learned in my year that the President proposes and Congress completely disposes of the budget. So with that, I will conclude my statement and be happy to answer any of your questions.

[The prepared statement of Secretary Bernhardt follows:]

**STATEMENT OF DAVID BERNHARDT  
SECRETARY  
U.S. DEPARTMENT OF THE INTERIOR  
BEFORE THE  
SENATE COMMITTEE ON ENERGY AND NATURAL RESOURCES  
ON THE  
PRESIDENT'S 2021 BUDGET REQUEST**

**MARCH 10, 2020**

Chairman Murkowski, Ranking Member Manchin, and Members of the Committee, I am here today to discuss the President's Fiscal Year 2021 Budget Request for the Department of the Interior.

**The Fiscal Year 2021 Budget**

The Department of the Interior's mission directly affects Americans across the country. Delivering the Department's mission creates economic benefits for the Nation through both direct investment and facilitating private sector activities and contributions. According to the Department's current Economic Report, in 2018, lands under the Department's jurisdiction generated roughly \$315 billion in total economic output across the country. The Department also grants access to public lands and offshore areas for conventional and renewable energy development. In FY 2018, Departmental lands and waters produced nearly one-fifth of the Nation's energy, generating roughly \$150 billion in economic output, which included \$7.9 billion in direct energy revenue disbursements to States and the Treasury.

President Trump has been clear in his direction and priorities, setting ambitious goals challenging federal agencies—through governmentwide Executive Orders (EOs) and Presidential memoranda—to deliver better results. The Department has worked consistently to implement the President's agenda for the Department. Investments outlined in the President's 2021 budget will allow the Department to advance the objectives articulated in Presidential directives.

The 2021 budget advances key Presidential priorities, including the Department's new Plan to Transform the Firefighting Workforce, investments in active forest and rangeland management to better protect communities from fire, increased access to broadband in rural areas, advancement of critical minerals exploration and development, and provision of law enforcement needs in tribal communities. While investing in key areas, this budget also supports the Administration's broader fiscal objectives through targeted reforms and program reductions.

In 2021, the Department will continue to make important operational reforms—revisiting outdated and redundant processes and regulations, strengthening the Department's ethical culture, and transforming internal administrative operations to deliver better service to customers and employees.

The 2021 budget for the Department totals \$12.8 billion in current authority. The Department continues to have access to additional emergency suppression resources via the wildfire cap

adjustment in the event of a severe wildland fire season. The Department estimates there will be an additional \$7.5 billion in permanent authority available—including grants and payments—for specific activities that do not require annual appropriation.

The 2021 budget continues to prioritize taking care of the lands and resources we oversee, expanding access to those areas for public recreation and enjoyment, and investing to improve the visitor experience at our sites. Funding focuses on delivering our direct mission activities. In 2021, we are proposing several targeted investments to advance specific objectives and deliver tangible results, which include the following:

- Bolstering the Department’s capability to address the wildfire seasons.
- Investing in proactive forest and fuels management activities to reduce wildfire risk.
- Supporting a broadband access initiative to expand coverage in rural and tribal areas.
- Proposing a more sustainable Wild Horse and Burro management strategy.
- Investing in U.S. energy security and ensuring a reliable supply of critical minerals.
- Expanding public access to the Department’s lands for hunting, fishing, and other outdoor recreation.
- Addressing the problem of missing and murdered indigenous people in Indian Country.
- Promoting conservation stewardship focused on recovery and promoting collaborative partnerships.
- Being a good neighbor by continuing support for Payments in Lieu of Taxes, which are relied upon by communities across the country.
- Implementing important internal reforms in regulation and processes, ethics, workplace culture, Freedom of Information Act programs, and innovation through administrative shared services.

The President’s 2021 budget carries forward two significant legislative proposals related to the Department: a package of legislative reforms to improve forest management and reduce wildfire risk and legislation to establish a Public Lands Infrastructure Fund. Detailed descriptions of these legislative proposals and additional proposals for new appropriations language that address other Department priorities, can be found at: <https://www.doi.gov/budget/appropriations/2021/highlights>

### **Conclusion**

The priorities we have addressed in our request reflect a balanced and responsible approach to ensure continued economic prosperity and resource management. We are focused on taking care of the resources and infrastructure that we have. We are also continuing to make important reforms that will allow the Department and its programs to deliver better service to stakeholders, our customers, and employees.

Chairman Murkowski, Ranking Member Manchin, this concludes my statement and I am happy to answer any questions you may have.

The CHAIRMAN. Thank you, Mr. Secretary. We appreciate that.

I wanted to start with the fire crews, your proposal to bring on about 342 full-time, wildland firefighters. I think we all recognize the impact that we are seeing as it relates to these wildfires and our efforts to contain them. We have had for years very significant fire crews that come out of our smaller villages, and we call them the Alaska Native Village Fire Crews. They have been hired by BLM each year. Ten years ago, BLM would hire about 70 crews. Today we have less than 15. This is an issue that we have been trying to work through with BLM.

I understand that they are looking to contract out the process of hiring Alaska natives to the tribal governments, but the benefit that these native crews bring is they live in these areas. These are tough, as you know, you were out in the middle of nowhere. And so, when you have people who are very familiar with the areas and the land, they bring assets to the fight that, perhaps, others might not be able to. Do you know whether the hiring of these, of more permanent fire crews, makes it possible to restore the village crews like we have seen in prior years? It is something that I would like to better understand. If you don't have that answer today, I would like to visit with you about it.

Secretary BERNHARDT. So, I—let me give you my perspective overall. When I looked, when I began looking at our seasonal workforce challenges, I started with the reality that it takes us longer to hire seasonals than it should. And part of that is background and security issues. But in looking to streamline that, when I looked at firefighting hours, what I realized is we often hold seasonal hours to the end of the fire season and that's historically been done because they're worried about running out of hours.

And so, what we did is we went to OPM and expanded our hours. So our proposal, in total, between the additional career folks which would free up some of our seasonal hiring by moving them up and then giving them some long-term security and then expanding hours, I would get over 700,000 additional man hours with this proposal which is a tremendous bang for the buck. And my goal is that we get seasonal firefighting down to 30 days. It typically takes 84. And in an economy like this, it's very hard to tell somebody to wait 84 days to get a job, right?

And so, my view is that we try the test pilot. We got to about 32. So I really believe we can get under 30 and we should, we need to speed up. We were getting beat two years by the Forest Service, and I don't want to get beat by them on anything in terms of hiring and recruiting people. So we are really trying to up our game and what that will ultimately result in is more effective hiring and not a diminution on the number of seasonals but by having careers, our career leadership, more robust, I think we'll be able to move more quickly each year.

The CHAIRMAN. Well, know that I want to work with you and the folks at BLM—

Secretary BERNHARDT. Would love to.

The CHAIRMAN. —on this very specific to the village crews.

I mentioned in my comments the Denali Park Road, the landslide area at Polychrome Pass is getting tougher and tougher every year. The Park Service patches it up every year at the start of the

season. They are already in the midst of that now. But I think we recognize this is a longer-term fix. We know it will be an expensive fix, but this is, outside of seeing glaciers and hoping to see a moose or a bear, what every tourist who comes to Alaska wants to see is to be able to see Denali and its limited access through the bus. But if we don't have a road in, these many thousands, millions, of people who come are going to be disappointed. We don't want them in an unsafe situation though.

We had a chance to talk about this last week, but can you tell me when we might expect to see the proposal implemented? I am just curious about a timeline. We didn't really discuss this.

Secretary BERNHARDT. So the Park Service and the Highway Administration have told me that I can expect to receive options later this spring from a technical perspective. And then, as soon as I look into them I will get up here. I understand the need for a solution. I've stood on that road and looked at McKinley, so I'm there.

The CHAIRMAN. We call it Denali.

Secretary BERNHARDT. Denali.

The CHAIRMAN. That is okay. But I appreciate that, and I will look forward to walking through those alternatives with you.

Senator Manchin.

Senator MANCHIN. Thank you, Madam Chairman, and Mr. Secretary as I mentioned before on the transfer, first I want to thank all of us and everybody in your office, everybody else working with the pension, for the miners pension and——

Secretary BERNHARDT. So I was told before I walked in here that we were completely on time. So if we are not, I will deal with that as soon as I get back to the office.

Senator MANCHIN. Yes and I am sure, I don't know——

Secretary BERNHARDT. It's a big deal for me to be on time on that one.

Senator MANCHIN. I appreciate that because it is the '74 fund it was going into.

Secretary BERNHARDT. I know.

Senator MANCHIN. I don't know what has happened there, but we, as of last night, right? We didn't have it last night? As of last night, we knew the transfer was not made. No problem. I know you will get on it.

The other thing, according to the Energy Information Administration, EIA, 468 million cubic feet, or MCF, of natural gas was vented and flared in the United States in 2018. That is a sharp increase from the 281 MCF in 2017 that was vented. The trend toward large increases is truly alarming, and we have said this before, it is past time to get serious about finding solutions for abating methane flaring not only because of the climate implications but also taxpayers are getting shortchanged. That product should be going to market. When an oil and gas operator on public land vents or flares methane, it does not go to the market. It goes up in the air.

I don't know if you have had an opportunity or someone has brought this to your attention to review the amount of flaring that is going on on public lands. I know in the private sector, technology is there to capture it, they got more pressure put on it and anything we can do to assist and help, if you need legislation, let us

know. But on this, we must curtail that. It is just unbelievable how much is going up into the atmosphere. So we lose twice. Taxpayers lose basically on the climate, and then we lose on the revenue. I don't know if you have anything on that you want to add.

Secretary BERNHARDT. Well, you know, we put out a rule. The rule is being litigated. I think I've seen a number of states making changes, New Mexico. Colorado has a good regulatory mechanism. I will tell you that if we were told to implement the prior rule today, I will be very upfront with you, I don't think we have the expertise at BLM to do the air quality work that really would be responsible. So if that's a pathway we go on, I think we need to rethink—

Senator MANCHIN. Okay.

Secretary BERNHARDT. —what we do with our own authorities and—

Senator MANCHIN. Can we sit down with you then, maybe, as far, maybe—

Secretary BERNHARDT. I'm happy to—

Senator MANCHIN. —both sides of our Committees can sit down?

Secretary BERNHARDT. I know it's something you're passionate about, and I'm happy to visit with you and work with you on it.

Senator MANCHIN. Okay. We will work with you on that.

Finally, I would like to hear what sort of steps you are taking in preparing for the current COVID-19, Coronavirus. You have about 70,000 employees, 2,400 locations in all 50 states and territories, so tell me what you are thinking.

Secretary BERNHARDT. So let me give you a perspective, and I don't want to take more than your two minutes, but let me put this in perspective for you from my personal perspective. I was in the Secretary of the Interior's office looking out the window as the smoke billowed out of the Pentagon on 9/11. On that moment I—my life changed in a significant way. I became very understanding of continuity of operations. I became very understanding of continuity of operation plans and our emergency support functions.

And one of the things I'm very proud about at the Department of the Interior is our employees have always stepped up in a variety of crises from that moment to pretty much every natural disaster where there's been an emergency. And at the Department we have a pandemic plan and just like with any other event, as this is unfolded, we've pulled out the plan. We're part of the emergency support functions. I have folks volunteering for certain duties. And on a really positive note, from my perspective, when I look at our Interior responsibilities, my first concern was our, the children we have in our school system, okay. The good news, the good news with this particular event compared to say, swine flu or some other things, is it looks like things are pretty good for children, honestly. There hasn't been a fatality, I believe worldwide, in anybody under 10 and I think only one under 20 that they've identified. That's pretty significant for us given the populations that we serve.

We also, in the Park Service, have the Office of Public Health which is longstanding, but is there and very positive. So here's what we've done. And I've participated in multi-agency calls, but I appointed the Deputy Secretary to look at our pandemic plan and

update it. I directed the bureaus to get on with looking at it and updating it, and we've already taken a whole series of steps and will continue to. I'm briefed daily on these matters, and we're taking it extremely seriously as we work through particular issues.

So far, we've not had anyone in the Department that has contracted this illness. We have had, I believe, one employee that was on a cruise ship that is, you know, obviously on a cruise ship. But other than that, you know, when I look at it from a school perspective, we're watching what local governments are doing. We have set up protocols for our own schools for our children. We've set up protocols for our employees. We're trying to communicate aggressively with the employees to keep them updated so things—

Senator MANCHIN. Let me ask you this question very quick, I'm so sorry, but visitations. Have you seen visitations dip down?

Secretary BERNHARDT. So I visited with the Park Service yesterday precisely on that.

Senator MANCHIN. Yes.

Secretary BERNHARDT. And you know, we receive a number of visitations from Asia, but we have not seen a dip in that because of the time of year we're in. It's, there's, you know, there's still snow in Yellowstone, for example. And so, we haven't seen that, you know, I've worried, not worried, but I've asked about that in terms of visitation, in terms of concessioners, in terms of our recreation fees, and so far there's no significant dip. There may be. We'll deal with it.

We also have responsibilities in the territories and we've been talking to those folks and I've personally talked to some of them. Tourism is a big factor in some of the economies in the territories. So there they're seeing a drop in hotel reservations, things like that. So we're trying to figure out the pathway forward. Look, the President has made this a priority. He's focused the Vice President on it. He's certainly, I think, we'll be up, folks will be up here today talking about the economic side, but at the Department of the Interior I think that we've handled it in a way that we would a normal situation, an event, and we're managing it, appropriately.

Senator MANCHIN. I want to thank you, and Mr. Wallace on Pearl Harbor, getting on that one and making us a little bit more proud than what we had been, what we saw, but you all have gotten on it and I appreciate that very much.

Secretary BERNHARDT. Copy that, sir.

Senator MANCHIN. Thank you. Thank you.

The CHAIRMAN. Senator McSally.

Senator MCSALLY. Thank you, Chairwoman. Secretary Bernhardt, good to see you again. I look forward to hosting you in Arizona.

One of the most pressing water issues in Arizona is the implementation of the Colorado River Drought Contingency Plan (DCP). Last year, as you know, I led the bipartisan effort here in the Senate with 14 Senators from all the states to pass this into law in six days, got it through the House as well. That, you could say, was the easy part. We all knew that implementing the deal would be tough. The Federal Government's commitment during the negotiation phase to contribute toward the cost of DCP well construction in Pinal County was clear and unambiguous. In fact, the Arizona

delegation was successful in securing \$20 million in the Bureau of Reclamation's FY20 budget to be used specifically for this purpose.

I would like to submit a letter for the record dated January 29th from all 11 members of the Arizona delegation that we sent to you and Commissioner Burman outlining the justification we had for securing that money and making clear that the intent of Congress was for it to be used for Reclamation DCP well construction. So, without objection, Madam Chair, can we put this in the record?

The CHAIRMAN. It will be included.

Senator MCSALLY. Thank you.

[Letter from the Arizona Delegation follows.]

ANN KIRKPATRICK  
2ND DISTRICT, ARIZONA

COMMITTEE ON APPROPRIATIONS  
DEFENSE SUBCOMMITTEE  
ENERGY & WATER SUBCOMMITTEE  
FINANCIAL SERVICES SUBCOMMITTEE

COMMITTEE ON AGRICULTURE  
COMMODITY EXCHANGES, ENERGY AND  
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January 29, 2020

The Honorable David Bernhardt  
Secretary  
U.S. Department of Interior  
1849 C Street, N.W.  
Washington, D.C. 20240

The Honorable Brenda Burman  
Commissioner  
U.S. Bureau of Reclamation  
1849 C Street NW  
Washington, D.C. 20240

Dear Secretary Bernhardt and Commissioner Burman:

We write to thank you for your leadership in responding to the ongoing drought in the western United States and to ask you to ensure that provisions of the Colorado River Drought Contingency Plan Authorization Act (Public Law No: 116-14), and related federal funding subsequently provided in the Consolidated Appropriations Act, 2020, (Public Law No: 116-93), be implemented in a timely manner consistent with Congressional intent.

Prompt action is required to address the growing risks from drought and ensure sustainability of Colorado River water supplies. Drought is the single largest cause of U.S. farm production losses, accounting for more than 40 percent of total crop insurance payments, averaging \$4 billion annually<sup>1</sup>. In Arizona, a significant amount of Colorado River water is used for agriculture, an industry that supports 138,000 jobs and the food and fiber they produce for the region and country<sup>2</sup>.

Public Law 116-14 was adopted by Congress in recognition of the critical need to establish a comprehensive and effective drought response to this threat. It requires that the "...Secretary of the Interior shall, without delay, execute such agreements, and is directed and authorized to carry out the provisions of such agreements and operate applicable Colorado River System reservoirs accordingly." The Arizona Congressional Delegation unanimously supported P.L. 116-14, and now urges the Secretary to implement its provisions with funding recently provided to the Bureau by Congress.

The Arizona drought contingency plan is the only plan among the seven basin states that required the adoption of state legislation. An essential provision of the state legislation was an

<sup>1</sup> Wallander, S., Aillery, M., Hellerstein, D., & Hand, M. (2013, April). The Role of Conservation Programs in Drought Risk Adaptation. [https://www.ers.usda.gov/webdocs/publications/45066/37190\\_err148.pdf?v=0](https://www.ers.usda.gov/webdocs/publications/45066/37190_err148.pdf?v=0)

<sup>2</sup> Guide to Arizona Agriculture. (2018, December). [https://agriculture.az.gov/sites/default/files/AZDA\\_GuideToAZAg-R5.pdf](https://agriculture.az.gov/sites/default/files/AZDA_GuideToAZAg-R5.pdf)

agreement by central Arizona farmers to forgo their legal entitlement to Colorado River surface water in exchange for development of a groundwater well construction infrastructure project, of which roughly half of project costs (\$20-25 million) is expected to come from federal sources and the other half from state and local sources. This provision was critical to reaching agreement in Arizona on the plan, which, in turn, was necessary for completion of the seven basin state agreements and subsequent Congressional passage of drought legislation.

Accordingly, Members of our Delegation authored, and the entire Delegation supported, appropriations language and funding enabling the Bureau to fund a substantial portion of the infrastructure project, and such language was included in the final bill:

"Of the additional funding provided under the heading "Water Conservation and Delivery," \$20,000,000 shall be for water conservation activities in areas that are experiencing extended drought conditions. These water conservation activities shall include well construction and irrigation related structural or other measures, programs and projects that result in conservation of other surface water or groundwater, or improve water system efficiency, resiliency, reliability, delivery, and conveyance."

State and local funding sources for half the project costs have been secured, but no federal funding has been provided to date. Thousands of Arizona farms and workers need certainty that federal funding will be provided so that the project can be completed and that their farming operations will continue without interruption or delay. The \$20 million in federal funding provided in the recent appropriations bill was designed for that very purpose. We appreciate that the Department and Bureau have multiple priorities, and we request that you make substantial funding for this project a top priority consistent with congressional intent.

Thank you for your consideration.

Sincerely,



Kyrsten Sinema  
United States Senator



Martha McSally  
United States Senator



Ann Kirkpatrick  
Member of Congress



Tom O'Halleran  
Member of Congress

  
Raúl M. Grijalva  
Member of Congress

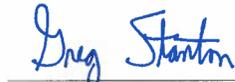
  
Paul A. Gosar, D.D.S.  
Member of Congress

  
Andy Biggs  
Member of Congress

  
David Schweikert  
Member of Congress

  
Ruben Gallego  
Member of Congress

  
Debbie Lesko  
Member of Congress

  
Greg Stanton  
Member of Congress

Senator MCSALLY. And while we have not received a written response, Commissioner Burman has informed me that the Bureau does not believe it has the legal authority to contribute to this project in the manner that Congress directed it to. So I now have a second letter here, dated March 6th, addressed to my office from five central Arizona irrigation districts, outlines the various statutory authorities that BOR has to lawfully contribute to the funding that we put in the Appropriations bill. This letter has been transmitted to your staff and Reclamation, so I would like that put in the record as well.

[Letter from Arizona Irrigation Districts follows.]

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March 6, 2020

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The Honorable Martha McSally  
United States Senate  
218 Russell Senate Office Building  
Washington, D.C. 20515

Re: Arizona Drought Contingency Plan Irrigation Infrastructure Funding  
Authority

Dear Senator McSally:

This law firm represents Central Arizona Irrigation and Drainage District ("CAIDD"), Maricopa-Stanfield Irrigation & Drainage District ("MSIDD"), New Magma Irrigation and Drainage District ("NMIDD"), Queen Creek Irrigation District ("QCID"), and San Carlos Irrigation and Drainage District ("SCIDD") (collectively "Districts"), which are responsible for managing and delivering the irrigation water supplies required for agriculture on more than 260,000 acres located in central Arizona. As you know, under the Lower Basin Drought Contingency Plan ("LBDCP"), Arizona must leave in Lake Mead all of the Central Arizona Project ("CAP") agricultural pool water on which the Districts currently rely in any year during which the water elevation in Lake Mead is projected to fall below 1075 feet.

To partially mitigate the harmful effects that otherwise would result from the complete loss of the CAP agricultural water supply under LBDCP, Arizona's LBDCP plan includes an irrigation infrastructure project ("Infrastructure Project") that is intended to provide substitute irrigation water supplies for a portion of the CAP agricultural water that must remain in Lake Mead. The Infrastructure Project consists of new, replacement, and rehabilitated irrigation wells, canal system improvements, and a reclaimed water reuse project, among other things, and is expected to cost approximately \$50,000,000 total. The parties to Arizona's intra-state LBDCP negotiations, which included representatives of the United States, understood that non-federal parties would contribute approximately half of the necessary funding, and that federal funding would be made available to complete the Infrastructure Project. Although funding from the non-federal parties has been secured, no federal funding has been made available for the Infrastructure Project to date.

The Infrastructure Project was essential to Arizona's LBDCP plan and to obtaining the consent of the Arizona Legislature required for state to agree to participate in LBDCP. We

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March 6, 2020  
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understand that the United States Bureau of Reclamation (“Reclamation”) has raised questions as to whether it has authority to contribute funding for the construction, replacement, or rehabilitation of irrigation wells to complete the Infrastructure Project. For the reasons set forth below, we contend that Reclamation does currently have such authority.

### **I. The Colorado River Drought Contingency Plan Authorization Act**

The Colorado River Drought Contingency Plan Authorization Act (“DCP Authorization Act”), Pub. Law 116-14, authorizes Reclamation to contribute funding for the Infrastructure Project. Section 2(a) of the DCP Authorization Act directs the Secretary of the Interior (“Secretary”) to sign “the Agreement Concerning Colorado River Drought Contingency Management and Operations and the agreements attached thereto as Attachments A1, A2, and B,” and directs and authorizes the Secretary to “to carry out the provisions of such agreements and operate applicable Colorado River System reservoirs accordingly.”

Section 4(a) of “Attachment B” referenced in the DCP Authorization Act (“LBDCP Agreement”) provides that “[p]rior to or concurrent with the execution of this LB DCP Agreement, the Parties shall enter into and implement Intra-State DCP Agreements as necessary to carry out the obligations of the non-Federal Parties . . . and enable the Secretary to perform the Secretarial actions required in the LBOps.” Similarly, Section 3(c) provides that the “Secretary will explore mechanisms to arrange for additional appropriations or other funding mechanisms to assist the Parties in taking additional Lower Basin drought response actions in a manner consistent with the goals of this LB DCP Agreement.” The Infrastructure Project is a critical part of Arizona’s intra-state DCP agreement for purposes of Section 4(a) of the LBDCP Agreement, and Reclamation’s contribution of funding for the Infrastructure Project qualifies as assistance in taking drought response actions for purposes of Section 3(c). Thus, the DCP Authorization Act and LBDCP agreements provide sufficient authority for Reclamation to contribute to the Infrastructure Project.

### **II. Preexisting Reclamation Authorities**

In addition to the DCP Authorization Act, Reclamation’s preexisting authorities allow Reclamation to contribute to the Infrastructure Project. Reclamation always has had authority to construct groundwater wells and related infrastructure. *See* 43 U.S.C. § 411. Groundwater historically has been included as part of the water supply available for use by Reclamation projects, and wells necessary to access those supplies historically have constituted part of Reclamation projects’ infrastructure.

Likewise, the Reclamation State Emergency Drought Relief Act of 1991 (“Drought Relief Act”) authorizes Reclamation to undertake construction, management, and conservation activities to minimize losses and damages resulting from drought conditions, and expressly refers to “wells drilled to minimize losses and damages from drought conditions.” 43 U.S.C. § 2211(a). The Infrastructure Project is a necessary component of Arizona’s intra-state

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Page 3

LBDCP agreement, and Reclamation's participation would constitute construction, management, and conservation activities to minimize losses and damages resulting from extended drought conditions in the Colorado River basin for purposes of the Drought Relief Act.

Reclamation has used its preexisting authorities to grant funding for the construction, rehabilitation, and replacement of wells and related groundwater infrastructure. For example, in fiscal year 2018, Reclamation awarded grants to six drought resiliency projects consisting of well construction, rehabilitation, or replacement proposals. *See* <https://www.usbr.gov/drought/docs/2018/2018DroughtResiliencyProjectSelections.pdf>. Moreover, Reclamation already has agreed to contribute \$100,000 for work relating to this specific Infrastructure Project in its capacity as a partner in the Regional Conservation Partnership Program proposal submitted to the Natural Resources Conservation Service by the Arizona Department of Water Resources on December 3, 2019.

For the reasons discussed above, Reclamation currently has authority to contribute funding to assist in the Districts' completion of the Infrastructure Project. If we can provide any additional information to help resolve any remaining questions that you may have, please do not hesitate to contact us.

Very truly yours,

Salmon, Lewis & Weldon P.L.C.



By  
Paul R. Orme



Daniel B. Jones

Senator MCSALLY. Can I get a formal review and a timely review of these letters and these authorities?

Secretary BERNHARDT. Absolutely.

Senator MCSALLY. Thank you.

And if upon the review the Bureau finds it does have the authority to spend the money as we thought we directed in the Appropriations bill for FY20, can I get your commitment that the Bureau of Reclamation will follow through and contribute its share of funding to the DCP implementation?

Secretary BERNHARDT. So I'll certainly promise to give it a hard look, and I'll get back to you on it, absolutely.

Senator MCSALLY. Great, thank you, I appreciate it.

Next, I want to turn to the Hualapai Water Settlement. This is another really important element of water security in Arizona. Settling these claims legislatively instead of through the courts fosters a more cooperative, equitable and good outcome to all stakeholders, including the tribes, the communities, the state and everybody involved. So my bill, S. 1277, is the Hualapai Tribe Water Rights Settlement Act of 2019. It is many years in the making, a comprehensive compromise between the Hualapai Tribe, multiple state parties to guarantee 4,000 acre-feet of water to the tribe and settle the remaining claims with the state and Federal Government.

There was a lot of effort that went into this by the stakeholders and the state. The water rights and associated infrastructure promised in the bill are really essential to the health and economic well-being of the tribe as well as the water security for Mohave County and the state. The agreement is the result of many years of negotiations, as I mentioned. All parties within Arizona are on board which, as you know, is very difficult, very difficult to achieve with these settlements. The only party not on board is not a constituent, that is the Department of the Interior. Unfortunately, the water folks at DOI have had their heels dug in on this for several years, and we haven't been able to budge them at all. So something has got to give. We have to get this settlement done. What needs to happen to get the Department of the Interior on board to break the logjam to move this thing forward?

Secretary BERNHARDT. So I have a lot of experience with Indian water right settlements and a long history for them, generally. I'll have to look at that, specifically.

Senator MCSALLY. Okay.

Secretary BERNHARDT. But what I will tell you is I will assign a counselor to look at it and then as soon as I get back to the Department, and we'll have an answer soon.

Senator MCSALLY. Great, thank you. I appreciate it. I feel like we are stuck, you know, where we all agree that this is, kind of, the best path forward and we just have individuals stuck saying that is not a path forward. And so, something needs to—

Secretary BERNHARDT. Yeah.

Senator MCSALLY. Thank you, I appreciate it.

Okay, my last question here. Last year when you were here, we talked about the Grand Canyon and the importance of getting permanent leadership there. Not just because of how important that is for our tourism nationally, but they have a \$300 million backlog

of infrastructure issues. They have a sexual harassment problem there, and last time we talked—

Secretary BERNHARDT. Yup.

Senator MCSALLY. —you said we would have someone in May. We sent a follow-up letter, and then it was September. Now here we are a year later and still no superintendent, so.

Secretary BERNHARDT. That is, to be very honest with you, that is one of my biggest disappointments since being Secretary. We advertised that position multiple times and frankly, I think, it's one of the best positions in the United States Government. We had, and this is a challenge with hiring, we had a couple people who went all the way through the process and ultimately decided they didn't want the job. I want you to know that although for personnel reasons I can't announce a name, I've instructed the ERB to direct, assign a person who is phenomenal, absolutely phenomenal.

Senator MCSALLY. Okay.

Secretary BERNHARDT. When he is or she is announced, you will be blown away. And so, it's somebody that I have a lot of confidence in, and they'll be there. We'll make an announcement, I would say, within three weeks.

Senator MCSALLY. Okay, so the timing of them being there will be shortly after that?

Secretary BERNHARDT. Fast, fast.

Senator MCSALLY. Okay, great, thank you. I am over my time, appreciate it.

The CHAIRMAN. Thank you, Senator.

Senator Wyden.

Senator WYDEN. Thank you, Madam Chair.

Mr. Secretary, in January 2018 then-Secretary Zinke proposed opening up nearly the entire U.S. coastline for offshore oil and gas drilling. Now Oregonians from across my state, especially those on the Oregon coast, whose livelihoods depend on oceans and beaches free from spilt oil and tar balls resulting from a drilling disaster lined up in overwhelming opposition to this plan. The outcry was so enormous, the Oregon legislature permanently banned all oil and gas drilling in our state's marine waters. And suffice it to say, there have been similar responses from other states.

Now since you have taken over as Secretary, I have been trying to define what your plans are with respect to offshore drilling. So what I would like to see if we could do is if you could give me a yes or no answer to, I think, a straightforward question. On your watch, your watch, does the Interior Department plan to open up any additional coastline for offshore oil and gas drilling and I would like a yes or no answer. If you want to give some additional explanation after that, I have time and go ahead, but I would like first, a yes or no answer, on your watch does the Department plan to do anymore offshore oil drilling?

Secretary BERNHARDT. On my watch, the Department has not proposed to draft a proposed plan, but when they do, we'll let you know what it is.

Senator WYDEN. So let the record show you were asked specifically whether or not you plan on your watch to greenlight any more additional offshore coastline drilling for oil and gas, simple ques-

tion, and your answer is essentially, well, maybe we will have a draft and maybe when we have a—

Secretary BERNHARDT. Let me be very clear.

Senator WYDEN. Sir, I've got the floor.

Secretary BERNHARDT. We don't need a five-year plan until 2022, and we'll get one done on time. And when I'm following a Ninth Circuit case, when I see where that case is headed, I'll develop a plan. And that plan, at this time, has no vision of going one way or another. I don't know what the plan will be.

Senator WYDEN. Well—

Secretary BERNHARDT. When I see the case, I'll make a decision.

Senator WYDEN. Again, I asked for a straightforward answer on a question that, frankly, people all over the West, and particularly those on the coast who depend on recreation for their livelihood, they give people like me an election certificate to get some straight talk, some straight talk and now we have all kinds of things with court decisions and draft plans.

Secretary BERNHARDT. Let me be very clear.

Senator WYDEN. I'll hold, I'll hold the record open—

Secretary BERNHARDT. The beauty of OCSLA—

Senator WYDEN. I've got the—

Secretary BERNHARDT. The beauty of OCSLA is that—

The CHAIRMAN. [Several taps of the gavel]

Secretary BERNHARDT. —it requires both gubernatorial and public participation, and we will make sure you get that chance to comment.

The CHAIRMAN. Senator Wyden, I think you got your answer. I think the Secretary said that there is no plan right now and that when one is available you will receive it.

Senator WYDEN. I still have additional time. Respectfully, Madam Chair—and we have worked together often, as Chair and Ranking Member—I didn't get that answer. I got an answer that down the road there will be various kinds of processes and maybe we will hear something and then at the end, I think you summed it up. I haven't decided yes or no.

I can tell you people that I represent care passionately about this. That is why they went to the Oregon Legislature to control their own state waters, and I hope that you will give us additional clarity in the days ahead.

Thank you, Madam Chair.

The CHAIRMAN. Senator Gardner.

Senator GARDNER. Thank you, Madam Chair, and Secretary Bernhardt, I commend you on, as a Coloradan, staying calm while an Arizonan asked you a water question. So good job, thank you for that.

Secretary Bernhardt, I just want to start by saying thank you. Thank you for your comments at the beginning of the hearing on the Land and Water Conservation Fund as well as the Restore Our Parks Act and for the President's support of this. This is a historic opportunity for this country in conservation, environmental protections, so thank you for that and I look forward to this chamber's bipartisan passage as quickly as possible on that and getting it to the President's desk to fulfill that commitment. Thank you for that.

Thank you as well for resolving the Anvil Points issue in Colorado. Thank you as well for the Arkansas Valley Conduit. This is, if you look at the Land and Water Conservation Fund, a bill that passed in 1965, now we are going to be able to fully fund, permanently fund a program built in 1965. If you look at the Arkansas Valley Conduit, 1962 when President Kennedy made that promise, now we are beginning to fulfill that promise. So it has been decades in the makings for many of these things that you have been able to succeed with, and I am grateful for it. So thank you.

I started talking in this Committee several years ago under the Obama Administration about moving the Bureau of Land Management to the West, the importance of having decision-makers grounded in the communities where those decisions have the most impact and the most effect. At the time, it was Director Neil Kornze of the Bureau of Land Management (BLM) who had an exchange with me regarding BLM Planning Rule 2.0. I had said, if the BLM were headquartered out West, you would understand why so many county commissioners out West had a challenge or problem or questions about that rule, that regulation. I think at the time he joked and said, well, we should think about moving it out there or something like that and here we are today. In July of last year, the Department of the Interior announced that the relocation was happening and I can't thank you enough for that, because I believe the importance of having the headquarters of our public lands agencies headquartered in our public lands will make a crucial difference to better decision-making.

Under the Department of the Interior's plan, every Western state will get additional staff, 222 current Washington positions will be moved to locations throughout the West from Arizona, Alaska, California, Idaho, Montana, Dakota, to North and South Dakota, Nevada, New Mexico, Oregon, Washington, Utah and Wyoming. The cost benefit analysis done by the Department of the Interior, you talk about, it would save money, but the real bottom line here and how more effective those dollars will be spent is going to be achieved by having those public land managers, the head of the agency, the headquarters, in the Western United States. And so, thank you for that because it is going to result in better public land decision-making and better public land policy.

This is not new to have agencies—and this may be a shock to some in Washington—but it is not new for Washington agencies to operate outside of Washington. I think that has been hard for some people to swallow. They may be surprised to learn that there are Environmental Protection Agency offices outside of the beltway, there are National Institute of Standards and Technology offices outside of the beltway, NOAA offices outside of the beltway, a CDC laboratory in Atlanta, there is even one in Colorado in Fort Collins, and they all do incredible work. I am grateful for it. I believe they are more responsive to the communities they serve because they are out of Washington, DC, but the Robert F. Burford BLM headquarters building is now located in Grand Junction.

Could you give me a little bit of an update of where that stands right now, the status of the reorganization and any issues in completing these moves going forward?

Secretary BERNHARDT. So let me say, first and foremost, I think the people that are most thrilled about this are our folks in BLM in the field. When I walk into a field office and I start talking about this, they immediately start clapping.

Here's something that you should know, Senator. We're on track. We already have headquarters out there on a beta test operational. Our lease expires in, at the end of 2020 here, and that facility will be battle tested and hardened and very, very full. I think we're going to have a grand opening sometime this spring. But let me tell you something that I have found remarkable and that is the people that are applying for these jobs are absolutely through the roof. The quality of applicants and the number of applicants we're getting compared to advertising for the same job here, is absolutely astounding. And the one big reason for that is some of our BLMers are really excited about moving to Grand Junction.

Ironically, they were less excited about moving here. And part of that, I think, is the cost of housing. I think it's the length of commute. I also think it's the fact that they're not around public land, but more importantly to me, or equally importantly, over the last several months we've done everything we could for folks here that don't want to leave to ensure that we've hired them in other departments or within the Department of the Interior and as of today there's not a single person below a GS-11 or below that's expressed an interest in staying that we haven't hired here. And so, we're taking care of our people as we do the relocation. So I'm pretty excited about it, honestly.

Senator GARDNER. Well, thank you, Mr. Secretary, again, for your leadership.

Secretary BERNHARDT. Great job.

Senator GARDNER. Thank you.

I will follow up with you a little bit more about this, going back to the Arkansas Valley Conduit, just wanting to make sure the Department and the Bureau specifically, Bureau of Reclamation, have all the tools they need to make sure they get the project completed on a reasonable timeline.

I am out of time. We can follow up on that later, but thank you for your work.

Secretary BERNHARDT. Thanks.

Senator GARDNER. Let us know how we can help you with additional Arkansas Valley Conduit tools and resources.

Secretary BERNHARDT. Absolutely.

The CHAIRMAN. Thank you, Senator.

Senator Heinrich.

Senator HEINRICH. Thank you, Madam Chair.

I want to start, Secretary, and just thank you for your help with getting the Great American Outdoors Act together. I am very proud of what we have introduced. I think it is a once in a lifetime opportunity to see full funding for the Land and Water Conservation Fund as it was always intended, and it is an enormous opportunity for us to address the maintenance backlog on our public lands. I am particularly proud that it is not just our parks, which really are crown jewels, but also our forests, our refuges and BLM lands. Those are all critically important public lands to people across the West and across this country. So we are going to need your help

to get this across the finish line. It is certainly not done, but I appreciate your efforts on that behalf.

I have a question on behalf of my colleague, Minnesota Senator Tina Smith—and I have to admit I am not disinterested in this question she asked me to raise for you—but it involves the Boundary Waters and that is a place that has always been on my bucket list and, I think, is one of the great swaths of American public lands that we have seen protected. In September 2018, the Department canceled a mineral segregation and withdrawal study for the Rainy River Watershed in Northeastern Minnesota just three months before it was to wrap up. Last week, the Twin Cities Star and Tribune published a link to this environmental assessment. That wasn't particularly helpful. This is the link. It appears from the cover page, to be done, but having sat on the Intelligence Committee, I have never seen something so fully redacted in my life.

I guess my question for you is simply that, is it possible for those of us on this Committee to get a copy of the unredacted version, whether it was fully done or even if it was in draft?

Secretary BERNHARDT. So, well first off, let me say something about the Boundary Waters, since it is on your bucket list. I have a 16½-year-old boy who I think has camped in the Boundary Waters over 200 days. He loves it up there, and he's gone to a camp since he was in third grade up there. And last year he did a 450-mile canoe trip which was pretty impressive for a group of seven boys.

Senator HEINRICH. It is the miles of portages that—

Secretary BERNHARDT. That's exactly right, a lot of miles of portages.

That said, I'll have to look at that document. I do believe it was a draft and I'll go back and look at what our equities are, and I'll try and work something out in a way that it's accommodating.

Senator HEINRICH. Okay. I know there are a number of people on this Committee that sit on Intel, so if we have to go to a skiff somewhere.

Secretary BERNHARDT. That may be, like, there may be a way to accommodate you. I'll figure it out.

Senator HEINRICH. Okay.

I want to shift to the BIA real quickly. The Crownpoint and the Shiprock Chapters of the Navajo Nation have a number of BIA buildings that are vacant, that pose health and safety risks at this point. There are actually 22, I think, abandoned BIA buildings in the Crownpoint Chapter, and 37 in the Shiprock Chapter. My understanding is, it is going to cost about \$2 million to demolish just those on the Shiprock Chapter alone. You know, in this budget the BIA only has \$2 million to demolish unsafe buildings across the entirety of Indian Country.

Navajo Nation is incredibly interested in using the land that these abandoned buildings sit on for economic development and, obviously, that can't move forward until those buildings have been removed safely. I would simply ask you to work both with the Nation and with my office to expedite and to move forward on seeing those buildings removed as quickly as is feasible.

Secretary BERNHARDT. So, you know, we have under our jurisdiction about 43,000 buildings and about 80,000 structures and we don't have, with all of them, we don't have a perfect window in the

asset management category. We're trying to update that across the board. It certainly comes into play in the maintenance backlog and other things, but with those specific, I'll look at them and we'll try and find a pathway forward. I do think that at times we, we're a little slow on the demolition side. So I'll give it a look and we'll see where we're at.

Senator HEINRICH. I will stick around for a second round and we will go from there, since I only have ten seconds left.

Thank you, Madam Chair.

The CHAIRMAN. Senator Barrasso.

Senator BARRASSO. Thank you very much, Madam Chairman. Secretary Bernhardt, thanks for joining us this morning.

You know, Wyoming is a federal land state and the decisions made here in Washington, result in real effects, real impacts on jobs and the economy in my home state. There has been a lot of discussion over the last week about the President's support for the Restore Our Parks Act and the Land and Water Conservation Permanent Funding Act. No question, I share the President's commitment to supporting our National Park System, strong conservation programs, but there is an inconsistency though in terms of addressing the maintenance backlog when at the same time we are adding many new lands to the federal footprint. Is the Department of the Interior prepared to maintain the land that it currently manages while adding new federal lands?

Secretary BERNHARDT. Senator, we're trying to do everything we can to improve our management and maintenance of lands across the board and we will continue to be aggressive in that area, absolutely.

Senator BARRASSO. Because, you know, with any new federal land acquisitions, future maintenance, future underlying costs need to be considered, I believe, prior to any purchases are made final. The Great American Outdoors Act proposal would provide for mandatory spending of about \$900 million per year, current LWCF statute limits the federal portion for land acquisitions to \$400 million. Could the Department of the Interior truly spend that money allotted to it if mandatory funding were passed, especially since the federal side of LWCF is limited to land acquisitions?

Secretary BERNHARDT. So I've spent a lot of time over the last week working on precisely that issue, and I think that we'll have a plan that would be effective if we get to that point.

Senator BARRASSO. In the last several months a number of candidates running for President have committed to banning the practice of hydraulic fracturing that has been so instrumental in leading to the renaissance of American energy. They want to ban it. It is a proven technique. It allows operators to access vast reserves of oil and natural gas that have been previously locked up in shale rock formations. It has really transformed how our nation uses energy and works toward energy independence. What effect would a ban on hydraulic fracturing have on our nation?

Secretary BERNHARDT. Well, it'd be very significant. You know, if you look at our revenues on—from oil on federal land and Indian land, they've gone up 98 percent in the last two years or since 2016. And the reality of that is a lot of that is the revolution that took place on private land has migrated over to public land over

the last couple of years. And so, it would be very significant and very negative.

Senator BARRASSO. Because I have heard some of these same candidates state that they would ban the leasing of federal minerals if elected, I wonder what effect that would have on—

Secretary BERNHARDT. Yeah, everyone I get that says that, I say, call the Governor of New Mexico and ask her how much the Department of the Interior sent her last year, and I even think she's not for a complete ban on federal revenues.

Senator BARRASSO. Yes, one other thing is since, well you and I have discussed the need to lower the royalty rate on trona, soda ash, a mineral that is a key component of glass. Wyoming's trona mines are challenged in the global market as China and other countries flood the global markets with cheap, synthetic trona. Uncertainty in terms of global trade has made the need for a royalty rate reduction, to me, I think, more pressing than ever. I want to thank you for taking the steps to streamline this royalty rate reduction process. Do you know when you would plan to release the final rule?

Secretary BERNHARDT. Soon.

[Laughter.]

Senator BARRASSO. Finally, in December 2016 the Obama Administration finalized a rule called the Competitive Leasing Rule, a rule intended to assist renewable energy developers in siting new wind and new solar facilities while also recovering rents and fees for the American taxpayer but projects that were underway when the rule was finalized, I believe, should be grandfathered in from the rule, and it imposes significant unforeseen costs on projects that could jeopardize their viability.

In nearly every case, the new regulation would significantly increase cost of existing operations with no benefit of the regulation. When will you move forward with the Secretarial Order to grandfather in projects that were underway at the time the rule was finalized?

Secretary BERNHARDT. So I'm in some discussions about whether that would be a viable way to do it. I could get back to you in two weeks on it, but that's really where we're at.

Senator BARRASSO. Well, I would appreciate hearing back from you in two weeks.

[Secretary Bernhardt's response to Senator Barrasso's question:

The Department has been enjoined from implementing recommendations made by the RPC.]

Senator BARRASSO. Thank you, Mr. Secretary. Thanks, Madam Chairman.

The CHAIRMAN. Thank you, Senator Barrasso.

Senator Cantwell.

Senator CANTWELL. Thank you, Madam Chair. Secretary Bernhardt, I have a couple of different questions so hopefully you can help me work through them.

On that exchange with my colleague, Senator Wyden from Oregon, I just hope you will understand that you are not the first Secretary that has had this discussion before the Committee. I was just trying to remember, Madam Chair, what the discussion was when your father was Chair of the Committee and I was here, but

I guarantee you when Senator Domenici and Senator Bingaman was here, there were a lot of votes on even whether we wanted to study offshore drilling. And you know, I know what my constituents said—they did not want to.

So the point is that now since the Trump Administration has reversed, or tried to reverse, what Obama put in place and your predecessor, Secretary Zinke, tried to open up 90 percent, there was a lot of confusion and a lack of input. I am just saying, there is a great deal of interest by crab fishermen and coastal communities about what a plan might be. I know you are not going to answer any more, but I am just trying to put into context that this is a very large and historical discussion. I think people want to know they are going to have the input that they seek. That is it, so, you'll—

Secretary BERNHARDT. They should have great comfort in the fact that the law requires input and the law requires processes that provide for that and those will all take place should we proceed forward in any way.

Senator CANTWELL. Well, alright. I will eat up all my time if I discuss what happened under the last process because I guarantee you it didn't feel very input driven. It felt like the Florida Governor said one thing and he got X-ed out and then it was like, well, if your state wants out, we will let you out. So I am sure there will be a process.

Can I turn to the San Juan Islands? Every state has beautiful places, every—I really mean that, my colleagues here, like it is a hard competition. But within the State of Washington, the San Juan Islands, I guarantee you, are one of our crown jewels. Before we finish that management plan for the San Juans, can we get a commitment to have the Management Advisory Committee put in place? They give input as to what that management, that plan, looks like.

Secretary BERNHARDT. I'm not familiar with that particular plan—

Senator CANTWELL. Okay.

Secretary BERNHARDT. —but I'm happy to go look at it.

Senator CANTWELL. Yes. Well, it has been established for several years and the management plan requires an advisory committee and that advisory committee doesn't have a quorum. So, anyway, if you will look at that.

Okay, turning to Alaska and Arctic drilling in the ANWR. Are you coming out with an EIS this week?

Secretary BERNHARDT. An EIS was finalized months ago, so the EIS is final. The next step is a Record of Decision and then after that would be a, potentially, a proposed call for nominations and then, potentially, a lease sale. So that would be the process as contemplated under the statute that I think requires us to have two sales within a set day.

Senator CANTWELL. So is that happening this week?

Secretary BERNHARDT. Not that I am aware of.

Senator CANTWELL. Okay.

Two things that I am concerned about, obviously, is that we can see where oil markets are today and when we look at the return we are very concerned about, obviously, the wildlife and what you

would possibly get out of that return. But one thing that I was very concerned about is just how you can, on the impact of, there was an analysis, you know, and obviously we wanted to have no impact on polar bear dens, but I understand a one mile buffer is currently applied to polar bear dens that discover that oil and gas industries in activities above the Beaufort Sea. Would you support a one-mile protective buffer in the 1002 Area?

Secretary BERNHARDT. Well, I think that when we come out with our plan, it's likely that there will be areas that are No Surface Occupancy and some other things. But we're, and you can look at the various alternatives in the EIS to look at some of the choices that people have thought through and some of the conditions that would be applied. The Marine Mammal Protection Act has been in place for many, many years and polar bears are one of those species that falls within/under that and there are insurances that must be given to ensure that things are complied with.

So I feel very confident that should activity occur up there, it will be entirely consistent with the Marine Mammal Protection Act as a matter of law.

Senator CANTWELL. Well, I certainly hope so, but it is supposed to have negligible impacts so I just don't understand how you can have negligible impacts, but we will look forward to more discussion on this.

Madam Chair, just for the record, since you know how much I care about the Washington-Alaska relationship, it just strikes me that in the midst of all of this crisis that we are having on oil and everything else and the challenges of your state, we made a decision somewhere last week to spend, basically, about \$10 billion in a very short order period of time on our public lands. I am all for that, but I am also for continuing a way to help Alaska make it through a transition. And if there was anything we could do to help preserve this land and make progress, I would do both. And so, I am just saying, I am all supportive of our public lands. I think they are a great economy for us and they are, more importantly, a great aspect of American society for recreation.

As we spend all our money on LWCF and parks and open space, I am all for that, but here is a crown jewel, in my opinion, that we should also figure out a way to help Alaska as well.

So thank you, Madam Chair.

The CHAIRMAN. I think part of Alaska's ask is that we be allowed to help ourselves. We appreciate the work of the Department to help us advance opportunities, but to do so in a way that is consistent with an environment that we all want to respect, an environment that consists of the land, the animals and the people. And so, Senator Cantwell, you and I have differing views on the 1002 Area. My charge is to make sure that as we work with the Administration, as we work with Congress, that we do development in a responsible, in more than a responsible, way. I look forward to doing that with all of you.

Let's go to Senator Hirono.

Senator HIRONO. Thank you, Madam Chair.

Mr. Secretary, I appreciate the level of attention that you have provided to the rebuilding of the USGS Hawaiian Volcano Observatory on Hawaii Island as well as the dock repair at the USS Ari-

zona. As I mentioned during your nomination hearing, both of these are very important assets to Hawaii, and I want to recognize the level of coordination that has been provided by your Department in addressing these issues. I would like to get a commitment that the Department or USGS will provide me with six-month updates on the progress in rebuilding the USGS Hawaiian Observatory, Hawaiian Volcano Observatory.

Secretary BERNHARDT. You want an update every six months? I think we can certainly manage that, Senator.

Senator HIRONO. Great.

I also appreciate your focus this morning on strengthening the wildlife program and your request for a robust investment in the IG Office. I couldn't agree with you more.

Let me turn to another concerning issue. During this Administration, news articles highlighting efforts by officials in your Department to suppress, interfere with or deny or alter science have surfaced at a steady rate. It is so pervasive that Columbia Law School has a, "Silencing Science Tracker," that lists 52 instances at DOI since the 2016 election. A recent New York Times article describes how a career Department official, nicknamed "Goks," whose personal opinion is that climate change benefits society, seized an opportunity within the Trump Administration to influence science change-related matters. The article describes how Goks used his new influential position with the Deputy Secretary's Office to pressure departmental scientists to include uncertainty language. In fact, uncertainly language became a term of art of questioning the impacts of climate change.

Emails obtained through the Freedom of Information Act show the lengths that career staff had to go to in order to ensure that "Goks uncertainty language" was included in documents. One email discussing the text of a final environmental impact statement from December 28th shows a scientific integrity officer, who is charged with upholding the Department's scientific integrity policy, requesting, "Please however make sure that the attached uncertainty language is incorporated within the document" and that, "This was a requirement established with the Department in 2017."

In another email dated May 2019, a scientific integrity officer notes that he was, "starting to wonder whether our agreement—likely in reference to Goks uncertainly language that was negotiated in 2017—is still in place, and I don't think he's in the Department Secretary's office," referring to Goks and that this scientific integrity officer was trying to think of how best to test that though, whether that agreement still was in place. It is clear from this exchange that the scientific integrity officer was wanting to abandon this agreement but did not know if he could based on whether or not the official was still in an influential position.

In last week's hearing before the Senate Interior Appropriations Subcommittee, you pointed out that the Department publishes many documents that comment on climate change and that this long-term career official has his own views, which presumably he should keep to himself, except that in this case, Goks used his position of influence within your Department to insert those views which go against the scientific consensus on this issue into sci-

entific documents. You also said that you undetailed this official, but the fact is he was in this position of influence within your Department for roughly two years under your leadership.

Secretary BERNHARDT. That's not true. That's not true.

Senator HIRONO. Let me finish. This is my time.

Secretary BERNHARDT. Yes, ma'am.

Senator HIRONO. You said that you will get to the bottom of what happened, whatever that means, and that you have asked to be shown what documents include the uncertainty language. I have one example here today of a document that includes the uncertainty language that I would like to insert into the record, Madam Chair.

[Link to document including uncertainty language follows.]

# Kachess Drought Relief Pumping Plant and Keechelus Reservoir-to-Kachess Reservoir Conveyance

## FINAL Environmental Impact Statement

KITTITAS and YAKIMA COUNTIES, WASHINGTON



U.S. Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
Columbia-Cascades Area Office  
Yakima, Washington



State of Washington  
Department of Ecology  
Office of Columbia River  
Yakima, Washington  
Ecology Publication Number: 18-12-011

Volume I of III

March 2019

Available at: <https://www.usbr.gov/pn/programs/eis/kdrpp/feis2019/feis2019v1.pdf>

Senator HIRONO. My question to you. Is it okay for a career employee in a position of influence to pressure scientists to insert biased uncertainly language into scientific documents?

Secretary BERNHARDT. Well, let me be very clear. I don't think that person has a position of influence. Science plays a critical role in our decision-making as does the law, and I am the first Secretary in decades to have a career scientist as my Science Advisor. I brought Bill Werkheiser from the USGS—

Senator HIRONO. So I am running out of time.

Secretary BERNHARDT. He's a chief science—he's the Chief Scientist, Chief Scientific Integrity Officer—

Senator HIRONO. Would you answer my question, please?

Secretary BERNHARDT. —for the Department—

Senator HIRONO. I take it you are saying it is not okay.

Secretary BERNHARDT. —and our scientific integrity claims are actually down under my administration.

Senator HIRONO. So you are saying that it is not okay for anybody to be using his position, his or her position, of influence to insert uncertainty language into your scientific—

Secretary BERNHARDT. I didn't say that.

Senator HIRONO. I take it that, you mean, the answer is yes.

Secretary BERNHARDT. The reality is there is—we discuss uncertainty in the IPCC. We discuss uncertainty in every, virtually every climate document I get from the USGS. What USGS has told me is to use best practices which I'm completely committed to—

Senator HIRONO. Which means science-based analysis. So is this uncertainty language still being used by the Department?

Secretary BERNHARDT. Are you asking me if the word uncertainty appears in the documents?

Senator HIRONO. When it is scientifically appropriate to express uncertainty, I think that is scientifically based, but when it is somebody's personal view to question the facts of climate change, I think that is a whole another matter.

Secretary BERNHARDT. The IPC uses—IPCC uses the word uncertainty dozens of times.

Senator HIRONO. Madam Chair, I do have a few other questions for Mr. Secretary.

The CHAIRMAN. They can be included as part of the record.

Senator HIRONO. So my time is up, unfortunately. I just want to make it really plain that this is not the first time that the Administration's commitment to science has come into question. It is not just this Department, but other departments and I think it is really important for us to be reassured that you base your reports on the best science that is available and not somebody's personal views.

Secretary BERNHARDT. I can assure you that I spend a lot of time with scientists. I'm sure that I understand the science, both the certainty and the uncertainty in it, and that I make decisions that are well-grounded in the law and well-grounded in the information that I am provided. I am, by law, required to not make a decision that is arbitrary or capricious and I strive to do that every day.

The CHAIRMAN. Senator Cortez Masto.

Senator CORTEZ MASTO. Mr. Secretary, thank you for being here. I am going to talk about something, a little bit about something that is really unique to Nevada going on right now and it is getting

significant attention there. This is the land withdrawal expirations for both Nellis Air Force Base and Fallon Naval Air Station. Just a little background, and I know you are aware of this. The Air Force's Nellis expansion proposal would effectively transfer 826,000 acres of the Desert National Wildlife Refuge currently co-managed by the Fish and Wildlife Service as the largest national wildlife refuge in the Lower 48 states, it would transfer it to the Air Force. It would also provide the Air Force access to an additional 260,000 acres of the refuge resulting in severe reductions and public access and potentially harmful impacts to our bighorn sheep population.

The Navy's Fallon proposal would result in acquisition of private lands and a loss of access to more than 600,000 acres of public lands that are vital to an array of my constituents' interests including grazing, recreation, mining and renewable energy development.

This has been a concerted effort between stakeholders throughout our communities to work with our military to find that balance—right?—between military readiness but at the same time the outdoor use of our public lands where economically we benefit as well. So my question to you is, the Navy and Air Force are expected to transmit to Congress their own legislative proposals. Have you provided input into this process and will Interior's perspectives be reflected in these proposals?

Secretary BERNHARDT. Well, what I can say is we certainly have been in discussions with folks. The way a legislative, legislation is cleared, everybody gets input and sometimes the output is different than the input. So I can't even guess—

Senator CORTEZ MASTO. Have you weighed in? Has Interior weighed in on those proposals yet?

Secretary BERNHARDT. So we certainly, we certainly have opportunities as part of the process to have discussions on any formal proposal that comes through the process, absolutely. And frankly, we've had, you know, Paul Souza is an exceptional Regional Director for the service. He's engaged in discussions. We've had discussions at my level, and I've committed to have more. So we're having discussions. How that turns out, I don't know.

Senator CORTEZ MASTO. Will your discussions become public at some point in time so that we are aware of Interior's position on these withdrawals?

Secretary BERNHARDT. I don't know, honestly. We'll certainly communicate our thoughts to you, as appropriate, absolutely.

Senator CORTEZ MASTO. As you know, I recently introduced a compromise bill regarding the Air Force's proposal expansion and it has the support of our Congressional Delegation, the Governor, our hunting and recreation groups and several other groups. And I have to say, I have to appreciate the Fish and Wildlife Service providing technical assistance to my bill. I hope you give these issues greater attention and we can work together on these toward a resolution benefiting all stakeholders.

Secretary BERNHARDT. We share the same goal, Senator.

Senator CORTEZ MASTO. I hope so. My concern is I can't get any answers out of Interior, and I know this is supposed to be a public process. So as we move forward and you weigh in or Interior weighs in, I would appreciate just some sort of commitment that

you would be willing to let us know Interior's position on these expansions.

Secretary BERNHARDT. We will do that as appropriate.

Senator CORTEZ MASTO. Perfect.

Let me also continue with the military withdrawals and talk a little bit about our tribes in Nevada. As you well know, your role as Trustee of the Tribes carries a lot of weight in our communities. The Walker River Tribe is near the Fallon Naval Air Station, and it has been unable to utilize portions of their reservation for years due to ordinance contamination from neighboring military activities. Can you commit to resolve their concerns of impacts to their sacred sites and their request to have replacement lands from the BLM?

Secretary BERNHARDT. I can commit to spending some time looking at it.

Senator CORTEZ MASTO. Have you spent any time thus far looking at it? Has it been brought to your attention at all?

Secretary BERNHARDT. No.

Senator CORTEZ MASTO. Okay, so this is my opportunity to bring it to your attention. I would love the opportunity to have BLM weigh in, work with our tribes, address the issues that I have been hearing from our tribes, not just in Nevada, but across the country who are concerned about the protection of their ancestral lands from military activity. So is that a commitment, yes?

Secretary BERNHARDT. I'd be happy to have the conversation and see where it could go.

Senator CORTEZ MASTO. Thank you.

And then finally on this subject, have you had any conversations with DoD about where they propose current livestock grazing will be eliminated under their expansion plan when it comes to the Naval Air Station? Has that occurred at all?

Secretary BERNHARDT. I have expressed some concerns regarding the need to make sure that our grazers are adequately considered, but we haven't gotten to the point of having discussions.

Senator CORTEZ MASTO. I know my time is up and I will submit the rest of my questions for the record.

Is there a timeframe you can give me as to when the information that you are providing on these land withdrawals will be made public so we are aware in Nevada of Interior's position?

Secretary BERNHARDT. I won't know that until I know the timing of what's appropriate to convey to you.

Senator CORTEZ MASTO. Okay, I have to say, I have been an attorney for over 20 years and I have never had anybody that I have asked a question do a better job at dancing around answering the questions. You are very good at that and the only challenge I have is, I am here to work with you, not against you. I think there is an opportunity for Department of the Interior to work with the State of Nevada and all the stakeholders. My goal is to balance between our military and national security and the stakeholders who live in Nevada where over 80 percent of the land is owned by the Federal Government, most of that is the BLM. I think we can do it working together, and I would be hopeful that you would be willing to just give me direct answers and work with us to address these concerns.

Secretary BERNHARDT. Well, let me be very direct, read Circular A-130.

The CHAIRMAN. Senator King.

Senator KING. Thank you, Madam Chair.

First, a positive note, I want to thank you for your commitment to the Restore Our Parks Act. You stated that at your confirmation hearing. There has been a lot of work recently, as you know. The President has come out firmly in favor of this proposal as well as permanent funding for the Land and Water Conservation Fund. I know that you had a role to play in that and as I was thinking about this, I think we are close, but we are not there. We have some legislative consideration, but we can see the light at the end of the trail. I really appreciate the work and the attention that you have paid to that issue and look forward to continuing to work with you.

I presume this is one where you could give me a yes or no answer. You are still in full support of Restore Our Parks Act?

Secretary BERNHARDT. Absolutely.

Senator KING. That was the answer you gave before. I like that answer. Thank you.

A couple of specific questions. In the tax bill that passed in December 2017, maybe? I have lost track. The big tax bill, there was a provision that allowed drilling in ANWR. Could you give us a quick update on the status of that? Are there leases? Has there been an auction? What is the status of drilling in ANWR?

Secretary BERNHARDT. So the Bureau of Land Management completed an environmental impact statement (EIS) a few months ago. We're in the process of completing it and we'll eventually issue something called a Record of Decision which is actually the formal decision which would be the establishment of a leasing program which is what Congress directed. And then, the process—and it's really embarrassing right now because I can't think of the specific date—but there's a mandatory time for us to hold two lease sales—

Senator KING. So there have been no lease sales.

Secretary BERNHARDT. —and we lay out—the first one would be within a year of the completion of the EIS.

Senator KING. So there have been no lease sales yet, and we don't know yet whether—

Secretary BERNHARDT. As of today, there has not been a lease sale. But I think when people look at the language that was used by Congress, what they're going to find is that these, there are a lot of rights that go with these leases, if they're leased. And I think that that's going to be very significant in how people think of them.

Senator KING. I don't want to interrupt you, but I have other—

Secretary BERNHARDT. Sorry. I'm sorry, Senator.

Senator KING. But the answer is no leases yet and that is in the process, probably in the coming six months?

Secretary BERNHARDT. It's absolutely accurate there's not been any leases yet, and I would think that months is certainly an appropriate statement for a lease sale time.

Senator KING. Of course, if the price of oil stays where it is today, there may not be any bidders given the—

Secretary BERNHARDT. So I don't know about that, Senator. I have some experience in that space and I don't think people make decisions based on what oil is today.

Senator KING. Oil price.

Secretary BERNHARDT. The reality is they will look at what are their rights that they're likely to acquire, what's the speculate, you know, the potential of the area which it seems from a technological perspective relatively clear. So there's a lot of factors that go into making those investment decisions and you know, our—we're conscious of those.

Senator KING. We will see how that plays out.

Second, this is to stay on oil for a minute, a straightforward yes or no question. Are there plans within the Department to proceed with exploration research or drilling off the East Coast of the United States?

Secretary BERNHARDT. Well, we certainly don't have any present plan and as I, we've, said, we spoke about this issue before.

Senator KING. Right.

Secretary BERNHARDT. And you know, the Outer Continental Shelf Lands Act lays out a very specific process. That process involves the development of a proposed plan and then a lot of comment on that. We're not even to that stage yet. What I believe I committed to you a year ago was that we would visit when we got to that point and then as we go through the process, it's required that the states' views not only be listened to but really considered and weighed. I do not know of a single incident since OCSLA passed where a state objected to leasing and then the leasing occurred. So that's just the history—

Senator KING. That is the history.

Secretary BERNHARDT. —and that, nothing's changed—

Senator KING. Well, I hope that history—

Secretary BERNHARDT. —in regard to my view and our prior conversation.

Senator KING. I hope that that history holds.

Finally, I am a little worried about moral hazard. The fact that we are talking about Restore Our Parks Act and full funding of Land and Water Conservation and your budget cuts maintenance and major construction and major maintenance by 50 percent. I don't want us to rely upon Congress having to, every ten years or so, deal with a deferred maintenance issue that should be taken care of, as I am sure you agree, on an ongoing basis. I am worried about this cut coming at the very time that we are talking about trying to fix this problem.

Secretary BERNHARDT. So—

Senator KING. The line for, it is called construction and major maintenance. It is cut 50 percent. There is an overall 17 percent cut to the National Park—

Secretary BERNHARDT. So if you look at our budget, most of our budget for things that you would expect to be maintenance like painting a room to ensure upkeep and stuff like that typically doesn't come out of the construction budget. And so from those types of things, I don't think we've backed away from our operations in a significant way at all and we won't. I mean, the worst

thing we could do is get this investment for maintenance, get things up to snuff and then fall back into this hazard.

Senator KING. My point exactly.

Secretary BERNHARDT. And we're not going to do that. I'm spending, the Park Service is a little frustrated, but I'm spending a lot of time saying if we're going to make major investments like this, we have to have asset management plans for everything because what I can't have happen is 3 years later or 10 years later or 13 years later, we're in exactly the same soup we are now. So we are in the process of completely rejiggering the process of evaluation to ensure that we're up to snuff and moving. And I will tell you that, you know, in many instances it's been somewhat sporadic and that's gotta change. And you know, it's easy—here's what's happened. Our operations budget has declined over time if you go back and look from 2009 to today. And so, people have taken money—

Senator KING. Maintenance is often the first thing to go.

Secretary BERNHARDT. That's exactly what's happening, but it can't be that way. And you know, we have, we have a wonderful opportunity with the parks with this infusion. We have great relationships on the donation side to ensure that for certain things we have committed O&M. We just need to be better at our planning and not just make it any superintendent's decision of whatever they want to do, because it's not a very good way to run the railroad. And that's got to change.

Senator KING. Thank you. I look forward to working with you on that. Thank you.

The CHAIRMAN. Thank you, Senator King.

Senator Hoeven.

Senator HOEVEN. Greetings, Mr. Secretary. Thanks for your recent visit to our state. It was much appreciated. I really have to just start out by thanking you for a number of things that you have done because it just seems appropriate when somebody addresses issues, we need to recognize it around here and you really have and we are deeply appreciative.

It starts with the U.S. Fish and Wildlife easement process now where you have given farmers the ability to appeal a decision on an easement. I mean, that is just the American way. That is democracy in action. I included the requirement for a site visit in the last Farm Bill in legislation. So not only now do they have an appeal, but they actually, it is required that your people show up and talk to them and take a look.

Secretary BERNHARDT. That's right.

Senator HOEVEN. That is just the way it ought to be.

In Theodore Roosevelt National Park, thank you for coming out there. Your troops have been really good. They have started on a fix for the scenic loop, getting a temporary fix in place, working with DOT and Secretary Chao has been fabulous too. The key there is to get from that temporary fix to a permanent fix. You were just touching on the importance of maintenance in the parks. Of course, that is why we are trying to move the Restore Our Parks Act. But again, you have it underway. And enjoy the scenic beauty of the park which you witnessed, including all the bison and the elk and wild horses and everything else, that is important.

Third, Director Jim Reilly at USGS is undertaking a study of the resources in the Bakken, really important, you know, with what is going on in oil. North Dakota produces 1.5 million barrels a day. We are a low-cost producer, but obviously the current situation between Saudi Arabia and Russia and the world supply is putting real pressure on us. And then the Oaks Area Test Site, which is actually an irrigation project, we are working to get it to the farmers so that they can actually operate it and keep operating it as they have.

So I am going to start out with those four. Thank you. And if there is anything you want to touch on in any of those before we go on to some other things, again, we really appreciate it.

Secretary BERNHARDT. So I am thrilled for the accommodation we were able to figure out for the easements because, number one, it's a great program for wildlife and it's a great program for farmers and we're thrilled about that landing in the right place. The park stuff is coming along. So it was great for you to spend some time with me out there. I really appreciated that, meeting your constituents and so, thanks.

Senator HOEVEN. Yes, and our animals and scenic views, fishing, hunting, all that, I know the Chairman is very proud of Alaska. We are very proud of North Dakota. It is pretty spectacular.

The BLM Mineral Spacing Act is legislation I have whereby when the Bureau of Land Management does not own any surface acres, nada, zero, and they own less than half of the minerals that rather than requiring we go through their permitting process as well as all the other state and federal, that they would just agree to get on board with the owners of the surface acres and the other minerals. Your thoughts and whether you could be supportive of that kind of legislation.

Secretary BERNHARDT. So I think there's, that's really a recognition of a commonsense approach. You know, the balance is we need to protect the federal interest, obviously, but we have some of these parcels where we have a very small interest and it's causing a lot of problem when you look at the overall scope of directional drilling and other things to require pad staff, some of these things is not making much sense.

Senator HOEVEN. Yes, no surface acreage and we may be drilling miles away to have a few acres that you may have.

Secretary BERNHARDT. That's right.

Senator HOEVEN. The Chairman is working with me on this legislation. She has been fabulous and obviously understands not only wildlife management but energy. So that has been good, but it is, again, common sense.

Two other things relate to Native Americans. I chair the Indian Affairs Committee. One is any help on streamlining the process in approving gas gathering systems so we can reduce flaring on the reservation. Three affiliated tribes you have seen make incredible amount of energy development there. And the other is working with tribes on Coronavirus, making sure that we are working and proactive with the tribe on the Coronavirus. If you could address those two, I would appreciate it.

Secretary BERNHARDT. So we've taken—let me take the second one first. We've been reaching out to tribes. There have been all

tribal calls. There's been a whole series of things to address potential concerns from tribes. There are some tribes that, you know, we've been more involved with than others, but we've really made an effort. It's part of our pandemic plan to be reaching out, make sure that our schools are protected, that we're acting consistently and with our own employees. And so, I think so far, we've done a really good job of standing that up. Assistant Secretary Sweeney has done a great job of getting things stood up, and our emergency management folks are moving along at a pretty good pace. I actually feel pretty good about things. If you have a specific situation in North Dakota, but right now——

Senator HOEVEN. No, the biggest thing though is keeping an eye on IHS and making sure they are getting it done, right?

Secretary BERNHARDT. That's right. We have a lot of coordination with them. I'll have a call this afternoon and if there's some wrinkle in Indian Country I'm happy to visit with you, but so far, we've been very aggressive because we're taking this extremely seriously.

Senator HOEVEN. Yes.

Secretary BERNHARDT. The good news, as I said in the——

Senator HOEVEN. IHS and then the BLM schools and so forth——

Secretary BERNHARDT. Yeah.

Senator HOEVEN. ——really have to be making sure you're talking to tribal leaders, good consultation, getting the help.

Secretary BERNHARDT. One of the great things, and I said this in my opening, you weren't here at that moment, is that the really good thing from my perspective on this so far is its impact on children seems much less than say the swine flu. And so, as a result of that, you know, I feel better about our schools. We have protocols in place, but you know, our younger population is, looks like they do very well in this situation.

Senator HOEVEN. Yes. Thank you, Secretary.

The CHAIRMAN. Thank you, Senator Hoeven.

I wanted to go back to Dingell Act implementation, and hopefully these will be relatively quick questions here. Our Alaska Native Vietnam Veteran allotments provision is one that, as you know, I care very much about as we try to deliver equity, finally, to those natives who were serving during the Vietnam War and who were unable to obtain their land allotments. Under the Dingell Act we directed BLM to identify and make available lands that these veterans could seek application for. Can you tell me whether you are on track for identifying those lands and publishing the rules to implement? I am getting a lot of questions from folks back home on the timing.

Secretary BERNHARDT. So, we know, I mean, we know that this is very important to you. I also think it's notable that when the President signed the Act this was one of the things that he specifically referenced. So it's important to him.

We, I am told that we are at the point where both the report and the Federal Register Notice will be at the Federal Register very, very soon and the report will be available. So I'm told we're on track.

The CHAIRMAN. Okay.

Secretary BERNHARDT. I know it appeared and I get a report every week and I know that we're supposed to have it very, very soon. And the minute we get it, we'll get it up here.

The CHAIRMAN. Good. We will be looking forward to that.

One of the things that we have had a conversation about are these public land orders, PLOs, that date back to ANCSA. They prevent land conveyances, whether it is to natives or to the State of Alaska, and one of the things that I have appreciated is under your leadership and with this Administration you have really been looking keenly at this process for lifting these PLOs that have been sitting out there for decades and you moved forward, partially revoking some of them. Last year it, again, has been significant for a host of different reasons, but most immediately to what it might mean for the native veterans' allotments though. But it has been interesting, as you look to some of the feedback that you get, whether it is in the press or otherwise, it becomes clear to me that some people are equating a lifting of these PLOs with this, somehow or other, mass transfer—

Secretary BERNHARDT. That's exactly right, Senator. That's exactly right.

The CHAIRMAN. —of public lands which is exactly, exactly wrong, so it is very frustrating that it is being confused in that way. I guess I would just ask for a level of reassurance that Interior understands the importance of lifting the PLOs and remains committed to—

Secretary BERNHARDT. So we certainly understand the difference. We're moving through a number. We have certain environmental processes that we have to go through as we do them, and I don't, there's certainly nothing slowing anything down.

The CHAIRMAN. Good.

Secretary BERNHARDT. It's just working through it. And the State Director, I think, is working hard on those issues.

The CHAIRMAN. I appreciate that.

On another Dingell Act provision, we had commissioned a joint study between Interior and USDA Forest Service to determine lands for potential exchange with the Chugach Alaska Corporation—

Secretary BERNHARDT. Yup.

The CHAIRMAN. —to resolve this split surface and mineral estate issue. The Act required a study within 18 months. Do you think you are going to be on track with that one?

Secretary BERNHARDT. We are absolutely on track and it's underway.

The CHAIRMAN. Excellent. I am liking the answers so far.

How about within the USGS space? I mentioned in my opening comments the concern that I have about the cuts within USGS on the earthquake monitoring and the volcano hazards. In the Dingell Act we have a requirement for implementation of the National Volcano Early Warning System Act. Can you tell me where we are with implementation of that and then the one that really I would love it if you could look at, last year USGS released an update of the National Seismic Hazard Model but the whole State of Alaska is excluded.

Secretary BERNHARDT. I'm very familiar with that problem, Senator.

The CHAIRMAN. The most seismically active state in the country, and we are not included on that, within that model. Can you give me updates, if you can and let me know how we are going to fix that?

Secretary BERNHARDT. So our budget request on that matter keeps things on track to ensure that we have everything done by the next update, including with Alaska. So I think that's in good shape.

Volcano monitoring or repairs and upgrades, we have 51 analog stations in Alaska that need to be converted to digital. We plan to do 26 this year and the rest next year, and I think we've asked for \$23 million or, sorry, \$2.3 million in our 2021 budget to do that. So I think that's where we are.

The other thing, we've just reached an accommodation with the Forest Service on our ShakeAlert process to expedite the NEPA on that. It was really slowing things down. We've been able to find a way that they can accommodate us a little more. So that's not an Alaska-specific thing.

The CHAIRMAN. Right.

Secretary BERNHARDT. But Jim Reilly is making really good progress on both ShakeAlert and volcanoes.

The CHAIRMAN. Well, volcanoes, earthquakes and, of course, landslides, are part of our disaster trifecta in Alaska. It really hit home just a couple weeks ago. A grocery store in Ketchikan—where I come from, that has been there for 50 years—a rock slide came down after real serious rains and, by all estimates, that store will not reopen. The good news is that the landslide took place at about one a.m. and so no loss of life but extraordinary property damage.

Again, we need to make sure that within USGS, whether it is earthquakes, volcanoes or landslides, Senator Cantwell has been a good team partner on this landslide issue as they had seen the extreme devastation in her state some years ago. Just again, putting that on your radar.

I am going to turn to Senator Heinrich here.

Senator HEINRICH. Thank you.

Secretary, I want to talk to you for just a moment about disposal of BLM lands. In particular, I want to thank you for Secretarial Order 3373. I think when FLPMA was passed we probably didn't think about the importance that a very small, isolated piece of BLM land can have unlocking a larger landscape of public lands. The importance that even a 40-acre fragmented section of BLM land can be the gateway to 1 million acres of Forest Service land, for example. I think that Secretarial Order is appropriate and very welcomed by many different corners. I am just curious if it makes sense to potentially look at amending FLPMA to make that sort of the standard going forward given the importance of outdoor recreation to many of these Western states' economies.

Secretary BERNHARDT. So I have not actually thought about that as a legislative proposal, but I certainly support the underlying policy and feel very strongly about it. I think there's no reason for the Department to not contemplate impacts on public access as it thinks about not only disposals but acquisitions and transfers. If

you look at the Lower 48, access is a critical issue when you talk to folks and certainly, you know, where I grew up hunting and fishing access is like really, really important. And having the Department go through a process to evaluate that, I think, is informative. Other people can argue that there's other things that they'd also like to see in those, may be legitimate, but to me, those are very, before we make a transfer, before we make an acquisition and certainly before we make a disposal, I think it's relevant to think about those factors.

Senator HEINRICH. No, I appreciate that. And it seems it is a sentiment that spans the political spectrum.

Secretary BERNHARDT. Oh, I don't think there's any doubt about that.

Senator HEINRICH. It is quite a broad coalition of folks who raise this more and more with my office.

I want to move to a place you are familiar with real quickly, because in December the Park Service closed 17 campsites at Chaco Culture National Historical Park. Now this is very legitimate. It is due to rock fall risk. The Park Service is working to relocate these campsites away from the risk zone, but that process is probably going to take years. The nearest public campground is out at Angel Peak Scenic Area. That is 39 miles away. You have been to Chaco, obviously, and you know it is quite a drive to the nearest hotel or motel. I would just ask if you would be willing to look at interim options to see if we can't find a way to address this as we look for a long-term solution.

Secretary BERNHARDT. 100 percent. I've been told that, basically, 32 campsites will remain open, but I will absolutely be happy to work with you on it and I'm happy to ask David Vela to take a hard look at it. No problem at all.

Senator HEINRICH. Great. Yes, we may be able to work between BLM and the Park Service, for example.

Secretary BERNHARDT. Oh, that might be really great.

Senator HEINRICH. So they should do that once in a while.

Secretary BERNHARDT. That's a great idea.

Senator HEINRICH. Navajo Area Bureau of Indian Affairs Roads Department, this is an area that hasn't seen significant funding increases in the last two decades. You brought up the issue of asset management plans, and I guess I would just ask if they might apply in that case as well, because I do think that we really need to be in a place where we have continued commitment across administrations for reinvesting in infrastructure. It is dire in many cases with BIA roads issues. We have a situation where the principal of Sanostee Day School had to cancel six days of school in 2018 just due to road conditions. On at least seven occasions, 80 percent of the students couldn't attend school due to washed out roads. I am curious if your thinking is with respect to transportation assets as well when it comes to having asset management plans so that we manage these things for the long-term and we make the investments that we need.

Secretary BERNHARDT. So we have about 100,000 miles of roads. Think about that for a minute. That's a lot. And I will tell you that you all, governors, I get so many concerns regarding BIA roads and in some instances, the roads are of a condition that they create

very significant safety threats. And my view on asset management is across the portfolio because—and we just haven't done that and it's just been completely dispersed and nobody really pays attention. And the problem is, it's out of control. Our parks' roads are not in good condition, but our BIA roads, some of them, are very bad condition, very bad.

Senator HEINRICH. I appreciate that.

Secretary BERNHARDT. And I know we are talking to your folks—

Senator HEINRICH. Right.

Secretary BERNHARDT. —on the Navajo situation, but it's actually broader than that.

Senator HEINRICH. Thank you.

The CHAIRMAN. When you think about the significance of the road issue on our parks and within our public lands, this is the biggest, the biggest financial impact that we have. It is not making sure that we have adequate rest facilities. It is the roads and the road issues. So this is a significant one for us.

Mr. Secretary, I want to thank you for the time that you have given us. Just very, very briefly, because I mentioned it in my opening statement, this was the Good Neighbor Authority potential and potentially expanding it to Fish and Wildlife Service for wild-fire protection. I think we have seen the benefits play out there with partnerships like this as we have been focused on BLM lands, Forest Service lands, so I just ask if you could think about it.

Secretary BERNHARDT. We wouldn't, I don't, I mean, in concept we have absolutely no objection to it and I just need to go back and figure it out, honestly, but from a policy perspective, it should be a no brainer.

The CHAIRMAN. Good. Well, I think it is something worth exploring.

Last thing, and it is also just somewhat related, well, it is related to firefighting and this relates to the grounding of the drones, Interior's entire fleet, about 800 drones, most of which we understand were Chinese manufactured. I think they are still undergoing evaluation for the data security risks, but what you have done is you have put in place this process that allows land managers to use drones for emergency purposes—

Secretary BERNHARDT. Absolutely.

The CHAIRMAN. —whether it is wildfires, search and rescue, through the ability to request waivers. How is that working? Have you been granting any of these waivers?

Secretary BERNHARDT. Yes.

The CHAIRMAN. Do you have training sessions for drone operators that are being handled? What is the status, because I know people look at that as a valuable tool.

Secretary BERNHARDT. So it's my hope that the review is completed relatively soon and that there are no issues. That would be my hope. But until that time, we've laid out conditions where I'm willing to have these vehicles, machines, flying and to the extent that somebody wants a waiver, they go through a process. And I don't think we've had any problem granting them yet.

The CHAIRMAN. Okay.

Secretary BERNHARDT. And you know, I've been very clear that health and human safety is predominant, but we have two things here. One is our overall security. The other is making sure that we have responsible suppliers for these types of equipment going forward. So we're focused on both of those issues, and it's my hope that the review comes back and says that there's no problem, but until it's done, I can't make that promise.

The CHAIRMAN. Yes, well, no, I understand that. You have a responsibility on that one, but we also recognize—

Secretary BERNHARDT. Absolutely. I appreciate that

The CHAIRMAN. —that they are invaluable tools as we work to ensure safety of the men and women that are on these lands.

Mr. Secretary, I want to thank you. You have come before this Committee numerous times. You have been before the Interior Appropriations Subcommittee and you were asked some hard questions, but your default, and I shouldn't say it in that way, is always, my job is to implement the law and you do that. I appreciate that you are doing that, whether it is the Dingell Act and the very specific initiatives, whether it is something that is a Chugach land conveyance study or what we are trying to do with the Native allotments. You are implementing the law.

You are doing the same when it comes to the Tax Reform Act of 2017 where the law says you shall move forward with these leases within the 1002 Area within a prescribed period of time and you are doing that, you are following that law and you are working to balance it to ensure that you are in compliance with the Marine Mammal Act and all other Acts.

Secretary BERNHARDT. Absolutely.

The CHAIRMAN. You are following the law when you are dealing with these public land orders that, subject to ANCSA, you have to work within all of this. You are following the law as it relates to the offshore, to OCSLA, when we are talking about these lease sales that the members are concerned or anxious about. We can poke fingers, but you have the law to implement and unless we decide that we are going to change that law, you are implementing it.

I appreciate the fact that you come back to us saying, "My job here is to implement the law." Thank you for what you are doing as you are leading in that way. You have been a good partner for my state, and I appreciate the leadership that you and your team have provided.

With that, we have taken a lot of your morning and we appreciate the time that you have given us.

I know members will have follow-on questions that they will submit as part of the record, and we look forward to your responses as well.

Secretary BERNHARDT. Thank you.

The CHAIRMAN. With that, the Committee stands adjourned.

[Whereupon, at 11:58 a.m. the hearing was adjourned.]

**APPENDIX MATERIAL SUBMITTED**

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United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

MAY 19 2020

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

Dear Chairman Murkowski:

Enclosed are responses to the follow-up questions received by Secretary of the Interior David Bernhardt following his appearance before your Committee at the March 10, 2020, hearing on the Department's FY 2021 budget request.

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

Sincerely,

Cole Rojewski  
Director, Office of Congressional  
and Legislative Affairs

Enclosure

cc: The Honorable Joe Manchin  
Ranking Member

**Committee on Energy and Natural Resources  
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Questions from Chairman Murkowski

**Question 1. What is the Department of the Interior doing to implement the National Volcano Early Warning System Act, which was included in the John D. Dingell Jr. Conservation, Management and Recreation Act?**

**Response:** The 5-year implementation plan for the new system is being used to establish Advisory and Interagency Coordination Committees, and partnerships will be broadened to leverage resources from key stakeholders and end users. New digital telemetry at converted Alaska monitoring stations can now accommodate multiple types of ground sensors that will improve the quality of the networks and forecasts of hazardous activity, as required for implementation of NVEWS. In addition, the U.S. Geological Survey is continuing development of the lahar detection system, which will lead to improved monitoring in accordance with NVEWS standards for Mt. Rainier, a very-high-threat volcano.

**Question 2. Last fall, the U.S. Geological Survey released an update of the National Seismic Hazard Model, but Alaska was not included. Why was Alaska left out of the update and when does Interior plan to update the model for Alaska?**

**Response:** The 2020 appropriation for USGS partially supported the FY 2020 President's budget request of \$2.65 million to update the National Seismic Hazard Model, including Alaska. The 2021 budget request continues funding to ensure that the next update of the National Seismic Hazard Model will include Alaska.

**Question 3. When does the USGS plan to expand the earthquake early warning system, ShakeAlert, to Alaska?**

**Response:** In 2021, the USGS will continue, in cooperation with states and other partners, to operate and maintain the ShakeAlert system based on the ShakeAlert Earthquake Early Warning Implementation Plan for the West Coast, which was revised in 2018.

**Question 4: What work is USGS doing on landslides in Alaska, particularly in the Southeast part of the state?**

**Response:** The 2021 budget supports a variety of program activities in Alaska, including conducting field, laboratory, and modeling studies of landslide initiation and mobility processes in cooperation with federal, state, academic, and private sector partners to develop, test, and advance systems for landslide monitoring, hazard assessment, and forecasting. USGS is also focused on providing post-wildfire debris-flow hazard assessments for major wildfires to Burned Area Emergency Response teams, state geological surveys, federal, state, and local emergency management, and the public. Additionally, the bureau is collecting

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observations, conducting studies, and testing methods and models to expand the NOAA and USGS partnership for post-wildfire debris-flow early warning beyond the prototype area in southern California to other parts of the Western United States.

**Question 5. Does the budget proposal to hire fill-time wildland firefighters mean the Department will be hiring more Alaska Native Village Crews in numbers that reverse their decline?**

**Response:** DOI's proposal will provide increased permanent employment opportunities for all temporary personnel, including members of the Alaska Native Village Crews. The proposal is intended to create a more permanent wildland fire workforce that is better aligned to address the challenges associated with wildfire activity and more aggressively reduce wildfire risk by increasing active vegetation management during periods of low fire activity. It would provide for up to an additional 600 FTEs, through a combination of converting existing career seasonal and temporary term employees and new hires, and will result in a more stable, professional and permanent wildland fire workforce and better address the threats from wildfires.

**Question 6. In light of the decision by the Department of the Interior last year to ground its entire Unmanned Aircraft Systems (UAS) fleet, have any or will any of the bureaus' drone operator training sessions be canceled or postponed this year? If so, how many training sessions, under which bureaus, and at what locations?**

**Response:** Department of the Interior employees who want to participate in UAS training for emergency operations and for training that meets or maintains FAA-approved certification requirements can complete a waiver form and, if approved, may continue to receive training.

**Question 7. Is the Department issuing waivers for bureaus to operate UAS for pre-planned hazardous fuels projects, like controlled burns? If so, how many waivers have been issued, under which bureaus, and at what locations?**

**Response:** Waivers are not required for UAS emergency missions or UAS health and human safety missions. Fighting wildland fire, performing measures to help prevent wildland fire or protect health and human safety and prevent property damage are authorized purposes to operate under the Department's 48-hour rule, which requires an agency to report the details of an emergency or health and human safety UAS mission to the Department within 48 hours of completion.

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Questions from Sen. Manchin

**Question. I know that your Department has been taking the issue of sexual harassment and assault very seriously, which is important because this is a very serious issue. Can you tell us some of the most effective reforms that you have implemented across the Department to date? Are there any additional legislative authorities that could assist you in decreasing incidents of sexual harassment and assault in the Department?**

**Response:** The Department is committed to providing a work environment free of discrimination and harassment and is implementing a multi-faceted harassment prevention and response strategy. The Department has taken steps to address sexual harassment and provide a safe work environment by conducting surveys, issuing policy (including Personnel Bulletin 18-01), conducting investigations into sexual harassment allegations, requiring training, establishing an advisory hotline, and developing a tracking system. We have created a Workplace Culture Transformation Advisory Council to advance comprehensive culture change. In 2020, the Council is sponsoring 72 in-person training sessions and developing online training for all DOI employees focused on preventing harassing conduct and increasing respect, sensitivity, and inclusion in the workplace. The Department also recently assigned an experienced leader in the Senior Executive Service with personnel experience to serve as the Superintendent of Grand Canyon National Park and we expect that individual to resolve longstanding issues at the park.

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Questions from Sen. Wyden

**Question 1.** Despite direction from Congress, the Bureau of Land Management continues to reconsider renewing fire funding agreements with the Oregon Department of Forestry. Western Oregon has some of the most complex public lands in the country -- the checkerboard ownership pattern of O&C lands creates over 14,000 miles of jurisdictional boundaries between federal, tribal, state, county and privately owned timberlands. This nightmare scenario for land management requires seamless efforts for fire protection, and for over 100 years, the federal government has worked cooperatively with the state of Oregon for fire protection on the O&C lands. In the fiscal year 2020 Interior funding bill, Congress stated that:

“A departure from the existing agreements with O-D-F to provide fire protection services would neither be in the interest of lands managed by B-L-M in western Oregon, nor the significant interspersed communities and timberlands adjacent to those federal lands.”

Will you commit to continuing BLM’s long standing wildfire protection agreements with the Oregon Department of Forestry?

Response: No.

**Question 2.** Mr. Secretary, the Coos Bay Wagon Road grant lands are located in two counties in my state – Coos and Douglas Counties. These lands derive from a 1939 law that established a program for making in-lieu of tax payments to these counties based on an appraisal of the land and timber contained within these lands. Unfortunately, the way the Department has been making these payments has resulted in these counties getting less money than they should otherwise be getting. One reason for this seems to be the Department’s refusal to convene a panel that the 1939 law requires be convened every 10 years – the last time this panel was convened was in 1991.

Coos and Douglas Counties have made numerous requests over the years to the Department to convene this committee -- these requests have been ignored. The Oregon Congressional delegation has also encouraged the Department to convene this committee, most recently in a letter I sent to you, along with my colleagues, back in November of 2019.

Coos County felt they had no other choice but to file a lawsuit to compel the Department to convene this important committee so that the counties can finally get what is owed to them.

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**I understand the Department is finally taking steps to convene this committee. Can you tell me where the Department is in that process and provide the timeline going forward?**

**Response:** I do not have any personal knowledge of this matter, but I am sure that the BLM will provide you with the most updated information.

**Question 3. Last month I sent a letter urging your department to prioritize funding for the important and collaborative work happening on the ground in Malheur County and the Owyhee. The Bureau of Land Management provides important information to the people in my state so they can make effective and workable plans for land management. Yet, your budget cuts BLM by 10 percent. The Owyhee is an area that deserves protection. Last year I introduced legislation to designate wilderness, while also giving ranchers some flexibility in grazing on rangelands. Funding is needed to make these arrangements work for all the parties involved. All of the local and regional stakeholders in the area identified common ground and a shared vision for a healthy landscape.**

**Will you commit to working with me on this bill to help accomplish the years of work that Oregonians in Malheur County put in?**

**Response:** The Department provides technical assistance to any member of Congress, if requested.

**Question 4. Mr. Secretary, the Department of the Interior's Freedom of Information Act policies have been all over the board during the Trump Administration. Last year, D-O-I proposed a Freedom of Information Act policy that would restrict public access to DOI's records and delay the processing of FOIA requests in violation of the letter and spirit of the law. While I acknowledge that the final D-O-I FOIA policy is considerably different than what you had initially proposed, the Department has yet to respond to over 200 outstanding FOIA requests, and staff has been directed to wait until journalists and good government activists cue before releasing the documents.**

**Do you commit to having your agency respond to all FOIA requests over 6 months old and provide the requested documents -- without a political review process -- within the next 3 months?**

**Response:** It is our obligation to comply with all laws enacted by Congress, including FOIA.

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Questions from Sen. Risch

**Question 1. I come from a state where 2 out of every 3 acres are managed by the Federal Government, creating various challenges for my constituents. With this in mind, any new federal acquisition in states like Idaho, where the federal estate is already overwhelming, must be given extremely careful consideration.**

**In the budget request released just last month, similar concerns were expressed by reducing LWCF land acquisition funding by over 90%. With this in mind, if LWCF were to be permanently funded at the full \$900 million, how can we be assured that the federal estate will not continuously expand in the Western states and the land that it does own will not continue to accrue backlog? Given these concerns, should policy changes be considered before removing the annual oversight from Congressional appropriators?**

**Response:** The President asked Congress to send him a bill that fully and permanently funds the Land and Water Conservation Fund and restores our national parks and other public lands and Bureau of Indian Education schools. The enactment of such legislation would be historic and would allow Interior to better care for the lands we manage and also ensure States will receive significant funding under the LWCF to carry out local efforts important to them.

**Question 2. We greatly appreciate your efforts to streamline processes and work with local communities. One example is the work the Bureau of Reclamation is doing to implement the Title Transfer legislation that I led last Congress. Would it be possible to get a fuller brief on that progress?**

**Response:** On March 23, 2020, the Bureau of Reclamation released its final guidelines to streamline the transfer of eligible Reclamation facilities to local ownership. This Administration's title transfer process embodies the President's goals of streamlining bureaucratic processes and making our government more efficient and accountable. We look forward to continuing our work with local water users to reduce title transfer costs, stimulate infrastructure investment through local ownership with the bottom-line goal of making this streamlined approach a major success.

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Questions from Sen. Cantwell

**Question 1. The final environmental impact statement (EIS) issued by your agency on drilling in Section 1002 of the Arctic National Wildlife Refuge choose the most impactful, most destructive, and least protective alternative for the Coastal Plain oil and gas leasing program. According to a February 27, 2020 study published in the journal PLOS One, the surveillance technology used by the petroleum industry to find polar bear dens is unreliable and shown to miss 55% of known dens.**

**Will you commit to requiring a 1-mile protective buffer around polar bear dens for any oil and gas exploration or development activities in Section 1002 of the Arctic National Wildlife Refuge and commit to requiring the use of a surveillance technology that accurately identifies den sites?**

**Response:** No, such an action would be arbitrary at this time.

**Question 2. When drilling in Section 1002 of the Arctic National Wildlife Refuge was authorization in the Tax Act, it was touted as generating close to one billion dollars in revenue.**

**Will you commit to setting minimum bids for ANWR leases at the value necessary to generate the revenues promised in the Tax Act? Will you cancel the lease sale if the federal government does not receive at least \$100 million from the sale?**

**Response:** Such an action would be arbitrary at this time. The Tax Cuts and Jobs Act of 2017 mandated that the Department establish an oil and gas program on the coastal plain and requires that the Bureau of Land Management hold at least two lease sales by December 22, 2024, with the first sale to take place by December 22, 2021. As indicated at the hearing, the significant resource potential and the rights that Congress has attached to potential leases is extraordinary and will be a significant consideration in any lease sale.

**Question 3. The San Juan Islands National Monument is one of the state's crown jewels. When the monument was created in 2013, the designation required the creation of a Management Advisory Committee (MAC), to work with the Bureau of Land Management (BLM) to develop a locally-driven management plan for the monument. Due to delays in appointing committee members, the MAC has not been able to reach a quorum since 2016 and provide the required local input on a new management plan being drafted by BLM.**

**During the hearing, I asked if you would commit to filling the vacancies on the MAC and ensuring they have the opportunity to provide input prior to finalizing a new management**

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**plan. During the hearing, said you were not familiar with the plan but you promised to take a look at this issue.**

**Will you commit to filling the vacancies on the San Juan Island MAC to ensure a quorum prior to the finalization of the San Juan National Monument Proposed Resource Management Plan and Environmental Impact Statement?**

**Will you commit to ensuring the San Juan MAC has the ability to provide thorough comments on the Proposed Resource Management Plan and Environmental Impact Statement prior to any finalization of the plan and environmental impact statement?**

**Response:** The BLM published a call for nominations for the MAC on January 10, 2020, with a deadline for receipt of nominations on February 24, 2020. The BLM is in the process of evaluating the nominations that it received.

**Question 4. In January 2018, Secretary Zinke released a new 5-year lease plan for offshore drilling that would open up more than 90% of America's shores to leasing. On May 15, 2019, you testified before the House Committee on Natural Resources that in response to a court ruling, final publication of the 5-year lease plan would be delayed. As I mentioned during the hearing, coastal states nationwide and all of our impacted fishermen and businesses are currently left wondering what will happen in their waters.**

**Will you officially scrap the five-year lease plan introduced by Secretary Zinke?**

**Before your agency takes any action to develop a replacement lease plan, will you commit to holding public meetings to gather information from those most directly impacted and to provide an open and transparent process?**

**Response:** The Outer Continental Shelf Lands Act prescribes the major steps involved in developing the program, including extensive opportunities for public comment. The Department, through the Bureau of Ocean Energy Management, seeks a wide array of input during this process from all stakeholders, including affected states, in the process to determine the size, timing and location of leasing activity on the OCS. Under the law, states and the public will have the opportunity to have their views heard and considered as the Department moves forward with developing the National OCS Program.

**Question 5. A little less than a year ago, thirteen federal agencies, --with input from hundreds of government and non-governmental experts-- jointly issued the Congressionally- mandated quadrennial Fourth National Climate Assessment.**

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**Do you agree with the Assessment’s finding that greenhouse gas emissions from human activities are the only factors that can account for the observed warming over the last century? Do you agree with the Assessment’s finding that because greenhouse gases released by human activities, such as methane, are removed from the atmosphere by natural processes more quickly than carbon dioxide; efforts to cut emissions of methane could help reduce the rate of global temperature increases over the next few decades? Will your Department help mitigate climate change by reinstating the U.S. Bureau of Land Management’s methane waste prevention rule to limit the amount of methane that oil and gas producers operating on tribal or public lands can release?**

**Will you commit to considering climate change impacts in all agency decision making?**

**Response:** The impacts of a changing climate need to be understood and addressed, and the Department’s role is to follow the law in carrying out our responsibilities. We will comply with the law that Congress has enacted, including the laws that govern our resource management actions on the public lands and offshore areas, which generally require us to manage these areas for multiple uses, including energy development.

**Question 6. The Bureau of Reclamation, WaterSMART Water and Energy Efficiency grant program issues grants to non-federal entities for water and energy efficiency projects that contribute to water supply reliability in the western United States. A key element of this program is that applicants must agree not to use conserved water to increase irrigated acreage or increase consumptive water use, a practice called “water spending.” New research shows that many of the projects receiving WaterSMART grants lack the means to ensure that conserved water is not diverted for a prohibited purpose.**

**Are agricultural water users who receive WaterSMART grants being allowed to use conserved water to increase irrigated acreage or increase consumptive water use? Please provide the number of grants issued, over the past two years, that allowed the grantee to use some or all of their conserved water for prohibited purposes?**

**Response:** Reclamation awards WaterSMART Water and Energy Efficiency Grants to help projects in the Western United States use water more efficiently and effectively. For FY 2020, Reclamation selected 54 total projects to share \$40.99 million in WaterSMART Water and Energy Efficiency Grant funding; in FY 2019, 45 projects were funded. Projects receiving funding may include canal lining, advanced water metering, flow measurement and real-time monitoring of water deliveries, and pressurized irrigation systems. Some projects complement on-farm improvements that can be carried out with the assistance of the U.S. Department of Agriculture’s Natural Resources Conservation Service to accomplish coordinated water conservation improvements. All awards are made consistent with existing authorities.

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**Question 7. In 2018, the U.S. Department of Interior and the U.S. Geological Survey issued a report titled: Federal Lands Greenhouse Gas Emissions and Sequestration in the United States: Estimates for 2005-14, Report 2018-5131.**

**Do you agree with the report's finding that between 2005 and 2014, Federal lands were an important tool for sequestering carbon, sequestering CO2 at the national level at a mean net rate of 195 MMT CO2 Eq./yr?**

**Do you agree with the report's finding that CO2 sequestered by federal lands offset approximately 15 percent of the CO2 emissions resulting from the extraction and use of fossil fuels on Federal lands over the same time period?**

**Response:** The USGS estimates presented in the report represent a first-of-its-kind accounting for the emissions resulting from fossil fuel extraction on federal lands and the end-use combustion of those fuels, as well as for the sequestration of carbon in terrestrial ecosystems on federal lands.

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Questions from Sen. Lee

**Question 1. The Wild Horse and Burro Program has tried for years to bring populations down to appropriate management levels but has been constrained by lawsuits and appropriations riders. Additional funds have been appropriated to the program but were made contingent on the presentation of a plan explaining how they will lead to new results. What is the status of this plan? Could DOI more efficiently and economically reach appropriate management levels with new or currently excluded management tools?**

**Response:** The requested plan was delivered to Congress on May 8, 2020.

**Question 2. 36 CFR §4.2 states that “Unless specifically addressed by regulations in this chapter, traffic and the use of vehicles within a park area are governed by State law. State law that is now or may later be in effect is adopted and made a part of the regulations in this part.” Currently, Utah state law allows for certain OHVs to operate on state roads but they are not being allowed in National Park System units. What can be done to bring NPS practice into congruence with NPS code?**

**Response:** The NPS is currently working with the Office of the Solicitor to address this issue.

**Question 3. In recent years, communities in the West have experienced a dramatic increase of federal law enforcement presence on federal land. FLPMA directs the BLM to achieve “maximum feasible reliance upon local law enforcement officials.” Do you believe that the agency is meeting this standard? What are you doing to increase reliance on local law enforcement? Is the agency entering into more cooperative agreements with local law enforcement officials?**

**Response:** The BLM is committed to remaining a good neighbor and cooperating with its partners at all levels of government, including states, tribes, and other local stakeholders. As such, the BLM through its Office of Law Enforcement and Security is working as cooperators and collaborators through partnerships to maximize the effectiveness of law enforcement efforts. BLM currently has nearly 250 law enforcement partners working in collaborative relationships to protect the public and natural resources.

**Question 4. Congress has given the Department of the Interior broad discretion to administratively withdraw lands from entry and mining. Are there any procedures that you have in place to review the effectiveness or use of prior mineral withdrawals undertaken by the Department? If so, what are they? Are there any plots of land that are currently withdrawn from mining and entry that you think deserve review?**

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**Response:** An administrative withdrawal can be reviewed at any point, and at a minimum is routinely reviewed before an extension to determine if the withdrawal is still warranted. The BLM has carried out large scale reviews of withdrawals, as well. For example, just last year, I tasked the BLM with reviewing public lands mineral withdrawals made from 2009 until 2017 to ensure that the lands were not inappropriately identified for withdrawal during that time period.

**Question 5. The relationship between NEPA and wildfire prevention efforts has been well documented. The NEPA process for routine forest management takes a long time and over that period the fuel supply continues to build. When the fire finally comes, there is that much more fuel. What is less well-known are the Congressional and regulatory issues that prevent fire suppression once it has started. Are there any legislative or regulatory issues, beyond adequate funding, that inhibit fire suppression once fires have started?**

**Response:** Yes. Congress should support the President's FY 2021 Budget proposal to transform the firefighting workforce and build a more stable and permanent federal workforce to address threats associated with wildfire and has increased funding for Preparedness and Fuels Management. Congress should also support the Department's legislative proposals, also included with the FY20 Budget, to address fuels management in a more efficient manner.

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Questions from Sen. Daines

**Question 1. The Bureau of Land Management has been directed by Congress to “ensure the Nation does not lose its domestic sheep industry or bighorn sheep conservation legacy” by carrying out several directives including “actions to resolve issues on allotments with a high risk of disease transmission” and meeting with “stakeholders interested in collaborating on strategies and solutions to address the risk of disease transmission”. The Interior and Related Agencies Appropriations bill report language for Fiscal Years 2016-2020 has included this language. Please describe the status of efforts in Montana to carry out this direction particularly in developing the Lewistown Resource Management Plan amendment currently underway.**

**Response:** The BLM has taken this direction seriously. With regard to the Lewistown RMP amendment process, in February 2020 a Proposed RMP/Final EIS was published and can be found here: <https://eplanning.blm.gov/epl-front-office/eplanning/planAndProjectSite.do?methodName=dispatchToPatternPage&currentPageId=50899>. As a result of public comments received on the draft, best science, cooperating agency coordination, and internal review of the drafts, the BLM has developed the Proposed RMP/Final EIS for managing BLM-administered lands in the Lewistown Field Office. The proposal focuses on addressing public comments while continuing to meet the BLM’s legal and regulatory mandates. In that document, domestic sheep and goats would not be allowed within 9 miles of wild bighorn sheep populations. Between 9 and 20 miles, domestic sheep and goats may be considered if mechanisms are in place to achieve effective separation from wild sheep.

**Question 2. Last week you sent a letter to my office recognizing that flawed decision-making processes resulted in a growing discontent among the people that live with these bears. In that same letter you commit to providing additional resources to better address “problem bears.” Can you elaborate on those new resources and how they will help reduce conflict? You also committed to implement new hazing practices for bears that may pose a threat to human safety. What is the timeline of implementing those and can you elaborate on what that might look like?**

**Response:** Under the new direction set for grizzly bear management, the U.S. Fish and Wildlife Service will play a more conclusive role when deciding how to handle problem bears and will enter into a contract with the Department of Agriculture’s Wildlife Services to help implement those decisions. FWS updated and reissued guidance on actions the public can take to haze grizzly bears that may pose a threat to human safety, including the use of paintballs, noise-making projectiles, and visual deterrents. This updated guidance delineates for the public allowable actions that they can take from actions that harass and are not allowed. It

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can be found here: [https://www.fws.gov/mountain-prairie/es/Library/Grizzly%20Bear%20Hazing%20Guidance.FINAL\\_03092020.pdf](https://www.fws.gov/mountain-prairie/es/Library/Grizzly%20Bear%20Hazing%20Guidance.FINAL_03092020.pdf)  
Question from Sen. Heinrich

**Question.** In September 2018, the Department of the Interior cancelled a mineral segregation and withdrawal study for the Rainy River Watershed in northeastern Minnesota, just three months before it was scheduled to end. Last week, the Twin Cities Star and Tribune published a link to a 60-page environmental assessment for that study that had been heavily redacted before release. All that can be seen is the cover page, followed by 60 pages of black ink. The cover page indicates that the assessment had been completed just prior to the move to cancel the overall withdrawal study. Can the Department please provide the Senators on the Committee with a copy of the unredacted version, whether it was fully done or even if it was a draft?

**Response:** I understand that the requested document is a U.S. Forest Service document, not a Department of the Interior document. As a result, such a request should be directed to USDA.

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Questions from Sen. Cortez Masto

**Question 1.** The Interior's 2019/2020 Performance Plan notes that the Department is planning to make 18.8 million acres of public lands available for oil and gas leasing in 2020. Under this administration, your Department has already offered over 24 million acres of public lands for leasing, yet industry has only purchased just 5 million acres of those leases – or 20 percent.

Furthermore, many of the leases being offered right now are on lands that, especially in my home state of Nevada, have little to no drilling potential.

- A. Is offering millions of acres of public lands for leasing that will never be drilled a waste of your Department's time and resources?
- B. What concrete steps is your Department taking to curb, or end, this wasteful practice?

**Response:** No, the actions we are taking are not a waste but instead promote energy security and help drive job growth and the economy.

**Question 2.** On March 6, 2020, the Government Accountability Office (GAO) released a 14-page warning that the Interior Department's plans for relocating the Bureau of Land Management (BLM) headquarters out of Washington, DC did not account for key performance measures to determine if the reorganization was successful. Specifically, this report found that the Trump Administration did not fully consider the financial costs of the move, or adequately involve employees and key stakeholders in the reorganization process. Further, the GAO report says that while roughly half of the employees identified for relocation have not accepted reassignment, the agency has not produced a plan to recruit replacements.

Your Department previously requested \$28 million to cover these relocation costs for BLM's headquarters – which was not fully appropriated by Congress – and yet, still proceeded with the relocation.

- A. How much money has the Department and the BLM spent so far on the relocation?

**Response:** The Department has spent the money that has been lawfully appropriated.

- B. What programs have Interior and the BLM pulled from to cover the cost of the relocation?

**Response:** The Department has spent the money that has been lawfully appropriated.

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**C. Was any money pulled from the sage grouse conservation funding stream to pay for unanticipated costs associated with the BLM relocation?**

**Response:** See the response to the previous question.

**D. Will you provide Congress with an accounting of costs, including: travel costs to and from DC to the new headquarters in Grand Junction, building and office space costs, employee relocation and early retirement incentive costs, and any other significant expenses?**

**Response:** The Department will provide this information, as appropriate.

**Question 3. It was reported last week that 87 employees left BLM's DC office in the weeks after the reorganization was announced.**

**A. Are you concerned about the potential loss of expertise from these employees leaving BLM service?**

**Response:** No.

**B. What programs will be impacted the most?**

**Response:** As we have said before, the BLM relocation will have a positive impact on the way the bureau, and the Department, do business.

**C. How will the BLM permitting process be affected?**

**Response:** The permit processing program will not be affected by the BLM relocation.

**D. Can you give us a breakdown of the titles and positions left vacant by the departing employees?**

**E. How is this exodus affecting the programs and duties in which these employees covered, and how is the agency covering the open positions?**

**Response to D and E:** There has not been a significant exodus from the bureau. Positions that are being filled, including titles, have been advertised and the public response to the job postings for those positions has been very positive.

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**F. How long does the Department expect to take to fill these positions?**

**Response:** We are moving ahead quickly and expect the positions to be filled in as little time as possible.

**Question 4. In your written testimony, you mention that the Department is committed to “Being a good neighbor by continuing support for PILT, which are relied upon by communities across the country.”**

**However, the Interior’s FY 2021 budget request cuts the PILT Program by 12 percent (or \$58 million) – compared to the FY 2020 enacted level.**

**A. What is the rationale for these cuts?**

**Response:** While the amount proposed in the Department’s budget request supports the program, we understand that the budget process is lengthy and that Congress will provide its input on many issues, including this one.

**Question 5. Extensive damage has occurred at Organ Pipe Cactus National Monument in Arizona to build the President’s border wall. It has been documented that construction crews have bulldozed cactus, destroyed sacred burial sites, and that there has been an overall lack of planning and consultation.**

**These actions are in direct contradiction to the National Park Service’s mandate under the Organic Act of 1916 to preserve these places unimpaired for future generations.**

**A. What are you doing to stop or at least mitigate the damage?**

**Response:** I do not agree with your characterization of the matter. At Organ Pipe Cactus National Monument, the National Park Service has worked collaboratively with the U.S. Customs and Border Protection on siting and wall alignments to identify known archeological sites, ethnographic resources, and areas with a high potential for intact cultural resources. The NPS also worked with CBP to identify sensitive plant species within the construction zone to salvage plants, when practicable. The U.S. Fish and Wildlife Service similarly worked with CBP to discuss ways to avoid impacts to federally-listed species’ habitat, migration movements, and ability to travel and breed between Mexico and the United States.

**B. Does the creation of the border wall take precedence over the preservation of this National Monument?**

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**Response:** The current situation at the southern border presents a security and humanitarian crisis that threatens core national security interests and constitutes a national emergency. The southern border is a major entry point for criminals, gang members, and illicit narcotics. Along this border, cultural resources, wilderness areas, wildlife refuges, plants and animals are adversely impacted by land degradation and destruction from trails, trash, fires and other activities related to unlawful border crossings.

Under President Trump's leadership, the federal government is not only tackling the national security and humanitarian crisis, but also addressing the environmental crisis impacting the character of the lands and resources under the federal government's care. Construction of border barriers will reduce or eliminate impacts from illegal entry and will help us maintain the character of these lands and resources under the Department's management that may otherwise be lost.

**C. What consultation has been performed with local Tribes?**

**Response:** In the process of working with CBP on completing the border infrastructure, the Department has honored its responsibility to consult with affected tribes on Departmental actions. When the NPS discovered several bone fragments during archaeological surveys close to Quitobaquito Springs, the NPS voluntarily engaged in processes drawn from the Native American Graves Protection and Repatriation Act to mitigate or avoid potential impacts from the project. The NPS is currently working to repatriate discovered bone fragments to the Tohono O'odham Nation following the process of the NAGPRA.

**D. Do the Tribes support what is going on in Arizona?**

**Response:** This question is best directed to the Tribal governments themselves.

**Question 6. This past week, several festivals and other public events have either been cancelled or are limiting access to large gatherings in public due to the spread of the Coronavirus. As you are well aware, the Interior Department hosts numerous large events on the National Mall and other public land spaces, not to mention the Department operates several parks and historic sites across the country, many of which welcome thousands of visitors every day.**

**A. How have you been planning for potential impacts to these sites should the virus spread further?**

**Response:** From the beginning of the response, the Department has been working collaboratively with interagency partners to take actions to ensure the safety of our employees and the public here in Washington and at the assets we manage across the country.

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**B. Is the Department considering closing any particular sites to decrease the risk of transmission?**

**Response:** Yes, where we have determined that our bureaus could not adhere to applicable guidance by public health officials, we have modified operations for buildings, facilities, programs, and units, which has included closing units in some cases.

**C. What is the Department proactively doing to increase public health and sanitation at highly-visited sites?**

**Response:** We are following the guidance of federal, state, and local public health officials. Department and bureau websites are being updated to ensure that the most current information is available to the public, including the status of specific sites and locations. We are also posting signage and other notices at specific sites to provide information to our visitors.

**D. If such closures were to occur, would you leave parks open to public access as you did during the government shut-down, or would they be closed to better protect sites from vandalism and trespassing?**

**Response:** The health and safety of our employees and visitors is paramount. Where we have determined that our bureaus could not adhere to applicable guidance by public health officials, we have modified operations for buildings, facilities, programs, and units, which has included closing units in some cases.

**Question 7. The Colorado River supplies water to about 40 million people in seven states and two countries. Las Vegas gets about 90 percent of its water from the river. This river is the lifeblood of Southern Nevada and numerous other communities.**

**Just a couple weeks ago, USGS scientists found that the River is so sensitive to climate warming that it could lose about one-fourth of its flow in 30 years as temperatures continue to climb**

**Your own scientists estimated that warmer temperatures were behind about half of the 16 percent decline in the river's flow during the stretch of drought years from 2000-2017. Without changes in precipitation, the researchers said, for each additional 1.8 degrees of warming, the Colorado River's average flow is likely to drop by about 9 percent.**

**However, your budget request cuts water science research by over \$2 million, cuts \$53 million from the Water Resources mission area overall, it eliminates the environmental health program, it cuts \$37 million from climate adaptation science centers, and proposes major cuts for other core science and research functions.**

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- A. What plan is being put in place to address this reduction in water flows?**
- B. What is being done by your agency to reduce the effects of climate change on the River?**
- C. How does this budget reflect these needs?**

**Response:** Reclamation, the Lower Division States, and other key partners developed and recently implemented a Drought Contingency Plan, in place through 2026, to conserve water in Lake Mead to address and reduce the likelihood of Lake Mead declining to critical elevations. As part of the DCP, the United States has agreed to take affirmative actions to implement Lower Basin programs designed to create or conserve 100,000 acre-feet or more annually of Colorado River System water to contribute to conservation of water supplies in Lake Mead and other Colorado River reservoirs. Reclamation's FY 2021 budget request reflects a commitment to the DCP.

Other drought response activities include continuing voluntary water conservation under System Conservation agreements, Reclamation commitments under the Arizona Water Settlements Act, and other drought mitigation activities. Implementation of Minute 323 also helps to mitigate the impacts of the drought by Mexico incurring water reductions during a shortage condition in the Lower Basin and additional reductions consistent with Mexico's water scarcity contingency plan.

**Question 8. Recent surveys of sage-grouse population numbers by state agencies have shown an alarming decline in their numbers. As such, FY 2020 Appropriations allocated \$64 million for sage-grouse conservation.**

- A. Is it correct that this budget is reducing money allocated for sage-grouse conservation by \$27.4 million from last year?**
- B. How does the Administration's proposed budget cut for sage-grouse conservation square with the reality that population surveys show an alarming decline in the bird's numbers?**
- C. With less funding, what assistance will the Department be giving States to enact sage-grouse management plans?**

**Response:** The BLM will continue to integrate efforts with its other resource programs and collaborate with the Fuels Management program within the Office of Wildland Fire to protect, enhance, and restore sagebrush habitat. The BLM will focus protection and restoration on the highest priority habitat areas as specified in the applicable land use plan amendments. The bureau will seek out additional opportunities for coordination and cooperation with partners to identify and address the highest priority projects.

**Question 9. On the website of the U.S. Fish and Wildlife Service, it says, regarding the greater sage-grouse and a commitment made in 2015, "The Service has committed to monitoring all of**

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the continuing efforts and population trends, as well as to evaluate the status of the species in five years.”

**A. The Fish & Wildlife Service is supposed to undertake this review this year – in 2020. Will they still be doing so?**

**Response:** The FWS is working with partners to support greater sage-grouse conservation and will not be conducting a status review since the species is not federally-managed or petitioned for listing. The FWS continues to provide technical support to western states through the Western Association of Fish and Wildlife Agencies in order to document conservation actions and their effectiveness for the greater sage-grouse. WAFWA is leading the effort to assess the range-wide status of the species.

**Question 10. In the last two fiscal cycles, Congress tasked and requested the BLM to produce reports to describe its intended management strategy for balancing the Wild Horse and Burro Program through the use of proven safe and humane fertility control tools.**

**A. What is the status of these reports and why haven't we received formal feedback from the agency regarding these Congressional directives?**

**Response:** The report was transmitted to Congress on May 9, 2020.

**B. Could you provide some insight into what we will see in this or these reports, and when we should expect to see the comprehensive document(s)?**

**Response:** See the response to the previous question.

**C. Is the BLM's headquarters relocation and the loss of so many employees impacting these reports at all?**

**Response:** No.

**D. How can you ensure we will not end up in a worse state of affairs?**

**Response:** I can make no assurances about this matter.