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Senate Hearings

Before the Committee on Appropriations

Department of the Interior, Environment, and Related Agencies Appropriations

Fiscal Year 2025

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H.R. 8998/S. 4802

UNITED STATES FOREST SERVICE
ENVIRONMENTAL PROTECTION AGENCY
DEPARTMENT OF THE INTERIOR
INDIAN HEALTH SERVICE
NONDEPARTMENTAL WITNESSES

Department of the Interior, Environment, and Related Agencies Appropriations, 2025 (H.R. 8998/S. 4802)

**DEPARTMENT OF THE INTERIOR, ENVIRONMENT,
AND RELATED AGENCIES APPROPRIATIONS
FOR FISCAL YEAR 2025**

HEARINGS

BEFORE A

**SUBCOMMITTEE OF THE
COMMITTEE ON APPROPRIATIONS
UNITED STATES SENATE**

ONE HUNDRED EIGHTEENTH CONGRESS

SECOND SESSION

ON

H.R. 8998/S. 4802

**AN ACT MAKING APPROPRIATIONS FOR THE DEPARTMENT OF THE IN-
TERIOR, ENVIRONMENT, AND RELATED AGENCIES FOR THE FISCAL
YEAR ENDING SEPTEMBER 30, 2025, AND FOR OTHER PURPOSES**

**United States Forest Service
Environmental Protection Agency
Department of the Interior
Indian Health Service
Nondepartmental Witnesses**

Printed for the use of the Committee on Appropriations



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**DEPARTMENT OF THE INTERIOR, ENVIRON-
MENT, AND RELATED AGENCIES APPRO-
PRIATIONS FOR FISCAL YEAR 2025**

WEDNESDAY, APRIL 10, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:00 a.m., in room 124, Dirksen Senate Office Building, Hon. Jeff Merkley, chairman of the subcommittee, presiding.

Present: Senators Merkley, Tester, Van Hollen, Heinrich, Sinema, Murkowski, Hoeven, and Fischer.

UNITED STATES FOREST SERVICE

STATEMENT OF HON. RANDY MOORE, CHIEF, U.S. FOREST SERVICE

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Good morning, and welcome to the first hearing of the Interior, Environments Appropriations subcommittee on the fiscal year 2025 President's budget. Chief Moore, thank you for being here to present the President's budget and discuss a variety of topics important to our States and important to the nation.

As you and the members of this committee know, I continue to beat the drum about the dangers of climate chaos. This past year, we had the hottest day, hottest month, hottest year in human history, and we see the consequences all around us.

In my home State of Oregon, the average snowpack in the Cascades has dropped 20ft in the last 90 years. A lot less snowmelt that contributes to the quality of our streams. A lot less snowmelt that contributes to the water for our farmers and ranchers.

As droughts have deepened, and temperatures have soared, our wildfire season is getting longer and more extreme, and then we have the threats of insects and disease making a bad situation worse.

So, we need to do all we can to help make our forests more resilient. Over the last 4 years since you became Chief and I became chair of this committee, Congress has invested significantly in the Forest Service.

A major focus of these investments has been on restoring forest health and reducing the conditions of catastrophic wildfires. The Administration's Wildfire Crisis Strategy Implementation Plan details how we need to build landscape resiliency and cultivate healthy conditions.

And the annual funding provided by this appropriations subcommittee, supplemented by investments from the bipartisan Infrastructure Law and the Inflation Reduction Act is making a difference. But forest improvements do not stop when a particular project is finished. We're touching only a small percent of the total number of acres that need to be addressed. And of course, the projects we've completed, the forest continue to grow on that land.

I know that you and I share the goal of ensuring our forests are healthy and resilient in the face of climate chaos.

We've put some of the best practices to work, to clear undergrowth, to thin stand density, to use prescribed burns to reduce individual wildfire events. And I've really seen how the attitude towards prescribed burns has changed in our state, where folks used to resist smoke on a single day, they now would much rather have smoke on a single day or a few days, rather than see the threat of their town burning to the ground, as happened in six communities in the Labor Day fires of 2020.

I know my colleague from New Mexico is here. We also have to make sure prescribed burns stay on the prescribed landscape. And we should learn from the Tribal knowledge and incorporate indigenous practices into our maintenance and conservation efforts. But forests in the United States, they are way behind the benchmarks of where they need to be to withstand significant fire activity.

As we celebrate the investments of the last few years, there are still a number of concerns regarding the ability of the Forest Service to sustain this work and set the stage for long term resiliency. The additional resources provided in the bipartisan Infrastructure Law and Inflation Reduction Act, those are one time investments, and those funds are running out.

The Legacy Restoration Fund, from which this subcommittee allocates \$285 million dollars each year to the Forest Service for deferred maintenance, expires next year. Over the last 5 years, these funds have been used to repair roads and bridges on our public lands, to provide needed access and assist fire response, to renovate employee housing in remote areas for seasonal staff and firefighters, and to build and repair other facilities related to recreation in our National Forests.

And then we have accelerating climate chaos. The world is not standing still in this regard. And we need to continue the Wildfire Suppression Reserve Fund, which expires in fiscal year 2027. That is quite a few significant headwinds that we are facing.

Turning to the fiscal year 2025 President's budget for the Forest Service, I'd note that the budget does not contain grand new policy initiatives. That's not a criticism. It's a recognition of the budget circumstances in which we are operating. But the budget does make an important statement that the Forest Service continues to prioritize its workforce, and that's important because that workforce is the way that we get the projects accomplished.

We depend on our team members to deliver for the people and to deliver for the land. I want the Forest Service to have the resources it needs to confront the challenges of building forest resiliency in the face of climate chaos.

I thank you for your dedication, to the people and to the mission of the Forest Service, and I am delighted that on this sub-

committee, I have a partner from Alaska who understands these issues from the perspective of growing challenges for the forests of her home State. Been a pleasure to work with her, and I will turn the microphone over to her.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. It's tough to figure out our calendar anymore. Having just completed fiscal year 2024, we are now racing into fiscal year 2025, and it is the 9th or 10th of April. Anyway, we are where we are.

Chief Moore, welcome, to the committee. I appreciate this opportunity to discuss the President's budget and the role that the Forest Service plays in my state, but in the states across the country here.

So, before we get into the budget, the President's budget request though, I want to talk a little bit about Christmas, if you want to talk about a confused calendar because we are excited for Christmas.

We're excited for the holiday season in Alaska because once again, Alaska has been asked to host the Capitol Christmas tree that will grace the West Lawn. We were able to do this in 2015. Had a magnificent tree that came from the Chugach. I think we've all had an opportunity to host the tree, but logistics are just a little more complicated coming out of Alaska.

But we managed to do it beautifully, so well that we were asked again. And this year, the tree will not come from the Chugach National Forest. It will come from our other great National Forest, the Tongass National Forest, a part of the state that I grew up in and is an amazing region, rich with resources and native cultural histories.

So, Chief, I want to thank you and your staff for the work that you have already done in anticipation of this, working with our team, as we identify an extraordinary creation that will be here on the Capitol lawn on in some months. It is hard, though. It is hard.

And sometimes I feel it's more than just a little bit ironic that we're gonna be able to harvest an extraordinary tree from the Tongass, but we can't seem to throw a lifeline to the timber industry in the region.

This Administration—and you and I have talked about this many, many times before, and the committee has heard it also, but this Administration abandoned the Alaska Specific Roadless Rule in favor of reinstating the 2001 National Roadless Rule on the Tongass.

Despite all the data and the analysis that supported the Alaska Specific Rule, the Administration has really made it near impossible to have a sustainable regional timber economy.

It was Secretary Vilsack who promised me not only once, not only twice, but multiple times, and to my colleagues from the state, we were going to see a transition from old growth harvesting to harvesting young growth that would allow the Tongass to retain a small but a viable timber industry, and that transition simply has not materialized. It is more than just another broken promise to the residents of Southeast.

Years of work and collaboration with the agency, environmental groups, and Tribes to invest in the promised transition has resulted in an all but dead timber program in the Tongass. And I certainly have conveyed my frustration. You have heard it. But it is frustrating that the Administration doesn't seem to agree that the Southeast part of the state can have both a healthy forest and a sustainable timber industry.

I think the Administration can and should do more to provide opportunity for the people there of Southeast Alaska. Talk about wildfires. You know, we have significant wildfires in the state of Alaska. Oftentimes, it is eye popping the numbers of acres, hundreds of thousands, millions of acres. But they're usually in parts of the state where we have not much intersect with human population or property.

We're seeing that change though in the state. And we have had a conversation again to speak about what is happening, as we're seeing warmer temperatures. The beetle kill that is moving up and around the state, the management decisions that are impacting our fire risk. This is significant in so many of our communities now.

So, we pay close attention as my colleagues in the West do. I am looking forward to you sharing the wildfire outlook for us. Again, we're dealing with issues of drought, of mortality, and it just seems to build on that enhanced fire risk. I'm hoping that you're going to address how the Forest Service is using the major infusion of funding that we've seen in recent years aimed at wildfire risk reduction to invest in combating the threats to our collective states.

I do want to note that the continuation of the proposal to modernize and reform wildland fire workforce pay is very welcome. As you know, in a tight budget environment in fiscal year 2024, we made it a point to invest heavily in our wildland firefighters.

We ensured that they do not see a reduction in pay that is due to them in fiscal year 2024, but we all know that they're are looking for a permanent fix, and I know the authorizing committees have been working on this.

So, I am looking forward to continuing to do what we can on the Appropriations side to take care of our frontline firefighters as they engage in this very dangerous line of work. As I am sure all my colleagues who interact with the Forest Service can tell you, there are so, so, so many needs in our states beyond wildfire, but oftentimes it is that one issue that literally sucks the oxygen out of the room.

So, we don't want to lose focus on what we do to support our robust recreation industry, provide capacity to support critical mineral mining projects, broadband access, and of course, a timber supply for our withering timber industry. One important way we can enhance capacity is to empower Tribes to be partners with the Federal Government.

And again, that is something that I look forward to extending conversation on. I do want to stress that what we need in our forest is not just capacity for its own sake, but rather the right capacity.

The right workers with the right skills to meet the needs of our forest and our communities. So, I'm looking forward to hearing your vision of how the President's fiscal year 2025 budget request

will do just that. Now that you have a committee here that wants to try to work with you to do good things across our country.

So, thank you, Mr. Chairman, and look forward to the testimony this morning.

Senator MERKLEY. Chief Moore, we look forward to your testimony.

SUMMARY STATEMENT OF HON. RANDY MOORE

Mr. MOORE. So, Chair Merkley, Ranking Member Murkowski, and members of the committee, thank you for the—inviting me today to testify, and we're grateful for your continued support.

The President's budget names three primary goals for us, to modernize wildland fire management, sustain investments critical to mission, and ensure equitable access and benefits to Americans.

Today, I will share our progress as we put money to work to confront serious challenges. I'll share how our work will continue to be a sound investment. We directly steward approximately 193 million acres of National Forest system lands. We reach across boundaries to assist states, Tribes, communities, and private landowners to keep millions more acres of forest healthy and productive.

Every American benefits from these forests, directly or indirectly. Together, these lands provide basic needs for life, clean air, and water, while they contribute to energy production and support local economies.

National Forest alone contribute more than 410,000 jobs and \$44.3 billion dollars to the GDP. To sustain productivity and health, forests must be able to withstand these threats that are posed by wildfire, climate change, drought, disease, and insects. We invest the resources to act and ensure that they do just that.

Foremost, we provide work to reduce wildfire risk, safeguard communities, and create resilient, healthy forests. In calendar year 2022, we launched the 10 year wildfire crisis strategy, and we have since moved to implement it. Annual appropriations, coupled with the historic bipartisan Infrastructure Law and Inflation Reduction Act, provided an extraordinary opportunity to take bold and strategic actions.

We did just that. We progressed to deliver on a promise to increase pace and scale of our treatments. We're not just treating any acres, we're treating in the right acres, in the right places, at the right scale.

We focused initial efforts on 21 priority landscapes within Western fire sheds that are at highest risk. They account for roughly 80 percent of wildfire risk. These investments are paying dividends. Experts roughly reported that \$700 billion dollars worth of housing and infrastructure are at risk within priority landscapes, this includes about \$6.5 billion of municipal watersheds, which supply drinking water to 12 million Americans.

In the last 2 years, we reduced the average wildfire risk to these assets by 8 percent for infrastructure, 8 percent for housing, and 12 percent for watersheds. That means we protected more than \$175 million worth of homes that are at risk.

In the Stanislaus National Forest, for example, 17 communities are at lower risk, including the towns of Cold Springs and Strawberry. A million socially vulnerable people are at less risk. Nearly

half of National Forest lands and priority landscapes are now considered unlikely to burn at high intensity.

We must remain on course and build on these gains that we have seen and that we are seeing. We must also invest in our firefighters. We recognize the urgency of investing in a permanent and comprehensive pay increase to provide a more livable wage, enhance recruitment, and stabilize retention.

We must also improve housing conditions and provide better care for firefighters' physical and mental needs and health. We look forward to seeing an end to reports of firefighters living in cars, with few benefits and limited mental health care.

In addition to work to address the wildfire crisis and firefighters, we continue to take actions that support access and benefits from forests. Visitor use, hunting and fishing, energy and minerals development, forest products and livestock grazing generate 69 percent of the contributions to the economy.

Thanks to the Great American Outdoor Act funds, we relieved some of the pressures from the \$8.6 billion maintenance backlog. The budget requested \$58 million to maintain critical recreation services, with a focus on offering welcoming and equitable opportunities. We are also making a difference in our urban environments.

The Forest Service and partners are planting and maintaining trees in cities and suburbs, where about 84 percent of Americans live. Trees combat extreme heat and climate change and improve access to nature.

The 2025 budget returns basic funding to most programs. This includes forest products, which are vital to sustaining our rural economies. This includes sustainable timber supply. We know it's a critical component and is part of a complex, market driven system.

And while we don't control markets, we can support industry through forest products and wood innovations, which help mills adapt and modernize.

So, in closing, we are fully committed to meeting the challenges before us with resources that Congress provides. The people of America deserve nothing less than to see their money put to work to benefit all. Thank you, and I welcome your questions.

[The statement follows:]

PREPARED STATEMENT OF HON. RANDY MOORE

Chair Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for inviting me here today to testify on the President's fiscal year (FY) 2025 Budget request for the U.S. Department of Agriculture (USDA), Forest Service.

The fiscal year 2025 President's Budget for the USDA Forest Service discretionary appropriations totals \$6.5 billion for base programs and \$2.4 billion for the wildfire suppression cap adjustment (through the Wildfire Suppression Operations Reserve Fund). The fiscal year 2025 Budget focuses on three primary areas: modernizing the wildland fire management workforce; sustaining the foundational investments critical to the mission of the Forest Service; and ensuring equitable access to and benefits from the National Forest System.

America's forests provide timber, clean air and water, forage, and energy production. They support local economies through employment, trade, recreation, tourism, green jobs, and livestock grazing. They host and protect sites and landscapes of high cultural, spiritual, or recreational value. These benefits are at risk from wildfires, pests, diseases, invasive species, and drought, all of which are exacerbated by climate change. It is vital to continue to act now to mitigate these threats and protect our resources. Alongside our partners, the Forest Service will continue to reduce the risk of catastrophic wildfires to communities in FY 2025 through investments in the

wildland fire management workforce and throughout the high-priority landscapes identified within the agency's 10-year Wildfire Crisis Strategy. The investments highlighted below reflect services the Forest Service delivers through work on National Forests, partnerships with State, Private, and Tribal landowners, and our Research and Development mission area. These investments enable the Forest Service to restore long-term forest health and resiliency across landscapes the American people rely on while ensuring equitable access to the resources on National Forest System lands.

Recent analysis shows that in FY 2022, Forest Service programs and work contributed approximately 410,400 jobs (average of annual full-time, part-time, temporary, and seasonal) and \$44.3 billion in Gross Domestic Product (GDP). Recreational visitor use, hunting and fishing, energy and minerals development, forest products, and livestock grazing generated 69 percent of the economic activity. The Forest Service continues to be a good place to invest and will maximize every dollar invested into our agency, making every dollar work for the American people. The citizens we serve deserve nothing less than to see the value of their money at work for their benefit.

THE PRESIDENT'S FY 2025 BUDGET REQUEST FOR SPECIFIC PRIORITIES

The following investments align with and enhance the agency's efforts to modernize and invest in our wildland fire management workforce:

- The 2025 Budget proposes \$2.6 billion for base Wildland Fire Management activities, investing in firefighter compensation, benefits, mental health, and wellbeing, and supporting the objectives of the agency's 10-year Wildfire Crisis Strategy.
 - Provides \$216 million to implement a permanent, comprehensive pay increase for the wildland firefighter workforce, providing a more equitable wage, enhancing recruitment, and stabilizing retention.
 - \$136 million for additional Federal firefighting capacity (570 more permanent firefighters and continued transition to a more full-time workforce) to enable the Forest Service to more effectively meet the demands of the increasingly year-round wildfire season, while improving the work-life balance of firefighters and support personnel.
 - \$10 million for mental health and well-being assistance to ensure our wildfire firefighter workforce are supported in managing the mental and physical aspects of their mission.
- In addition, the Budget proposes \$25 million to address the urgent need for suitable employee housing through necessary maintenance and repairs of Forest Service housing units.

The 2025 Budget proposes to fund the National Forest System at \$2 billion, prioritizing recreation service delivery, climate smart land management, forest products, law enforcement, and the Collaborative Forest Landscape Restoration Program, while maintaining foundational hazardous fuels treatments to reduce wildfire risk:

- \$207 million for Hazardous Fuels Reduction: to return to previously enacted program levels and mitigate wildfire risk on 4.0 million acres with a focus on high-priority and high-risk fire sheds, building on hazardous fuels funding from the Bipartisan Infrastructure Law and Inflation Reduction Act, and in aligning with the agency's 10-Year Wildfire Crisis Strategy.
- \$58 million for Recreation, Heritage, and Wilderness: to provide critical recreation operations, planning, services, and improvements, with particular emphasis on creating welcoming, sustainable, and equitable recreation opportunities for all Americans with a focus towards underserved and Tribal communities.
- \$41 million for Forest Products: to support the foundational funding needed to maintain the Forest Service's ability to sell timber, which can be a critical component to sustaining local rural communities.
- \$33 million for Vegetation and Watershed Management: to provide support for healthy and resilient watersheds and landscapes, sustain the production of clean and abundant air and water, assist with meeting the Administration's climate goals, and contribute to healthy and productive communities and Tribal Nations.
- \$34 million for Collaborative Forest Landscape Restoration Program: to invest in communities and regions with a collaborative, common purpose in reducing wildfire risk and improving forest health and resiliency.

- \$21 million for Law Enforcement Operations: to provide critical law enforcement response for the prevention, detection, and criminal investigation of violations of Federal laws and regulations for the protection of visitors to National Forest System lands, Forest Service employees, and natural and cultural resources.
- \$1.5 billion for National Forest System Salaries and Expenses: to maintain the workforce needed to support the agency programs critical for forest health and resiliency, which complement the 10-Year Wildfire Crisis Strategy.

Further investments ensure that the Forest Service relies on the latest science and technology to deliver results on the ground and for the people:

- \$470 million for Information Technology Capabilities: continue modernization of our Information Technology systems that allow the public to better access our services, sustain emergency communication systems, and provide our workforce the tools they need to carry out our conservation mission.
- \$316 million for Forest and Rangeland Research: continue investments in research priorities, with a focus on climate change-related research including reforestation, carbon accounting, and fire and fuels research.

These investments continue to build on the historic investments provided by the Bipartisan Infrastructure Law (BIL) (Public Law 117–58) and the Inflation Reduction Act (IRA) (Public Law 117–169). The Forest Service will continue to strengthen our long-standing work and relationships with States, Tribes, local communities, private landowners, and other stakeholders to adapt lessons learned into a coordinated and effective program of work to improve the resiliency of landscapes and watersheds, reduce wildfire risk, protect and maintain infrastructure, support outdoor recreation, establish tree canopy in nature-deprived communities, and invest in the reforestation of America’s impacted landscapes.

The Forest Service cannot succeed in this work alone, especially when addressing the fire-sheds highest at risk, which are typically in multiple ownerships. Through meaningful communication, expanded partnerships, and broader community support, the Forest Service will increase the use of prescribed fire and other fuel treatments and the management of unplanned ignitions to reduce long-term wildfire risks. Fortunately, we have decades of experience working through partnerships and collaboration based on common values and shared goals across shared landscapes as set out over 20 years ago in the National Cohesive Wildland Fire Management Strategy.

ENSURING EQUITABLE ACCESS TO AND BENEFITS FROM THE NATIONAL FOREST SYSTEM

The Forest Service remains unwavering in its commitment to the values of equity, inclusion, and equal opportunities for its employees and the public it serves. The Forest Service maintains the intent to focus on prioritizing activities that will provide benefits to disadvantaged or underserved communities. The Forest Service vows to proactively engage in actions that ensure a safe, resilient, and harassment-free work culture where employees are treated with respect and dignity.

The Forest Service will continue to invest in actions that facilitate access to the vital resources our forests and grasslands provide. This effort is twofold. First, we must ensure that those who rely on these services and benefits can access those benefits safely. Therefore, we are committed to improving the operation and maintenance of our extensive infrastructure portfolio that includes buildings, dams, communication sites, recreation sites, roads, trails, and bridges. Second, to carry out this work effectively, the Forest Service is committed to continued intentional internal and external engagement with Tribal Nations and communities that live by, visit, and depend on national forests. The Forest Service is committed to identifying and removing barriers to access Forest Service programs and services for historically underserved communities. This will be done by integrating equity-centered criteria in the design, funding, and prioritization of all policies, programs, and activities to center equity considerations as part of the decision process. The Forest Service will also work to remove barriers and boost economic opportunities through improved access to contracts, grants and agreements, and permits.

LEVERAGING ADDITIONAL FUNDING AUTHORITIES

It is expected that by FY 2025, much of the funding from the IRA will have been invested, but along with the tools and investments proposed in the FY2025 Presidents Budget, the Forest Service will continue to leverage funding within the BIL to combat climate change and confront the wildfire crisis, create new markets and

technology for wood products, and restore forest health and resiliency through partnerships and collaboration across landscapes.

The BIL provided \$1.4 billion for hazardous fuels treatments, while the Inflation Reduction Act provided an additional \$1.8 billion for hazardous fuels work within the wildland urban interface. In February, we announced \$500 million for FY 2024 to expand work on the Forest Service's strategy to reduce the risk to communities, critical infrastructure and forests from the Nation's growing wildfire crisis. From 2022–2024, we have invested a combined \$1.6 billion in the 21 high-priority landscapes identified under the agency's 10-Year Wildfire Crisis Strategy as we continue moving these landscapes towards a maintenance state. These investments will help reduce the risk of wildfire to communities, Tribal lands, ecosystems, and critical infrastructure, including utility corridors and public water sources. Our work under the 10-Year Wildfire Crisis Strategy provides many values the public depends on and cares about including beginning to reduce risk to approximately 550 communities, of which 475 are underserved; 2,500 miles of power lines; and 1,800 municipal watersheds.

Through Great American Outdoors Act (GAOA) (Public Law 116–152) funding, the Forest Service continues to repair and upgrade vital infrastructure and facilities in the National forests and grasslands through the National Parks and Public Land Legacy Restoration Fund (GAOA–LRF). In both FY 2024 and 2025, increased emphasis was given to using GAOA–LRF funding to address deferred maintenance on Forest Service-owned housing units as one step towards helping our employees confront the housing availability and affordability crisis in this country. In addition to the \$40 million Congress approved in FY 2024, we are proposing another \$30 million in housing-related GAOA–LRF projects to address this critical need. It is estimated that in FY 2025, GAOA–LRF projects at FS will contribute 3,200 jobs and \$360 million in GDP.

In closing, the President's FY 2025 Budget request for the Forest Service proposes a landmark investment that reflects the Administration's ongoing commitment to building and sustaining a robust and resilient Federal wildland fire management workforce, maintains funding priorities for risk-based wildfire reduction, and improves overall access to and utilization of our National Forests System. The FY 2025 Budget request also highlights the importance of restoring and creating resilient landscapes, improving infrastructure, and removing barriers to access. We look forward to working with this subcommittee to fulfill the President's goals and our key responsibilities for the long-term benefit of the Nation's forests and grasslands, and for all Americans. I will be glad to answer your questions.

Senator MERKLEY. Thank you very much, Chief Moore. And the first question I wanted to put forward is related to mass timber.

In the fiscal year 2024 bill, we have the comment that the committee believes the service should be an exemplar in using mass timber building materials and require the use of mass timber in the construction, renovation, or repair of its facilities.

The mass timber movement has really increased the ability to build buildings of multiple stories with timber rather than with concrete and steel, and so we are sequestering carbon rather than spending a lot more energy because concrete and steel are very energy intensive.

Also, the buildings are very beautiful, they are more earthquake resistant, and they can be put up a lot faster. So, with all those advantages, we would literally like to see the Forest Service lead the way in using these materials. In some parts of the country, the building codes haven't changed and have created an obstacle.

We've certainly changed them in Oregon and a number of other States, but those building codes don't apply on Federal land. Can you help lead the Forest Service into being kind of a driver of the mass timber movement, given all those advantages?

Mr. MOORE. Thank you for the opportunity, Senator, to respond to that question. And the short answer, of course, is yes.

We feel that we are also making huge contributions for this area. In fact, my staff has informed me that looking at where we cur-

rently are and for this year, there is well over 2,000 buildings that have been built, designed, or being designed using cross laminated timber.

I would have you know that our forest products laboratory out of Madison, Wisconsin has been really one of the leading researchers on using this kind of technology, and we have been working with other companies like Woodwork and others to help push this issue of mass timber or cross laminated timber, those types of new technologies.

So, we feel pretty good that we are responding. We have a lot of great partnerships. To give you an example of one of these successes that we would like to for you to consider, if you don't already know, we have actually the tallest building in the world right now using cross laminated timber that is in Milwaukee, Wisconsin and it is 26 stories high.

And we think that this type of technology is going to continue to refine itself. Now, one of the challenges we have, and our researchers are working on this, is being able to use low value, small diameter material to use in these products.

And so, that science is being perfected now, but it is not where it needs to be the same—particularly in terms of the large, commercial graded timber and lumber.

Senator MERKLEY. Okay. Well, I am very glad to hear that. I am going to follow up to get more of a comprehensive report from your team on the uses in Forest Service buildings and the planned uses.

And one of the advantages is that you can use small diameter. In fact, there is no reason not to use small diameter. So, it works very well with second growth forests and repeated harvesting on a multi-decadal cycle. Shifting gears, we have seen a number of sawmills close or prepare to close in Oregon this last year. I have a list of five of them. And the supply of timber is often cited as a significant factor.

And one of the—there is multiple things that are going into this. One of these is, from some of our fires, we had big surges in salvage logging, which then may be wrapped up. We also have private timber companies that are shipping a lot of logs to China and to Japan.

But does the Forest Service in its role—there's a partnership with the sawmills—kind of analyze the flow of logs and can help us gain insight on these various dynamics as we try to preserve these local sawmills.

Once you have to carry the logs a longer distance, that is a big problem. And, of course, one of the reasons that I have been really supportive of forest management is that one, it makes our forest more resilient to fires, but it also supplies a steady supply of saw logs to the local mills and other cellulose.

One mill owner said it's like we are weeding the woods, and he's producing like three or four different products from small scrap of wood, including pellets that are shipped over to Asia to burn.

Anyway, the core question here is, does the Forest Service kind of track and analyze the flow of wood with these various influences as it tries to ensure this partnership with local sawmills is sustained and the sawmills stay open?

Mr. MOORE. Yes. Senator, the BIL and IRA, by the way, have really allowed us to increase the number of large scale contracts and agreements that we feel will provide increase availability of wood and wood products in the—for the long term. Now, while timber supply and some of the changes in the types of wood that is available now has created some concerns, there's other factors that are in play.

The forest product industry, for example, and the associated mill and infrastructure, they're facing a set of what I would consider to be really complex challenges. The example that I use is over the last 20 years, the pulp industry has experienced a significant decrease in demand for paper products while moving toward a much higher proportion of recycled feedstock.

And when you look at some of these shifts and changes that are taking place, I think our role, and we have been working with a lot of our partners, is to really create opportunities through wood innovations. Because when you look at National Forests, and when you look at the majority of products that come off National Forests, it is by and large small diameter, low value material. Now, that material still has a use.

And so, how do we transition, I have to come to transition from not only just commercial saw logs, but also being able to use this material for things like what you've mentioned, cross laminated timber, nano cellulose material that strengthens products. How do we look at, you know, other, concerns like biochar, biofuel, and some of these types of things that are taking place across the country.

And then there is market driven conditions that are taking place across the country. You know, if you look at the price of lumber right now, it is pretty low. When you look at what the Forest Service is doing, in many of our locations, we have wood that we have sold that has not been cut.

And I think market conditions are driving a lot of those types of things. And so, the timber industry right now have a lot of concerns, a lot of complex issues, and they are legitimate.

But I can tell you with certainty that if we do not have a vibrant timber industry, we are not going to be able to manage our forest and make them healthy and resilient. So, it's in all of our best interest to work together as partners.

Senator MERKLEY. Thank you very much, Chief. Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman, for that—those questions. And thank you, Chief, for the very final comment that you said right there. You said that if we don't have viable timber harvest in our National Forests, you know, this whole thing just—it doesn't work, right, if we are going to manage them properly.

And I've just listened carefully to your statement that you have provided here at the table, and I think I only heard you mentioned the word timber a couple times. You said specifically forest products includes a sustainable timber supply.

We get that. But in your written testimony, you mentioned the word timber twice, and maybe I am just—maybe I am just a little too focused on the words this morning. But we can't get to forest products, we can't get to the management, unless we acknowledge

and accept that these trees, this renewable resource that is on these great public lands, that there is a use for them, a very important use for us.

But also, if we fail to manage them, there are consequences, and we see those consequences play out more and more as we are seeing the catastrophic loss to property, to human life when we see these major fires coming through so many parts of the country.

And so, I want to just ask a little more specifically in terms of what role you see the timber program playing in the Forest Service for the long term here. Because the fear that I have, you have got this old growth conservation plan, you have the comments that Senator Merkley has made—bless you—about your small sawmills.

What you are gonna have is you are gonna to have the industry, the folks that have been kind of hanging on by their fingernails, who do not see enough timber coming to them, so they close their shops.

And we can talk about thinning, we can talk about forest products, but if we don't have a viable industry out there then—you don't expect the Federal Government to be in the sawmill business necessarily.

So, how do we marry this all up? Because I am concerned that Forest Service has gone from the mission and the focus of multiple use, including timber harvest that can help these communities. And you spent a lot of time in your written testimony talking about the—ensuring equitable access and benefits to the National Forest system.

And I've got all of my communities that sit in the Tongass, whether it's Ketchikan or Craig, going all the way up to Yakutat. Those communities are suffering economically because we're not seeing any harvest. And I am not talking big stuff now.

And you and I know that because we have ratcheted back so far under the policies not only of this Administration, but of other Administrations as well, to the point where there is nothing there.

So, how do we balance all that? That's a rambling question to a very important—a rambling set up for what I hope you will share with me as to what role you see the timber program playing in Forest Service policy going forward.

Mr. MOORE. So, thank you, Senator Murkowski. And I understand what you are saying. You know, it's a question that I think all of us have to sit down and talk about, and it goes back into the history.

And I'll just go back as far back as 1986 to 1989, where timber that was provided off National Forest was—represented about 17 percent of all the timber that was managed across this country. Today, it is somewhere around 3 to 4 percent. And when you look at the conditions on the landscape, that have changed over time.

And you look at the largest land use shift that we have in this country, which is wildland urban interface areas, you have a lot of communities that have built homes and communities into the wildland interface.

And so, now there's a basic question that I think we are trying to respond to is that, should we be moving to protect communities from wildfire. And I think the answer is yes. But when you look

at the wildfire crisis strategy and what it's trying to focus on, it's doing that.

Now, the type of material that you have generally, generally is small diameter kinds of things. And so, when you remove that, it's not as much biomass or it's not as much material in the smaller trees than what we have historically had, and we're cutting back in the 80s and before.

And so, what I think we have a duty to do—and I say we. I am talking about us, but I am also talking about industry, and I am talking about all the communities we serve, is how do we transition the industry to take more of the type of materials that we have in abundance.

And that is why under the BIL and IRA, we have been investing quite a bit in wood innovation so we can help transition more towards some of the type of material that we have in abundance.

And I keep going to the small diameter, low value kinds of material, but we are creating products out of it through our scientists and working with other partners and universities. And I talked about the nano cellulose material. For example—

Senator MURKOWSKI. Before you get into the technology, because I get where you are going there and I understand that we need this technology to address some of the lower value, younger growth.

But you still have significant forests around this country, National Forests around this country, that are not that lower value, but that are dead or dying because they're old, because they have been subjected to disease, and are presenting a threat to this wildfire.

Now, I'm not suggesting that the answer is just to go out there and clear cut it. But what you've just said to me is that Forest Service role here is more from a timber management role, to one where it is designed to protect from wildfire, which if that's really what you think Forest Service role or mission is, I think that that's a different approach.

Mr. MOORE. Yeah. No, that's not it. But it is a basic question that I think need answering because we only have so much capacity to go in either one of those directions, or you just balancing both needs.

Senator MURKOWSKI. Yes. Why does it have to be an either, or? I think you have got a compatibility. You have the ability to be able to harvest sustainably, while at the same time protecting your communities from threat. I don't think it should be viewed as an either, or. And if that's the way we're structuring things, I think that's a risk to us.

Mr. MOORE. Yes, of course it is. And it's different all across the country. And so, what you may be seeing in Alaska is different than what I see in Utah.

Senator MURKOWSKI. Sure. Sure.

Mr. MOORE. And so, how do you balance all of those differences, the diversity across the country. And when I look at—I mean, I'll give you an example of dead and dying trees and how when we have been working with the logger to market that type of material, the kind of creativity that's coming out.

So, there on the Manti-La Sal National Forest, as an example, a lot of dead and dying trees, which most of your lumber compa-

nies, timber companies don't have a use for that. But they started working with this one logger to look at how do you market this dead and dying material, and they've created a market.

Just to give you an example, before it didn't have much of a timber sale program. Now, timber sales is in excess of 300 million board feet on that small forest. It's because they've created a use for small diameter, low value type material and dead and dying trees that we didn't have before.

And so, I think the solution is really to engage the community and finding uses for the type of material that we have geographically across the country. I think that's where we can be successful.

So, what I would do in Alaska may be different than what I would do in Utah, or vice versa. And that's what we trying to do, is how do we engage the community into helping us make some of these decisions where we have been traditionally making those decisions. Because I think the best solution is working with the communities and our partners.

Senator MURKOWSKI. I want to defer to my colleagues because I have exceeded my time, but I would certainly urge you to engage with the Southeast Alaska communities who, again, see a great resource, a renewable resource, and want the ability to not only provide that value, but also see the economic value to the region. Thank you, Mr. Chairman. We come back for second rounds and thirds.

Senator MERKLEY. Thank you very much. Senator Heinrich.

Senator HEINRICH. Chief, I want to follow up on Ranking Member Murkowski's question. What I am not—in that individual case to the Manti-La Sal, what is the use case for the low value, dead and dying timber that they are taking off the forest?

[Inaudible.]

Mr. MOORE. So, they were—in one case, they worked out a contract with this unintelligible company, where you sell fire wood at some of these gas stations. That is one of the opportunity there.

So, there is a lot of different uses for the type of wood, and that's where we have worked with the local community to market the type of material that is in that whole community.

Senator HEINRICH. Yes. I think that makes a lot of sense, given the geographic diversity of our forests and the fact that we all have this issue of—the biggest challenge is the economics of trying to take small diameter wood out of the forest that we don't have the money to extract.

And so, I think the more focus you can put on that in many of our states, the more we will see the forest condition improve as a result.

You and I met last September with Director Chuck Sams from the National Park Service, to talk about how to prevent the—prevent cattle from grazing allotments on the Santa Fe National Forest from trespassing on to the Valles Caldera National Preserve and damaging the sensitive trout streams across the Northern portion of that preserve.

That's been an ongoing problem. It's something I get complaints about all season long. What progress has been made on that problem since our meeting 6 months ago?

Mr. MOORE. So, Senator, Director Sams and with the National Park Service have talked about this and we have talked through the issues and we've basically committed to work together. So, the question was, well what's the result of that?

And so far, the results have been the same, because we can't seem to get beyond where we are. One of the challenges we have, and the problem we are having is where the fence is located around forested areas, every winter, you know, trees fall and just break the break fence down.

I do think that if we could pursue a hardier type fence, that would be more of a solution, but neither of us have the funding to provide the type of fence, say like the pole fence or something like that, that would provide a lot of stability and it would harden that fence line.

Senator HEINRICH. Well, its good that you are in front of the Appropriations committee then. I will be more than happy to work with you on a pipe and cable fence that can survive the winters out there. But what I would ask of the Forest Service is for the Forest Service and the Park Service together, together to take responsibility for the maintenance of that infrastructure and of any of the infrastructure we build to maintain that separation between the park and the forest. Is that something you are willing to commit to?

Mr. MOORE. Of course I am.

Senator HEINRICH. Okay. Thank you. That's progress. FEMA recently awarded a \$1.9 million dollar grant to the state of New Mexico for watershed planning in the Hermits Peak Calf Canyon burn area.

I want to ask if the Forest Service will participate in that planning process, cause we need to make sure so that the watershed plan can incorporate the flood risk for local communities from the damaged watersheds on the National Forest.

Mr. MOORE. Senator, yes, we would participate in that.

Senator HEINRICH. I appreciate that very much. We talked a little bit earlier about the backlog of infrastructure that you are seeking to address through the Great American Outdoors Act (GAOA). Can you elaborate a little more on the progress that you have made utilizing Great American Outdoors Act funds to reinvest in Forest Service infrastructure?

Cause I know earlier that was a struggle for the Forest Service. And so, if you are doing better, I would love to know specifically where you're making progress, and are we going to get to where you are utilizing the full funds that we authorized?

Mr. MOORE. Yes. So, Senator, we are making some progress. The challenge that we really having, though, is that deferred maintenance is such a huge backlog that it's hard to make a dent in the amount of money that we have gotten through GAOA.

But now, if we had not gotten the dollars through that, we would not have been able to do this. And I'll give you an example. We have \$8.6 billion dollars worth of deferred maintenance. Every year we have more going into that.

And we've estimated that it would take about \$1 billion dollars a year to handle all of the deferred maintenance that we have. Now, we have been allocating roughly \$285 million dollars or so

from GAO monies to get at that backlog and that has been very helpful. So, thank you for your support and for this committee's support in providing those funds.

But \$8.6 billion dollars is a lot to try and get a handle on without a lot of additional resources, but we are doing it. We took our time with GAO monies, and we've had a lot of public meetings so that we could invite the public into helping us to decide how we would develop criteria to address this issue.

And so, where we focused on was high public use areas, and we have a lot of support in the different communities because our criteria was based on those high public touched areas. And so, that's been our focus.

Senator HEINRICH. I think that's been a good focus. You know, we've seen that any closed infrastructure in National Forests is an economic limiter to these rural communities. So, if you have a campground that's closed, if you have recreational facilities that are closed, that has a direct impact on the gateway communities.

And so, I very much support that focus. Last question, cause I am running out of time here. I know you've requested funding for 570 new full time firefighters, but we also recognize that we are not adequately compensating firefighters, even with the changes that have been made.

We need to do more. Do you believe that you'll actually be able to find 570 new hires under the current conditions?

Mr. MOORE. I believe so. We are certainly moving into the hiring season with every intention of reaching that goal. You know, the challenge for us as it relates to a firefighter it's just a couple of things.

One, that the trust is low that the pay bump will be permanent. And so, there's a lot of hesitancy within the agency. What we are also finding, though, is that when you have an employee who has worked 15 to 20 years, and when that person leaves, we've lost about anywhere between \$1 and \$2 million dollars investment in that person to get them up to speed where they are.

And so, when you lose that kind of investment, it's just a continuous cycle of bringing new people in trying to get their proficiencies levels up to where that 15 to 20 year employee was at. So, it's a real challenge for us, and that's what we're facing now.

Senator HEINRICH. I think that really raises for us, chairman, the challenge we have, which is we need to make these changes permanent. We need to address the housing challenges, the mental health challenges, and send the signals to these wildland firefighters that we value them and that that's going to be more than talk. It's going to be real resources.

Senator MERKLEY. Thank you. Senator Murray.

Senator MURRAY. Well, thank you very much, Mr. Chairman. Chief Moore, really glad to have this opportunity to hear about what you need for the Forest Service really important work. Like so many visitors, each year, I love the beauty of our National Forests in Washington State.

We have the Olympic, the Okanogan, Wenatchee, Gifford Pinchot, Colville, and they're all amazing. They really are a national treasure, but they are also home to keystone species, including salmon, which are so important to my state. They are a resource

in so many ways to our Tribes and to our communities, and they are part of our history.

One of the first big businesses in Seattle was actually selling lumber to build cities across the West Coast. So, I really believe that we have a responsibility to not just manage our forest resources, but to maintain these for generations to come. And that means investing in our forests.

Because if we shortchange them, there is not enough money in the world to restore forests if we fail to protect them now. I really don't want future generations hearing about the forests that we once had, or the trees that once stood really tall, or the salmon that once swam in their rivers. I want to make sure we pass those riches on to our kids and grandkids intact.

And that means making sure that our Forest Service has the funding it needs to help preserve the public land in its care, to work with our communities, to be good stewards of our natural resources, and prevent and respond to threats like wildfire.

And when it comes to wildfires, I am especially focused on making sure that we extend the fire fix and address the underfunding challenges that we have had for that work. So, first of all, thank you for your recent investments in Central Washington Initiative, which is delivering IRA wildfire risk reduction funding to the Okanogan-Wenatchee National Forest.

That forest has hundreds of thousands of acres that need forest restoration and wildfire risk reduction work. It contains communities with some of the highest wildfire risks in the nation. And I have heard from my constituents there that they're concerned about staff turnover, especially among senior leaders in Washington State, which will really inhibit projects like the Central Washington Initiative.

What are you doing to stabilize staffing, especially among senior leaders, and reduce that turnover?

Mr. MOORE. Thank you, Senator Murray. And I had a chance to visit that area that you mentioned earlier last summer, and I would agree with you, it's a beautiful area, but it's at risk. And we've been doing a lot of work in there trying to protect that community from fires that could go through there any day.

And so, we've made that one of the high priority areas, and we've begun to see a lot of results working with partners in that community, with the collaborative and whatnot. So, in terms of, you know, employees moving, those are personal decisions that they make, you know, to look at advancing.

And so, one way that we've tried to respond directly to that issue is not necessarily require or put a high value on people moving all across the country. That still provides a value but not the same as perhaps what we used to do in the past.

The pandemic has changed a lot of how we look at employees and how we look at keeping them in an area. And so, we making adjustments now based on what we have seen, living through the pandemic in terms of employees wanting to leave or not wanting to leave.

And what you'll see is that we try to be as flexible as we can to allow the individual employees the flexibility that they need or desire. We decided to do when I first became Chief of this agency, and

this is a conversation I had with the Secretary, is that we needed to—if we gonna implement the BIL and IRA, we really need to hire additional employees.

And when I looked at the agency and what had happened over the last 15 years, we lost 38 percent of the non-fire workforce. And that equaled to about 8,000 people. And so, what we wanted to do was hire half of that back, and then leverage the other half working with communities and partners to do the work, and that did a couple of things for us.

One, it brought the community to the table to help make decisions so that we can make decisions collaboratively about certain geographic areas. Now, we've done that. And what we've also had to do was look at a different skill sets that we need to break into the agency to meet the needs of the future.

You know, you look at the trends that are developing across this country, whether it's climate change, whether it's those types of things, carbon sequestration and those types of issues, we needed to add capacity to the workforce to deal with those issues.

And so, we have been doing that and we added additional people, non-fire positions as well as fire positions, to the workforce. Now with the budget situation as it is, we have to take another look to see where and how we make adjustments in some of those decisions.

But it gave us a chance to pivot to prepare the organization for the future and how it's managing issues and concerns.

Senator MURRAY. Okay. Well, we are concerned there because we are seeing staff overturn at the top. And you start working with the communities and you don't have that continuation, it really makes it challenging.

Mr. MOORE. Senator, I will tell you this, what I am hopeful about is that we have excellent employees that can move up. Now, it doesn't get directly at your question, but I want to give you some assurances that we have excellent employees in the pipeline and what they need are opportunities now.

And this is providing opportunities to get local people to move into these positions at a much greater rate than what they have in the past. And so, that's the plus side of this.

Senator MURRAY. Okay. Can you just talk really quickly about the impact of the fire fix, how it's impacted your operations, and what a lapse in that would mean?

Mr. MOORE. Well, I if I understand the question right, you know, getting a fire fix really means stop the bleeding from our firefighters because we're we had been losing them at an alarming rate, particularly the experienced firefighters.

We had also been getting some declinations over the last couple of years because of the pay and the fact that you could work at a fast food restaurant and make more than a lot of our firefighters on the lower end of the pay scale was making. This pay bump that Congress has provided has been the difference in keeping people in place longer.

But I'll tell you, they're real, they're concerned that this may not be permanent. And so, they are looking at their options on whether they can provide for their families by taking another job or whether they should stay here and trust that Congress is going to provide

the stability that they're looking for. Because they love the work they do. They love working for the agency. It is just that they have families to care for.

Senator MURRAY. Okay. And I'm out of time, but I did want to ask you quickly about the Mount St. Helens Johnston Ridge Observatory. There was a massive landslide there last May. And that observatory means a lot to people who visit the region and families in my state. I know there's ongoing long term planning to restore that. It's gonna to take several years, and I just wanted to find out from you what the intermediate access is for recreation opportunities is going to be.

Mr. MOORE. I don't know that, but I can find that out, Senator, and get back with you.

Senator MURRAY. Would you? I would appreciate that. Thank you.

Mr. MOORE. Yes.

Senator MERKLEY. Thank you very much, Senator Murray. And I was just in the town of Saint Helens, which happens to be on the Oregon side of the border, cause it has such a spectacular view of the of the mountain. Let's turn to Senator Sinema.

Senator SINEMA. Thank you, Chairman Merkley and Ranking Member Murkowski. And thank you to Chief Moore for being here today. It's good to see you again, Chief Moore, and I hope to get you out to Northern Arizona again quite soon. I am looking forward to discussing critical forest restoration and firefighting needs with you today.

My first question for you is, you know, thanks to the increased funding from the bipartisan infrastructure law and the IRA, and hard work from local Forest Service staff, the Four Forest Restoration Initiative, known as 4FRI, is beginning to make real progress in reducing wildfire threats across Northern Arizona.

Partners like Coconino County, the City of Flagstaff, SRP, The Nature Conservancy, the National Forest Foundation, the Arizona Department of Forest and Fire Management, and many others have invested over \$40 million dollars in partnerships with the USFS to get 4FRI where it is today. In addition, private industry, like Restoration Forest Product groups, has invested over \$250 million dollars in infrastructure in the past 2 years to meet this challenge.

So now is not the time to cut funding from this important wildfire crisis landscape. So how does the Forest Service plan to support this effort over the next 5 years as forest restoration implementation increases on this landscape?

Mr. MOORE. Yes. First of all, thank you for your support Senator over the years. We really appreciate it. One of the concerns that I would agree with you on is that 4FRI, for a lot of different reasons, has not been as successful as what we need it to be.

And so, what we have decided to do was to take a step back, engage with people in the communities, and try and bring them to the table on how we are gonna to move forward with 4FRI. And I was just down there meeting with the region about a month or so ago to get a briefing on where we were going with 4FRI, and I have also assigned a person out of my office here in D.C. to work with them. And we have got a couple of things going on there.

We have the need to work with Tribes. We have a need to work with the small operators. And we have a need to work with the large operators. And so, what we are doing is moving to a larger scale type of program or project that will allow the larger companies to have the products that they need to stay in operations, but also the smaller operators who have traditionally used those lands for those purposes as well.

We feel like we have a really good path forward, looking at some of the stewardship contracts and just some of the agreements that we are working with the different folks in the community, and I'm hopeful that we'll be successful. We seem to be having success currently.

Senator SINEMA. Thank you. Another committee, I sit on the Homeland Security committee, recently held a hearing regarding the wildfire crisis.

And I want to ask you the same question I asked a witness from the GAO. They've examined the impact of low pay on recruitment and retention of qualified wildland firefighters. I was proud to secure the temporary pay increase in the bipartisan infrastructure law, and we introduced a permanent pay fix for wildland firefighters, the Wildland Firefighter Paycheck Protection Act.

Now, this legislation passed out of our committee last year with broad bipartisan support. It's urgent that the Senate consider this legislation quickly. But in your experience, how has the temporary increase in pay impacted the ability of fire services to recruit qualified candidates?

And how has the promise of Congress working towards a permanent solution impacted workforce morale? And finally, what would be the impact to our Federal wildland firefighting workforce if these much deserved pay increases were to go away?

Mr. MOORE. So, let me start with the current status of them, whether it is through a CR or whatnot. The downside—the good side is that they are continuing to make the money. The downside is that it doesn't count toward retirement.

And so, until it's permanent, the pay bump is not going to count towards their retirement. So, when you look at a firefighter that is up toward the end of their career, that have a, you know, 20 years in before they can retire, that doesn't do them any good.

So, there is hesitancy there at that real high skill level area. Looking at the entry level type positions, they have other options that other companies and other entities are providing them that pays better, and the work is not as arduous.

And so, the firefighters that we are recruiting, as hard and as dirty as that work is, they love it, and they are good at it. They are just not sure if this is the right decision for them. And so, we are having to deal with a lot of hesitancy. It affects morale, as you would imagine.

And it's just a lot of tenuousness in the organization that we didn't have prior to this. And so, it's really critical that we have a permanent solution here, so we don't have to deal with that kind of an organization, or that side of the organization.

Senator SINEMA. Thank you. Switching back to forest management and 4FRI, I hear from constituents across Arizona that there are policies and procedures currently in place that are inefficient

or restrict industry in reaching the pace and scale desired by the 4FRI initiative.

What barriers do you see that hinder the Forest Service from meeting your goals of the wildfire crisis strategy, and are there policies that we in Congress need to address to make the Forest Service more effective?

Mr. MOORE. Yes, so we've been addressing those policy issues, Senator. I'll give you an example. When we got the BIL and IRA monies, we were going to do a lot of our work through partnerships.

And in order to do that work through partnerships, we had to look at the policies and just kind of how it was guiding us. And to give an example, you know, to be a partner, we had to leverage—our partners had to provide 25 percent of the project. And if it's a significant cash contribution, up to 50 percent. And when you look at the dollars we had under BIL and IRA, no partner could do that.

And when you look at going outside of our traditional partners and going to nontraditional partners, they had even less of an opportunity. And so, I asked the question that, can we get rid of everything that is not in statute in terms of match requirements? Because if you take the Tribes as an example, there is indigenous traditional ecological knowledge. We didn't put a value on that, but that is very valuable.

And so, the rules and the policies as they were, didn't allow for some of what we were finding working with our different communities. And so, bottom line is that everything that is not in statute has been eliminated from being a partner.

And so, that has given us the opportunity to bring traditional and nontraditional partners to the table to do a lot of this work and to value their contributions differently than what we have in the past. And those are internal things that we have been making to allow us better opportunities to work with different people in the community.

Senator SINEMA. Thank you. Mr. Chairman, my time has expired but I have a few more questions for the Chief that I just submit.

Senator MERKLEY. Thank you very much. They'll be submitted for the record. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman. Welcome, Chief. Nice to see you. In Nebraska, nearly 94 percent of the fire departments are entirely volunteer run, and the State has experienced an increased number of wildfires over the past couple of years. This has made programs like the Volunteer Fire Assistance Program vital to ensuring fire departments across my rural State are able to prepare and combat wildfires.

The Nebraska's Forest Service was able to help hundreds of fire districts in my state, 475 in 2022 alone, improve their ability to prepare for and suppress wildfires through this program. And I was very pleased to see Nebraska receive recognition in the fiscal year 2025 budget on how our rural fire departments were able to utilize the program to purchase wildland firefighting protective equipment.

In your budget request for the second year in a row, this program was level funded, along with other important programs like the State Fire Assistance Program. Given the integral role that vol-

unteer firefighters play in combating wildfires in rural communities like we have in Nebraska, can you discuss how that decision was made?

Mr. MOORE. I don't know how that decision was made, Senator, because, you know, we react and respond to the budget that Congress provides us. Now, in terms of how we are working together.

Senator FISCHER. But this was in your budget request, that it was level funded.

Mr. MOORE. Yes. And keep in mind too, if you would, you know, we're trying to have more of a balanced look at things.

And so, while we could use more, when we balance all of the needs across the spectrum, that's about what we thought was appropriate. Not saying that it was enough, but looking at it from a balanced approach, that's as good as we could do in the request.

Senator FISCHER. And can you outline for me other areas of your budget request that do support our volunteer firefighters' role in combating fire?

Mr. MOORE. Yes. You know, when you look at all the different agreements that we have across the board, we started with the assumption, and it's more than just an assumption, is that, you know, fires don't respect boundaries, and that it's in all of our best interest to work together so that we can work across boundaries.

And so, we do work with many volunteer fire departments. And in fact, when you have wildfires even on Federal managed lands, a lot of those fire departments come and suppress fires there as well.

Senator FISCHER. Are there specific requests in the budget though that would benefit these rural fire departments where they are crossing those boundaries to work with Forest Service. So, I am talking funding here to be able to help these rural departments.

Mr. MOORE. Yes. The Community Wildfire Defense Grants would be one area where we are very helpful.

Senator FISCHER. And do you know offhand what the funding level for that program is?

Mr. MOORE. No, but I can certainly provide that to you.

Senator FISCHER. Thank you. That would be great. The majority, vast majority, 88 percent of the Nebraska forest land is privately owned. And I know that there are partnerships between the Forest Service with our state foresters and local landowners out there, and they're extremely vital to be able to provide for proper management and productivity.

The Nebraska Forest Service has been able to reduce wildfire risks across 40,000 acres through that Forest Stewardship Program and plant 650,000 pines by efficient reforestation plans. Can you speak to the benefits of utilizing the Forest Stewardship Program to defuel privately owned forests, especially with wildfires being a large risk in my home state, and with the program being crucial to preventing wildfires on private forest land, can you explain why that program was level funded in the fiscal year 2025 budget?

Mr. MOORE. Yes. I'll start with your first question. When I look at how we should be working together on fires, the grassland fires are what we consider to be flashy fuels and a lot of times they can be wind driven.

And so, our firefighters are trained not only to look at forest fires, but also grassland fires—all fires really. Now, in terms of how we work together, I think we have a pretty good track record when you look at all of our wildfire grants and how we are working with many of the fire department.

We generally work through the states, to work with the counties and the rural fire departments. So, that's where we currently are working together on those types of issues, Senator.

Senator FISCHER. As you're likely aware, we had a big fire in 2022 at Nebraska's National Forest, at Halsey, Nebraska. It was severely impacted in 2022.

And I've heard concerns from some people in the area about the delay in contracting to remove dead standing trees, specifically the ponderosa pine, for example, because some of the wood stayed out of the forest too long after the fire because contracting remove—because of the contracting removal delays, some of the wood is now unusable.

And it's also my understanding that because of funding constraints, wood is being piled in decks along forest woods, and currently there isn't any buyer for it. Can you speak to the difficulties with contracting, the removal of the dead standing trees, and the funding constraints with a stewardship contract?

Mr. MOORE. Sure. So, the for timber restoration effort, that contract was awarded back in October of last year. And it was awarded to, I think, Miller Timber Services of Oregon. And so, they began the work on I think it is 850 acres of pine stands and another 250 acres of cedar stands.

And so, that work is ongoing. And most of that was from beetle kills, fire kills and that type of material. So, there's another contract that was let in August of this past year, and we had three proposals on that with a September deadline.

So, the contractor was selected, and what we're looking at now is what do we do with those decks that we have piled up out there? And so, the contractor began work in January of this year, and right now they are expecting to complete all the cutting and all the decking and the massification on the pieces that they are not going to be decking.

That should be completed by the end of May. And so, we are currently looking for other options to really remove the deck materials on the other 250 acres of the cedar stands. So, the fence contract which is part of that. It was selected through a competitive bidding process as well, and that will begin on April 15th—next week, sometime.

Senator FISCHER. Okay. But would you be open to having a dialog on that? If we receive more questions from our state on that, can we reach out to you and be able to get information to those folks?

Mr. MOORE. Yes, absolutely. And in fact, this contract that's going to start on April 15th, is really for the removal and reconstruction of approximately about 24 miles of fencing.

Senator FISCHER. Great. Thank you.

Senator MERKLEY. Thank you very much, Senator Fischer. Senator Tester.

Senator TESTER. Yes. Thank you, Mr. Chairman, Ranking Member. Thank you, Chief Moore, for being here today. You and I have talked extensively over the last year about the Forest Service's decision to fine a small electric co-op in Montana for wildfire service suppression stemming from a 2021 fire in Montana. And in fact, we just talked about this yesterday.

I didn't intend to bring this up, but what I am hoping for is, that if you can't help me on this, then somebody who might be watching this video can help me on this. This a serious situation. The Forest Service fine a small electric cooperative in the state of Montana a little over \$5 million bucks for a fire in 2021.

To put this in perspective, the annual operating revenue for this small cooperative is \$15 million bucks. If this isn't crazy enough, I recently learned that this is not a process—there is not a process in place for the cooperative to be able to appeal this case directly to the Forest Service, which in my opinion, and I don't think this is false, this is absolute fact, would be the agency that's most readily equipped to hear an appeal on a forest fire in Forest Service land, that knows about things like dead trees and ten foot right of ways on each side of the pole and those kind of things.

Instead, the only recourse for this small cooperative may be to enter into a settlement. And I say may, because hopefully we can find a different way to have some assurance for this small cooperative, but may be to enter into a with settlement process with lawyers at the Department of Justice.

Now, while I appreciate the importance of holding folks accountable, and I believe in it strongly, on taking preventative measures to avoid costly wildfires, I can tell you the jury is still out on whether the cooperative was negligent at all. And put that together, this process seems extremely broken.

So, let's put this in perspective for some issues that we deal about in Congress. Let's say the Federal Government had the authority to fine a social media company one-third of their operating revenue or an airline. What do you guys think would be the process there? It would be chaos—with no appeal rights.

Now, I understand that there're some statutes that the agency needs to follow, but there are some questions. And Chief Moore, you know very well, at least you should, and I think you do, know very well the fining of a cooperative with a \$15 million budget, one-third of its revenue—a cooperative that's been around, by the way, for 87 years—would have two outcomes.

The cooperative either goes out of business and folks lose electricity, which is pretty darn critical in the 21st century. Or the cooperative has to jack up energy costs on its entire members, because cooperatives are owned by the customer, to cover the bill. Given that the blame for the 2021 fire is disputable, my question to you, Chief Moore, is how the hell did we end up here?

Mr. MOORE. Well, first of all, Senator, you accurately described the process. And anything over \$100,000 dollars move into DOJ for settlement or resolution.

How we got there, I think that, you know, it is the same in many parts of the country and especially out in the Western part of the country, where you have overstocked forests, and the fact that cli-

mate change has exacerbated the conditions out on the ground. We have similar traditions in many parts of the country.

So, this is not unusual, and we've tried to work with the utility—not tried, but we've actually worked with the utility sector by removing a lot of the redundancies of requiring them to come in every year to get so-called permission to do clearance around their power lines.

So, I don't know all the specifics directly with that, but I know that where we are right now, we haven't done anything different with them as what we would normally do when there is a fire, and we look at the cause.

And after the investigation, you know, it was determined that a tree had fallen on their power line, which started the fire.

Senator TESTER. So, can I ask you, how often does this kind of a fee be put on cooperatives or investor owned utilities, this kind of a fine?

Mr. MOORE. Well, I mean, it's always different. I mean, you know, a large, public utility it's gonna different than a small co-op utility. PG&E in California for one. They have been litigated as well on fires that have started under their power lines. And so, this is not an unusual process.

Senator TESTER. I would just say this, you know how big the trees are in the forest. You know that a 10 foot right of way on each side of the pole is required.

And I believe we tried to adjust that right of way a few times and have been unsuccessful in being able to do that. I would just tell you that I think we've put this cooperative in a position where if we continue down this road, we're doomed.

And I will say, you know, we had the conversation yesterday and you had mentioned to me that maybe I should call up the Department of Justice. I have found one thing in my 17.5 years in this job, when I start telling lawyers what to do, it usually ends up with a bad outcome, and that is a fact. That's not a joke at all.

Because the truth the matter is, is that something about it, they take incredible offense to it. And I would just say this, if we cannot find some way in this equation to add common sense to what's going on here, because this doesn't make any sense.

In fact, when they first told me that this had happened, I looked at them and scratch—you're not telling me the truth. You're kidding me. You're, this—no, it's the truth, and it was the truth.

But if we don't figure out a way to do this, and if we need a legislative fix, I got notion we can do it in a bipartisan way, but putting a small company, a small cooperative, or a company, it doesn't matter, out of business because we got a forest that is half dead or more, because we got a right of way that is inadequate, because they didn't do anything wrong—and there is lots of things we do in this world that are wrong.

But this outfit didn't do anything wrong, and they get slapped with a \$5 million dollars they're done. They're done—87 years of service by this company is done. And so, we need to figure out a solution here.

And it can't be dependent on some attorney at the Department of Justice that doesn't know what the hell is going on in rural America to make a decision. I am just going to tell you, I don't like

the looks of that outcome but that is me as a farmer talking, okay, and as a Senator.

Mr. MOORE. Yes. No, I don't disagree with you, Senator. This is something that needs to be addressed. I have—by statute, I just have no authority in any of this, but I agree, it's a concern. And there's a lot of conditions like that all across the West that are being put in a similar situation.

Senator TESTER. Hindsight is 2020, but I would love to meet the person who levied this fine in the Forest Service. I would love to meet that person because common sense was slim or none, and slim left town.

Mr. MOORE. Yes.

Senator TESTER. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you, Senator Tester. Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman. And Senator Tester, that's the kind of thing I'd be happy to work with you on, if a legislative solution is needed cause we need common sense. And listening to you, I understand you'd be pleased to meet the person that levied the fine.

I'm guessing wouldn't be so—he might not share the same enthusiasm, but yes, right on. We need common sense in these solutions. Chief, thanks for being here today. Good to see you again. When are you coming to North Dakota?

Mr. MOORE. Well, I'd certainly work on that with you. I know I couldn't go the last time. Chris French would love to accompany you there.

Senator HOEVEN. Yes. Well, we worked on it before, and so I would like to extend the invitation again. We would love to have you come out and see us. So, we can work on that.

Mr. MOORE. Great Yes.

Senator HOEVEN. And I must tell you and commend you. Deputy Chief Chris French came out last year in your stead, and I don't know, he set a pretty high bar. I think maybe that's why you are avoiding us.

[Laughter.]

Senator HOEVEN. Because he came out, we took him out West, and he helped us with the spraying on these noxious weeds. We got about \$1.7 million out of a commitment of \$4.5, which we really appreciate.

And that's what I mean, he came out and was good. And I want to compliment him and also want to ask for your commitment that we follow up and we get the full \$4.5 for those noxious weeds. Do we have your commitment?

Mr. MOORE. Yes. And in fact, I believe he may have committed to doing that as soon as we got a budget. So, we just got a budget, so we are committed to providing that. And of course, that would be provided over multiple years.

Senator HOEVEN. Yes. Yes. Great. And would you recommend to him that he come back out? I mean, if he is going to do that well, we might find something else for him.

Mr. MOORE. Yes. If he did that well, maybe he can just take my place.

Senator HOEVEN. Well, that is what I am saying. You don't want him outshining you, so you have to come out—

[Laughter.]

Senator HOEVEN. But we do appreciate it. We'd like him come back to. So, if you encourage him, that would be great. I also want to follow up—we've had this conversation before, but would you please express for the record that you are committed to multiple uses of the land?

Mr. MOORE. I am.

Senator HOEVEN. Okay. And do you believe that, you know, timber harvesting and those kind of things can actually benefit fire risk management?

Mr. MOORE. It can and does.

Senator HOEVEN. Okay. And how do you proactively engage in that process?

Mr. MOORE. In timber management?

Senator HOEVEN. Yes. How do you make sure that folks out on the ground are able to accomplish that and not held up?

Mr. MOORE. Well, I mean, first of all, they need to have a budget in order to—

Senator HOEVEN. It kind of goes back to what Senator Tester was just talking about. You know, the ability for folks on the ground to be able to take commonsense action and not, you know, face sanctions for it for some reason, right. Go ahead, sir.

Mr. MOORE. I think you've just said it. You know, it starts with the budget. And I think that as we get our budget in the different program areas, then provide those types of activities on the forest.

Senator HOEVEN. Along those lines, in the Great American Outdoors Act, we secured funding that actually helps in the grasslands as well, get water out there to livestock and that kind of thing. And there is a number of things that are involved. In some cases, it's, you know, digging wells. In some cases, it's developing stock ponds. In other cases, it's just actually moving the water across the grasslands.

And they have to get permits to do that. So, we have got this program between the Great American Outdoor Act and our state where we help the grazers get access to water. But one of the challenges they hit is permitting, permitting, and that is you all.

Can you help us there, or do you have some ideas on how we can help with the permitting process? Cause it's, you know, they go through a lot of work to do it. It's very burdensome, costly, and takes a lot of time.

Mr. MOORE. So, I don't know the specifics that you may be referring to, Senator, but I'd be more than happy to look into any specific permitting issues or concerns that you may have.

Senator HOEVEN. Yes, that would be great. That'd be a great reason to have you out there, because it involves a lot of things. In some cases, it's the historical society. There is just a lot of things—steps they have to go through. And to get you out there with some of our cowboys and let them kind of show you and talk to you.

Mr. MOORE. Yes.

Senator HOEVEN. I think back to that commonsense aspect. I think you applying some common sense would find ways to improve it—streamline it.

And then the last thing I'll bring up is I have—Senator Bennett of Colorado and I have legislation we call the Joint Chiefs Program,

which I think you're familiar with. Would you, you know, talk a little bit about how you think that program can help with things like improve fire resilience, soil health, water quality, those kind of things?

Mr. MOORE. Yes. So that's within USDA, the Joint Chiefs Project as an example, is myself and my counterpart within RCS, Chief Crosby.

We've been looking at a number of those Joint Chiefs projects across the country, and I think that they're very, very valuable, particularly when you look at private lands versus Federal lands and how we can come together to address some of those critical issues on private lands.

But also, particularly if what's happening on highlands, usually Federal lands, is it causing impacts on the private land down beneath. And in many cases the Joint Chiefs projects have been a godsend in many ways to address a lot of those issues.

Senator HOEVEN. Good. Thanks for being here, and thanks for the help that we have been able to receive from you and your staff. And again, look forward to have you come to our State as well. Thank you. Okay.

Mr. MOORE. Thank you, Senator.

Senator MERKLEY. Thank you, Senator Hoeven. Now, we turn to Senator Van Hollen.

Senator VAN HOLLEN. Thank you, Mr. Chairman. And look forward to working with you and Ranking Member Murkowski as we kick off this new appropriation season.

Chief, welcome. It's good to see you. And I was pleased to see in the budget request you submitted, a grant for Stillmeadow Peace Park, for the Stillmeadow Community Fellowship, environmental education program. Stillmeadow Peace Park is in West Baltimore, and it's been a place of innovative partnership with the Forest Service's Baltimore Urban Field Office.

The community has worked to plant over 2,500 trees as it works to restore the woods, and the Urban Field Office has been able to use the land as a laboratory to understand urban green spaces.

A partnership with the local workforce training, nonprofit Turn-around Tuesday's, graduated a class of new foresters just last summer. Can you speak to how the Forest Service can use this kind of innovative collaboration to maximize the benefits of renewing the urban tree canopy?

Mr. MOORE. Yes. So, as you know, between the IRA funding, we had about \$1.5 billion dollars to invest in these types of projects and similar projects, and we have been all across the country.

Now, what is exciting about this is that \$1.5 billion dollars is a lot of money, but we actually have seven times the request for those dollars, which says there's a huge need in many of our urban areas for these types of dollars.

This particular project that you mentioned was awarded \$2 million dollars, and many projects across urban areas have been awarded these types of projects. And so, I think when you look at, and our science is telling us this, when you look at a tree canopy neighborhood versus one that does not have trees, there's about 17 to 18 percent difference in the temperature.

And so, when you look at the value of this type of work in these type of settings, it's very valuable and is particularly in many of our disadvantaged communities.

Senator VAN HOLLEN. Well, thank you, Chief. And I'd just like to ask unanimous consent to put in the record an article entitled, Stillmeadow Peace Park is Baltimore's Latest Tale of Urban Reinvention.

Senator MERKLEY. Without objection.

[The information follows:]

Stillmeadow Peace Park is Baltimore's Latest Tale of Urban Reinvention

Starting with an inspired vision from a parishioner and nurtured by an outpouring of collaboration, Southwest Baltimore's Stillmeadow woods have been given a second chance.

By Ethan McLeod | [March 2024](#)



From left: Pastor Michael Martin with Morgan Grove at Stillmeadow Peace Park. —Photography by Christopher Myers

In the woods next to the [Stillmeadow Community Fellowship](#) church in Southwest Baltimore, Pastor Michael Martin has another sanctuary he eagerly shares with visitors. The church leaders poses meditative questions—"What do you hear?" "What do you see?" "How does it make you feel?"—as he walks parishioners, neighbors, and other participants in Stillmeadow's "daytime retreats" through the 10 acres of once-neglected, church-owned property overlooking busy Frederick Avenue. Here, freshly planted and fast-growing saplings, carefully carved-out walking trails, and streamside sitting areas invite each person who passes through to pause.

"Cars become white noise, and you shift from what you're used to," says Martin from his office inside the church. "All of a sudden, you can hear the trees and the breeze. You hear birds—and now, you hear different birds. And you can see different trees. You can tell that there are different things going on in this park. And then you get down to the water, and it's flowing and making that cooling sound [and you think], 'Hey, I didn't remember I liked this. This is beautiful and I'm really affected by all of this.'"

Just a few years ago, this small woodland tract was an arboreal graveyard, strewn with dozens of ash trees leached of life by the invasive emerald ash boring beetle, which in the late 2010s wiped out much of these woods. Rampantly growing vines and ravenously grazing deer were also playing a part, killing off other native species and the next generation of trees before they could mature and fill in the void of the dead ash grove.

But you'd never know that today, what with the hundreds of new poplar, willow, elm, and oak trees, some just two years old but already topping 30 feet, that are deepening their roots in carefully maintained, protected plots uphill from the church. Starting with an inspired vision from a parishioner and nurtured by an outpouring of collaboration and resources, the Stillmeadow woods have been given a second chance. And in just a few years, they have already become a nationally renowned proving ground for ecological resilience.

Since 2020, the [U.S. Forest Service](#) has been working with the church to use the self-proclaimed community "peace park" to research the potential of smaller-scale reforestation in city environments. They're not only planting native and climate-adaptive

tree species, but also studying soil resiliency, testing planting cycles, trialing groundcover materials, and even training new generations of urban foresters here in Baltimore, with an ultimate goal of establishing long-term networks of community caretaking.

Can small, degraded urban forests like this one regenerate in healthy, sustainable ways? And can they establish a framework for their communities to be invested in them for years to come? That's what the dozens of people now involved in this project hope to find out. Elementary, middle, high school, and university students have poured out in droves to pitch in, clearing dead trees and invasive plants, planting saplings, laying down woodchips, maintaining trails, and more, while forging their own bonds with the park in the process.

And of course, there's Martin, the church parishioners, and their neighbors, who are spreading the naturalistic gospel through tree giveaways, community education, and by holistically reconnecting with the land.

Baltimore, a city of many famous firsts, is a fitting setting for this pioneering ecological restoration. Stillmeadow is its own tale of environmental justice, natural reinvention, and community-led caretaking. It's an instructive case study in how forestry and environmental resilience research can and should—focus more on resource-deprived communities in cities, says McKay Jenkins, a restoration volunteer and partner at Stillmeadow.

"What Baltimore is showing the rest of the country is that the environmental restoration impulse has to extend into the city," says Jenkins, a local [environmental journalism professor](#) and author of the forthcoming *The Maryland Naturalist* handbook and field guide. "Cities are obviously human communities but also ecological communities, and always have been. Environmental justice is not just air pollution. It's a holistic view of the way that communities should be able to live."

"Stewardship" was the assignment that drew Pastor Martin from his longtime home of Los Angeles back to Baltimore in early 2017. The Michigan native and Morgan State alumnus was up to the task of bolstering the spiritual health, membership ranks, and financial standing of Stillmeadow, a 34-year-old church located in the Beechfield

neighborhood south of Leakin Park. But he soon learned that the assignment was bigger than the church itself.

Nine months after his arrival, Martin first journeyed into the woods up the hill, led by one of his parishioners, Patrick Healey, who hacked a path through the brush with a machete. This had long been just “the woods” to Stillmeadow’s congregants. But Martin saw an opportunity in the winding expanse that they wandered through together.

“We kept going and we got down to the creek—I was like, ‘Oh my goodness,’ it just wouldn’t end,” he says. “I’m a city boy, but even that experience told me, this is a lot here.”

Another parishioner, Troy Burke, coined the idea for a “peace park” in those woods. The vision was a space for trauma resolution and quietude in a historically underserved, often-overlooked, majority-Black neighborhood. Why should Southwest Baltimore residents have to escape to rural areas to be in a space for solace and contemplation, wondered Martin. “We could do this in our own way here in the city limits.”

Nature set things in motion the following spring. In May 2018, Stillmeadow became a hub for food and water distribution as well as disaster response coordination following a [two-day flash flood](#) that overtook Frederick Avenue, inundating the local stream, known as Maiden’s Choice, and sending a seven-foot surge of water down the thoroughfare, damaging more than 140 homes. The church received a measly \$250,000 in federal aid and otherwise sparse attention compared to Old Ellicott City, a wealthy white suburb also [destroyed by the flooding](#).

But the new relationships that arose from this catastrophe would pave the way for the [Peace Park](#) project. Among the connections that Martin made in the aftermath of the flood was [Morgan Grove](#), a research forester at the Baltimore Urban Field Office of the Forest Service’s Northern Research Station in Catonsville, where he has worked since 1996. The federal agency would soon commit \$90,000 over three years, plus staff time and planting materials, while also coordinating with the church on a plan for silviculture—the cultivation and management of trees—to respond to the uncovered ash tree blight.

Bonnie Sorak, director of Baltimore City and County outreach for [Interfaith Partners for the Chesapeake](#), was another connection. The regional nonprofit helps faith-based

entities—churches, synagogues, mosques—secure funding for environmental projects and programs that will improve the Chesapeake Bay watershed. Religious congregations make excellent tree-planting partners for a few reasons, starting with the fact that many religions view trees as the source of life itself, says Sorak, who is Jewish. “It resonates with people of multiple faiths...We call trees God’s cure-all.”

Places of worship also tend to have an audience receptive to participating in community-based projects. “After I started engaging with [Stillmeadow], they learned that they were part of the problem—by no means can they solve the flooding on their own, but also, if you have a large roof and a large parking lot, you’re creating stormwater runoff,” be it into the city streets or, ultimately, the Bay, says Sorak. The decimation of the ash grove in the nearby woods hadn’t helped either. A single tree can absorb hundreds, if not thousands, of gallons of runoff each year, but trees left to rot can’t contribute.

“IT RESONATES WITH PEOPLE OF MULTIPLE FAITHS...WE CALL TREES GOD’S CURE-ALL.”

And then there’s the property aspect: Many churches and other such sanctuaries have significant land holdings around their buildings that provide their own opportunities for native plantings, rain gardens, and other stormwater capture and green-space projects. “With the vast amount of land that spaces of faith own and manage and steward, they can have a huge impact,” says Sorak.

Other partners joined the mix—among them Jenkins (who has recruited his own University of Delaware students as volunteers and helped obtain grant funding through the school), as well as the [Smithsonian Environmental Research Center](#), Annapolis-based [Nature Sacred](#), [Baltimore Tree Trust](#), [Blue Water Baltimore](#), [Civic Works](#), the [National Wildlife Federation](#), and various city and state agencies, to name a few. After roughly two years of planning, the church held a grand opening ceremony for Stillmeadow Peace Park in October 2020.

And so began a years-long commitment to restore a neglected urban forest into a thriving ecosystem once again, beginning with cyclical plantings of thousands of new trees, constant maintenance of invasive species and overgrowth, and phased improvements each year.

Since 2021, they've planted more than 2,500 trees in phases, including 970 this past fall. The park now has a community vegetable garden, a small trail network, multiple meditation areas, and various programs for visitors of all ages. Future plans call for replacing impervious surfaces, including in the parking lot down below.

The ensemble of collaborators, which Grove describes as a “jazz band,” is growing stronger each year, with new resources pouring in and momentum increasing as the trees establish themselves. The Forest Service, for its part, gave the project a big boost with a \$2-million forestry grant this past December.

Even so, it's going to take multiple generations to complete, and the many partners and volunteers know that they are in it for the long haul. And while it might not be a solution to prevent more natural disasters from occurring in the first place, a healthier forest will provide outsized ecological, community health, and other benefits, says Grove.

“To get this whole forest going is not going to solve the flooding issues. As for the flooding issues—just look up,” he says. “But this forest is going to solve a whole bunch of other problems. It's like when you walk into the doctor's office and you've got this one problem, but the doctor actually says, ‘Hey, you've got all these other things you need to pay attention to.’”

When most people think of the U.S. Forest Service, it's about fighting wildfires or managing vast expanses of woods out West. The agency has 193 million acres under its purview, including 154 national forests, 20 grasslands, and myriad other public lands. But small patches like Stillmeadow are vital areas of study for the federal agency's nine urban field stations. Baltimore's [Urban Field Office](#) is the oldest city research station among them, and Baltimore is actually “one of the birthplaces of urban ecology,” explains Nancy Sonti, an urban ecologist who works alongside Grove studying the social and ecological benefits of trees in cities. Since 1997, Baltimore has been the subject of the Forest Service's multi-decade [Baltimore Ecosystem Study](#), which examines the city and its metropolitan area as a social-ecological system.

In New York City, where Sonti began her career studying street-tree growth and human engagement with urban green spaces, “I was used to thinking all green space was good,” she says. But vacant or neglected land does not provide the same advantages as a well-tended forest.

When a space becomes overrun by invasives or loses significant canopy, its utility diminishes in many regards, such as its ability to capture greenhouse gases like carbon or foster native plant species, which better thrive in local environments and sustain a biodiversity of native wildlife. Conversely, its function improves if it's well-loved; trees can grow to their full potential, shade out invasives, and capture more storm-water in their root systems.

A growing body of research indicates that, aside from improving air quality, providing cooling in heat-absorbing cities, and mitigating damages caused by heavy rainstorms, trees can also simply make us happier and healthier. Studies have linked urban tree canopy to lower stress levels, reduced blood pressure, and increased participation in physical activity. A 2020 study by Cornell University researchers, for example, determined that spending as little as 10 minutes in natural spaces could make an impact on the moods and heart rates of college-aged students.

Stillmeadow has drawn so much federal interest because, with the hillside's ecosystems disrupted by deer populations and invasive plants, as well the need for community stewardship, "this is representative of many forests in the Mid-Atlantic," says Grove. For these reasons, the Forest Service and its partners are using this land as a test ground for different silvicultural techniques in urban settings. And so far, the findings have been promising.

"We've seen really incredible tree growth," says Sonti, with the researchers trialing everything from where and when to how they're planted. "We're learning to sort of trust that the land is resilient, and we can regenerate biodiverse forest."

Sociologically, there have been early lessons in building community networks, too. Partnerships are bearing fruit, like the Forest Service collaboration with [Turnaround Tuesday](#), a local work-training nonprofit that graduated an inaugural class last summer of five young adult foresters, some of whom are now employed by Baltimore Tree Trust, or volunteer engagement with students from nearby schools, such as Beechfield and North Bend Elementary/Middle, Edmondson-West-side High, Friends, Gilman, and Mount Saint Joseph.

"It's really different than saying this project is only going to be controlled by researchers," says Sonti. "Everyone feels invested in its success."

Martin was initially cautious about providing a de facto federal research lab on Stillmeadow's grounds. There's a sordid history of researchers unethically studying minority communities, particularly Black residents, using them as guinea pigs, profiting from findings, and disappearing without sharing the benefits—most infamously in the Baltimore tale of Johns Hopkins Medicine and Henrietta Lacks. But after several years, "everybody is learning healthily," he says.

On a soggy December morning, Jenkins and Grove are gathered in the Stillmeadow parking lot, ready to show off what this jazz band had composed so far. With them is Lenwood Hayman, a Baltimore social psychologist recently hired by the Forest Service to serve as a liaison for the community.

"This was a shitshow," says Grove, before gushing, "It looks so beautiful!"

There, in the parking lot, he gazes up at the newly landscaped south-facing hillside next to the church, now adorned with fresh plantings atop a shallow wall of rock repurposed from the 2018 flood. Volunteers spent long days here clearing out English ivy and porcelain berry, and planting new native species such as red oak and shadbush, and their work shows.

Today, while ambling through the grounds, Jenkins and Grove light up as they reflect on each part of the journey: the more than 100 dead ash trees cut down to start anew; the five plots of young local oak, disease-resistant elms, and willow and poplar trees, slowly helping to restore the decimated canopy; the 45 cubic yards of wood chips heaved up and poured out using wheelbarrows; the small garden at the foot of the hill, which in 2021 temporarily housed 850 tree saplings in two-gallon pots; even the stubbornly reappearing Japanese honeysuckle and wineberry down near a sitting area overlooking Maiden's Choice.

"We can't get behind with clearing the invasives," Grove laments. "I'm gonna be out here every Saturday."

The logs lining the trails are solemn remembrances of the earlier generations of ash trees killed by the boring beetle. Many bear serpentine scars from the larvae. These insects—an Asian pest now infamous, loathed, and detected by foresters in 36 states, plus Washington, D.C.—burrow into the trunks, eat away at tissues beneath the bark,

and lay their offspring within. Tens of millions of ash trees have fallen victim nationwide, becoming like hollowed-out “straws with sawdust in them” before they ultimately snap in two, says Jenkins. Still others remain dead in place as existing habitat at Stillmeadow, easy to spot in the tree line with their severed trunks.

Grove likens those carefully placed trail markers to fallen soldiers. It’s a similar approach to that taken on the Green Road at Walter Reed National Military Medical Center in Bethesda, where logs from deceased trees were incorporated into a therapeutic trail network for veterans, he says. “In this community, it’s a reminder of not just soldiers—it’s also your children, your brothers, your sisters in Baltimore who have been lost.”

And with its visibility along Frederick Avenue, the restored hillside serves as its own powerful symbol as well.

“Living in Baltimore, it’s much like any other city—there’s all kinds of chaos all over,” says Hayman, a former professor at Morgan State University’s [School of Community Health and Policy](#). “But if we’re able to see examples of folks working in chaos and still finding purpose...then hopefully when folks drive by, they not only see a renewal of a forest, but they can find a renewal in their spirits.”

“IT’S NOT JUST THE EXPERTS THAT ARE GOING TO FIX THIS. WE ALL HAVE TO REALIZE THAT WE’RE DOING THIS TOGETHER.”

And it’s working, says Martin. The church has facilitated giveaways of hundreds of trees to local residents with Blue Water Baltimore. A communal journal placed in the park is filling up with observations and reflections. People are there every week now. And multiple generations of parishioners are deepening their ties, from wide-eyed youth taking field notes to seniors reconnecting with the land via activities like daytime nature walks and nighttime bird-watching “owl prowls.”

“Everybody is remembering being 10 years old in Georgia, Mississippi, going down to the Eastern Shore every summer,” says Martin, glowing. “It feels not just nostalgic, but so natural and normal.”

In this sense, Stillmeadow has become a symbiotic project. Martin’s church benefits from an improved ecosystem that’s more resilient, biodiverse, and inviting for its entire

community. The Forest Service can apply research findings from this project to similar communities in other cities. And both partners and volunteers are learning firsthand about not only the history of environmental degradation in Black urban areas like this one, but also—hopefully—how to help reverse it during a time of ever-worsening climate change.

All signs indicate that periods of prolonged drought, as well as more intense rainfall and temperature swings, are part of the new normal in the Mid Atlantic, putting more stress on communities and their native ecosystems.

"This kind of dynamic is going to happen more frequently and more chaotically in more places," says Jenkins. "The more communities can anticipate that, they can learn how to use their various resources—scientific, but also community resources—because they're big, complicated problems and they take a lot of voices."

Standing on the trail overlooking Maiden's Choice, water gushing in from heavy rains the night before, Jenkins considers the interconnected nature of so many social challenges confronting Baltimore communities: cycles of poverty, stunted economic development, and ecological neglect. Fixing these problems calls for many minds and bodies working together. In this way, this forest restoration project is no different.

"It's not just the experts that are going to fix this," he says. "We all have to realize that we're doing this together."

Senator VAN HOLLEN. Thank you. I do think it's a great model and example of what we can be doing. So, I want to turn now to a little wider lens, which is the Chesapeake Bay. And the Chesapeake Bay Program released a report last fall tracking an overall loss of tree canopy in the Chesapeake Bay watershed as development and impermeable surfaces like driveways and parking lots have increased.

The Forest Service has been a partner in the Chesapeake Forest Restoration Strategy, largely providing technical assistance to the states as they work to increase the tree canopy and riparian buffers.

Could you just speak to the importance of trees and forest to the overall Chesapeake Bay restoration effort?

Mr. MOORE. Sure. So, as you know, riparian buffers, you know, they act as filters, is one of the uses of it. And it also removes a lot of air pollution from the area. It also reduces storm runoff. It also looks at the carbon sequestration.

And when you look at stormwater runoff its—our team looked at the value of the work in the Chesapeake Bay and what it came up with, the trees are providing over \$6 billion dollars of benefits annually, from air pollution, removal of stormwater runoff, and carbon sequestration, in the Chesapeake Bay.

And so, I think what it tells you is that trees provide a really good buffer to filter out some of the things that's having negative impacts on the Bay, as well as many other areas.

Senator VAN HOLLEN. Thank you. And, you know, my colleagues on this committee have heard and will continue to hear me talk a lot about the importance of protecting the Chesapeake Bay. It's a national and natural treasure—international treasure.

And it also supports the livelihood of tens of thousands, if not millions of people in the entire watershed, from the watermen and others who get their living from the bounty of the Bay to the tourism industry, to the boating industry.

So, a healthy Bay is not only important for ecological and preservation reasons, it's essential to our economy, and we need all pieces of this strategy to work, including the Forest Service. And I'm gonna to continue to reach out to you to see if there additional ways we can engage the Forest Service as part of our overall strategy to protect the Bay.

I think I'm right in saying that if you look at the land mass area to the water body size, it is the largest sort of ratio of land mass draining into a water body than any other water body in the country. From parts of New York, down the Mid-Atlantic coast, to Virginia, including the District of Columbia.

So, when I talk about more driveways and impermeable surfaces, we're talking about a large land area where this is happening. And so, just to try to keep ahead of the game, we've got to be taking these measures.

And to actually get the Bay clean up to where we want it, we're gonna to have to accelerate these efforts. So, this is one piece, an important piece of that overall strategy. So, thank you. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much, Senator Van Hollen. And I'm gonna have to compare the Columbia River drainage with the Chesapeake Bay. Thank you. Chief Moore, the Rogue River—Siskiyou National Forest covers 2,700mi², some seven counties, and two states, because some of it extends into California.

The wildfire crisis strategy has identified the Rogue Basin as a high risk fire shed. And your team and my team and BLM are looking at investments in the landscape. With its identification as a high risk fire shed, can we make sure that it gets attention in terms of the funding for high risk fire sheds?

Mr. MOORE. Yes, Senator, it is considered a high risk fire shed.

Senator MERKLEY. And can we make sure that it gets funding associated with being a high risk fire shed?

Mr. MOORE. Can I take a look to see where we are with funding, Senator, and get back with you on that? But this would be an important area for us, as it is with you.

Senator MERKLEY. Thank you. And despite the size of it, the 2,700mi², a big section in the middle, not included in that 2,700mi², is BLM land. If we include that, it's an even larger, and so we need cooperation between your team and the BLM team.

Mr. MOORE. Yes.

Senator MERKLEY. Also, the Forest Service has a management plan direction for old growth across the National Forest System. In Oregon, we pretty much took out most of our old growth. I've been in many, many parts of the state where I look at some really big trees, 2 ft. to 3 ft. across, and very, very tall.

And then I'll see the 6 ft. to 8 ft. across, stumps from the original harvest and realize that they're still kind of young. But we have that limited amount of old growth we have left is still critical habitat for a variety of species, and it's why the harvesting has really gone to second growth and protecting what remaining old growth there is.

Not to mention that they're much more fire resistant to the fires that sweep through. Any insights on how the management plan direction for old growth is changing our perspectives or habits of the Forest Service harvesting?

Mr. MOORE. So, let's take a look at the wildfire crisis strategy, which I think this old growth amendment is going to be complementary to that because one of the biggest threats to old growth is—that has been identified is wildfires. Disease and insects is another one of the biggest threats.

In order to manage old growth, then we have to go in and we will have timber sales. I mean, it's legitimate, in this old growth amendment. And so, you'll see a management within these old growth areas simply because they're being threatened by fire, disease, and insects.

Senator MERKLEY. Well, I do want you to take a look at that. I want to make sure that what little of the true old growth we have left is not part of a harvest plan. Our mills have retooled for smaller trees.

Our forest products have retooled for smaller trees. And so the few sections of old growth we have left shouldn't be in a harvesting plan.

Mr. MOORE. Yes. And it's not the same everywhere, Senator. I mean, there is geographic differences all across the country, and that's why it is really difficult to have, you know, just a standard that's going to apply across the country because it simply won't.

There are some areas where you have larger stands of old growth, so you will be managing within those. There are some areas where you have a smaller growth, where you may not be doing much management.

Senator MERKLEY. Do you have timing on when the land management plan directions for old growth will be available?

Mr. MOORE. So, the plan right now for the amendment is to have a draft sometime in June or so and to look at a final Rogue—regulative decision sometime toward the end of the year. That is the plan as of now.

Senator MERKLEY. Okay. If your team could keep my team briefed on that, that would be helpful.

Mr. MOORE. Absolutely.

Senator MERKLEY. Thank you. Last year, you released an action plan to advance nation to nation relationships with Tribal governments. We also worked with you to rename the State and private forestry account to include state, Tribal, and Private Forestry to acknowledge that Tribes are a critical partner. What are you and your staff doing to engage with the Tribes to ensure they have a role in agency decisionmaking?

Mr. MOORE. So, we started—and you just mentioned it yourself, Senator. We did a name change within the agency. It used to be State and Private Forestry, now State, Private, and Tribal For-

estry. Tribal was always in there, but it was silent because it wasn't named.

We changed that this year. We've also developed a Tribal action plan to really get at that. And we're requiring our employees to become familiar with Tribal issues, as well as some of the treaties that we have had through the years.

And I think education is the first place to start about how those treaties have been honored or not honored in many cases. And so, we wanted to make an attempt to educate our workforce first about Tribal action plans and the treaty rights and all of those things as relates to Tribes.

So, we are in the middle of that now. We are having a lot of dividends. I know myself and the Under Secretary has gone out and visited many of the Tribes and spent a week out there and just riding and getting familiar with their perspective, their side of the issues. And looking at Northwest Forest Plan, you know, we have five Tribes. That is going to be a part of the Federal advisory committee on that.

So, we've been making a lot of efforts to reach more into the Tribal communities. We've also learned too, and this whole process this past year, I don't know if you have ever heard the term of two eyes seeing, but typically the Forest Service and others have looked at Western science as a way and as a foundation for us.

And while that has provided a lot of valuable knowledge and insight, the indigenous traditional ecological knowledge is also providing a lot of insights into how we should be managing the ecosystems.

And so, they refer to that is two eyes seeing. Rather than looking out of one eye of the Western science, use both eyes to also include the indigenous ecological knowledge. And so, we are learning how to be more inclusive, and our intent is to continue to find ways to engage with our Tribal partners.

Senator MERKLEY. One specific opportunity that you and I have talked about previously is related to the Klamath Tribes. Their reservation was turned into the Fremont Winema National Forest when they were terminated, so they have a deep connection to these lands. And they have been working to establish a co-stewardship and management agreement with the National Forest Service. Any update on the progress in establishing that partnership?

Mr. MOORE. Yes. I mean, I think we are right in the middle of establishing the partnerships. The other things that we're doing with that partnership and in addition to that partnership is applying prescribed fire and restoring habitat for fisheries that are culturally significant for the Klamath Tribe.

We are also, in addition to that is look—working to stand up Klamath Tribe's owned and operated equipment and fire crews, which is really increasing firefighting capacity for the entire basin that you talked about.

So, we are moving to help establish that whole fire mechanism within the Tribes, but also working to restore those things that are very important for the Klamath Tribe.

Senator MERKLEY. Thank you. I want to turn to Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman. Kind of keeping with the focus on our Tribes, as you know well, under the farm bill in 2018, the Forest Service was provided 638 Authority to enter into agreements with Tribal Governments to conduct various projects on Forest Service lands.

Our challenge in Alaska is that the 638 authority is limited both as to the scope of activity and to the area in which the activity occurs. It has to be on forest lands that are contiguous with Tribal trust lands. So, our challenge in Alaska is that we don't have much in the way of trust lands. And instead, you know, we've got the model under ANCSA, that includes Alaska native corporations that hold and manage the lands for the benefits.

So, we're looking at this and suggesting that we need to expand this 638 Authority for the Tribal Forest Protection Act projects so that we can add on additional activities across forest lands, whether it's contiguous or adjacent to the Tribal trust lands.

So, we look at this as a real opportunity for partnering, and in partnering particularly in areas where you have exactly what you have just acknowledged, the indigenous traditional cultural knowledge is there on the ground. Let's utilize our indigenous peoples and all that they bring to the table, and we think that 638 Authority can help us do just that.

There's a little bit of resistance within USDA and the Forest Service. And so, what I'm asking for from you today, Chief, is your commitment to work with me and my staff as we look to expand this 638 Authority in Alaska and also for opportunities outside of the Tribal Forest Protection Act.

Mr. MOORE. Yes, Senator. I've enjoyed working with you on this issue.

Senator MURKOWSKI. And I know that there are others in my capacity as the ranking member on the Indian Affairs committee. I've had conversations with others about this who again think that there're real opportunities there.

You know, we have an example in Alaska already where the Forest Service and Tlingit, Haida have signed this memorandum of understanding in October last year. I think it's a good first step, this collaboration, our commitment to collaborating on resource management, and the planning there at Mendenhall Glacier.

I think that that's a positive, but I hope that the Forest Service doesn't stop there and consider 638 compacting on this. I think it is a great opportunity. Southeast Alaska sustainable strategy. This is something where, again, you and I have had conversation.

USGA's initial commitment, and I underscore initial commitment, was \$25 million dollars to focus on the local priorities for the short term investment there. We've seen good awards coming for those projects. That's great. I'm hearing good, good things from folks in Southeast about that.

But there's a recognition that while \$25 million is not something to walk away from, it is significant. But we also recognize that this was a commitment that was made by the Federal Government when you basically shut the door on any real timber opportunities coming out of the Tongass, and as a consequence of the decision on the Roadless Rule.

So, we've got a lot of folks that are looking at the long term economic health in the region and asking me, well, what does it mean as a follow on? And this is a conversation that I have had with Secretary Vilsack. It was not a very satisfying conversation. I think I have shared with you.

But it was made clear not just to me, but to the people of the Tongass, that that \$25 million dollars was going to be an initial investment. So, I will ask you the question this morning about what we can expect in terms of additional investments and their focus towards long term economic sustainability.

Mr. MOORE. Okay. So, the data that I have is that in addition to that \$25 million dollars that has been leveraged by tens of millions of building IRA dollars—so let me look into this, Senator, and get back with you to see if there is a disconnect. And if so, where? But my information, my data is telling me that we have leveraged that through BIL and IRA dollars.

Senator MURKOWSKI. Well, I would appreciate if you would look to that and confirm, because when the commitment was made for the Southeast Sustainable Strategy and that initial \$25 million dollars, we had not yet dreamed of ILJA.

And I know that for a fact, because I was one of the architects of that. And so, there was a commitment made. You're correct, we have seen some pretty extraordinary resources come into the region because of ILJA and the IRA. I grant you that. But I also know that that is additive. It does not reference the initial agreement that we had with the Southeast sustainable strategy, so I look forward to your follow on.

Let me continue on Alaska specific issues. I know that you are familiar with my legislation, that we are working through the process to address the landless Native Alaskans in Southeast Alaska. I appreciate that Forest Service understanding on this issue has evolved. I think that that has been very important to us as we've moved through the process.

I think Forest Service has gone from a position of opposition to realizing that what we are attempting to do is to make good on the commitment to these five communities and are working cooperatively with us on that.

Mr. MOORE. Yes. You know, so we are committed to working with you on this, Senator. This is something that needs to be addressed, and we agree with you on this. So, we are committed to working with you.

Senator MURKOWSKI. Good. Thank you I appreciate that. And another area where again we need to recognize not kind of, but an injustice, that many of our Alaska Native veterans who were serving in Vietnam at the time that they were allowed to, to select their land entitlements, they were not able to do so because of their service, and they were left out.

So, we're trying to make good on the commitment to the remaining. There's not that many of them that are left. One of the challenges that we have is that we have—you know, and we're very proud of the fact that we had so many Alaska Natives serving who were from the Southeastern region, but the challenge that we have is that the legislation that we were able to pass to allow for open-

ing up for additional selection, excluded any selections in the Tongass.

So, I hear from veterans all the time that it is like giving me a promise for a bus that will never come. I get a ticket, but this bus will never even be in my community, in my region. I will never be able to access it.

So, we're trying to be helpful and creative. We are working through legislation that would open up areas in refuge land. I'm moving legislation that would open up areas in Forest Service.

I just had a meeting with Alaska BLM last week in Anchorage, and I'm told that we have got about 500 veterans in Southeast who have not filed any application because they feel it would be meaningless to have to select in an area that is 1,200 miles from their home, with no connection to that.

And so, I'm encouraging those veterans to apply, even knowing that the Tongass is not available right now. But I am hoping that Forest Service is looking at this issue and is considering helping us address this 50 year inequity to our Vietnam veterans.

And we've got more work to do on this, I understand that, but I would hope that Forest Service would be helping us as we try to seek areas for these veterans.

Mr. MOORE. Senator, we do want to do the right thing. And so, we're interested in working with you to see if there is some kind of solution to this.

Senator MURKOWSKI. Good. Thank you. Mr. Chairman.

Senator MERKLEY. Thank you very much, Co-Chair Murkowski. And I want to turn to an issue related to the National Ambient Air Quality Standard. A new standard was rolled out by the EPA, in which they looking at the small particles that do the most damage to lungs, and they reduced basically by 25 percent the objective. That is, lowering the particulate matter 2.5 standard from 12 micrograms per meter cube to 9.

And if you don't meet that standard, then an area has to—they're labeled as non-attainment center. They have to produce a plan on how they are going to achieve it. There has been a lot of questions raised about the impacts of this, and one of those questions is how it might affect prescribed burns.

Senator Daines and I raised this question to the EPA, and they responded and said, essentially, there is a pathway called the Exceptional Events Program. I want to see if you understand this to mean that prescribed burns will be exempted from essentially triggering non-attainment, or whether that still is a little uncertain.

Mr. MOORE. Well, Senator, for me it's still a little uncertain. But I think it's something that we have to have some really honest discussions around because it is an either, or. We can either look at using prescribed fires or we can deal with the aftermath of wildfires.

And there's a difference in the smoke, even though it's smoke from a fire. We have to really have an honest discussion about weighing the risk for either one and taking the, you know, the least damaging option.

Because in this case, if we do not make a decision on this, we are going to continue to experience what we experiencing on our landscapes. So, this is something that we really need to have some

discussions around. I understand, you know, the clean air attainment and what we're after, but we are at a point, I think, in this country where we ought to have some really hard discussion, even if it's temporary relief, on some of the requirements.

Senator MERKLEY. All right, so I am disturbed by your answer. There was a November MOU between the EPA and a whole bunch of other agencies.

I think it's really important to nail this down, because if we don't get clarity on prescribed burns not triggering non-attainment, it will be a reason many communities will say absolutely don't do that two day prescribed burn because it's going to affect everything in our local economy because we will be labeled non-attainment.

So, this is something that has to be figured out. The communities in Oregon that used to really resist prescribed burns because they didn't want those couple days of potential smoke now are asking at my town halls about making sure that we reduce the risk of a fire sweeping through their town after witnessing our 2020 Labor Day fires. I mean, people across the nation think of Paradise, California.

But our 2020 fires, I traveled from the Northern border of our State to California and back, and never got out of the smoke. Six towns wiped out. Another six partially wiped out. It was extraordinary. People understand the risk with the changing, longer, hotter, drier summers.

But this is a potential obstacle to using a significant tool to reduce risk. So, can I get your commitment to work on this, to try to get clarity that prescribed fires are the—particulates that come from prescribed fires will not be utilized in triggering non-attainment?

Mr. MOORE. Yes. Perhaps I wasn't really clear in my response, but I am actually agreeing with you, Senator, that we need to be looking at prescribed fire in a much larger way than what we currently are. That's got to be part of the solution to this wildfire situation that we have going.

Senator MERKLEY. And that will include working to make sure that smoke from prescribed fires does not trigger or count towards non-attainment?

Mr. MOORE. I don't know where we—I have no control over that. But I do think—that is a discussion I think we have to have, because I'm in support of prescribed burning. In fact, I'm in support of more prescribed burning in what we are currently doing. We're organizing to do more prescribed burning. And so, I think that's our position on the issue.

Senator MERKLEY. Okay. Well, I'm hoping you would say yes, I will work to make sure that prescribed fire smoke does not count towards non-attainment. I think you're kind of saying that, but I'm not hearing it that clearly.

Mr. MOORE. I'm kind of saying it, but I don't know the unknown.

Senator MERKLEY. Okay. Well, I want to try to get from a less clear statement to a clearer action, because this is really important piece of the puzzle that there's a lot of concern over.

Mr. MOORE. Yes.

Senator MERKLEY. Did you have any last question?

Senator MURKOWSKI. Just very quickly, Mr. Chairman. And thank you, Chief, for giving us so much time here this morning. I mentioned in my comments that Alaska is no stranger to wildfire. Most of our fires are typically up North, out on the tundra.

But we're seeing wildfires in different places. In areas that have typically been viewed as almost wetlands. In areas that have a great deal of permafrost. The question for you this morning is, as we're seeing fires in areas that typically didn't burn, we're seeing some concerns, particularly when you've a burned area and then exposure to areas that have been basically frozen through the permafrost, and now you've got releases, to the concerns that the chairman has—when that area is now kind of opened up, you have releases of carbon into the atmosphere that are notable.

I'm wondering if the Forest Service has done any research into increased fires in areas with permafrost.

Mr. MOORE. No, we haven't to my knowledge, but that's a very interesting aspect. I'll talk with our scientists.

Senator MURKOWSKI. Okay. The other thing I would like you to explore with them is whether or not there's been any research with regards to impacts on watershed quality.

As you probably know, we are experiencing some salmon declines, catastrophic impacts to salmon, and I'm wondering if there is any relationship between the catastrophic fires that we see and the dwindling populations that we are seeing on the Kuskokwim and on the Yukon.

So, I don't know if you can ask your research folks if there's been any consideration given to that?

Mr. MOORE. I would certainly do that. I know typically you would have some impacts, because of the sedimentation that's going to be draining into the rivers, which would have a negative impact on—

Senator MURKOWSKI. Which all makes sense. We have always had fires, though. And so, what we are trying to understand is, this has been an unprecedented decline in our fisheries. Something else is going on. Is it because we are having fires in parts of the state that we haven't seen before.

So, if there's no research out there, I get it. But if there is something, we would certainly be interested in that. And then my last question to you this morning is, I know you were up in the Chugach, and I hope you had an opportunity to discuss with the region the demand for increased access to the recreational areas. I think we have made some good progress on special use permits over the years.

And so, know that we continue to hear from that the outfitters and the guides and the other providers, they want to share these areas with so many other people. So, I'm hoping that you heard firsthand that that increased demand is there.

We want to do it right. We get all that. But hopefully you can work with us on accessing these recreation areas.

Mr. MOORE. I will, and I did hear about that when I was there on my visit.

Senator MURKOWSKI. Good, good. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you. And Chief Moore, thank you for addressing these many issues. And do you have a little bit of follow up?

Mr. MOORE. Just, if you don't mind, Senator, just a clarification because I am not sure if it came across, but the old growth amendment process, I had shared with you that is going have a draft June or July, but maybe what wasn't clear is that the draft will be completed in early 2025, but between the draft and the final, we'll have another public comment.

ADDITIONAL COMMITTEE QUESTIONS

Senator MERKLEY. Okay. Great. Thank you. I appreciate that clarification. The record for the hearing will remain open until the close of business on April 17th.

So, if members have any additional questions they would like to submit, homework for Chief Moore's team, or articles, that is the deadline. And so, with that, this hearing is adjourned.

QUESTIONS SUBMITTED BY SENATOR KYRSTEN SINEMA

Question. What steps can Congress take to assist the Forest Service with expediting the availability of NEPA approved acres for forest health, restoration and thinning efforts in western regions of the United States—and specifically the Southwest Region—prone to catastrophic wildland fire?

Answer. The Forest Service appreciates congressional support in the line items that funded NEPA efficiencies including those in the Inflation Reduction Act. These funds allowed the Forest Service to invest in additional resources for NEPA and pre-implementation surveys leading to more accomplishments. The funds also provided an opportunity for the Forest Service to find more efficient ways to meet requirements in both NEPA and pre-implementation.

Generally speaking, in the Southwestern Region, we experience more process delays related to cultural heritage and archeological survey work when protecting cultural resources on National Forest System lands. The availability of NEPA-approved acres is not a primary factor in preventing the agency from treating more acres. Continuing to invest with budgets dedicated toward meeting the pace and scale of wildfire treatments and healthy forest lands would allow the Forest Service to meet the regulatory requirements, and plan for the best treatments on the land in a manner that meets the pace and scale needed for restoration and resiliency.

Question. A substantial part of the challenge with 4FRI, now that we are in the implementation phase, is the staff capacity to execute. None of the 4 forests are fully staffed and the Apache-Sitgreaves is around half-staffed. What is the agency doing to fill jobs and what jobs are being prioritized?

Answer. The four national forests associated with 4FRI exhausted all hiring opportunities and strategies available to the Agency over the past few years, including direct hiring authorities (Veterans' Preferences, Schedule A, and the Resource Assistant Program), national hiring efforts, and priority reassignments for existing employees, to meet the needs of the 4FRI landscape. In addition, 4FRI utilized innovative approaches to accomplish the fuels reduction goals in the Wildfire Crisis Strategy. Examples include expansion of existing partnerships, use of streamlined contracting mechanisms to hire crews outside the Federal Government, use of more efficient types of contracts, larger acreage in contract offerings, and stewardship contracts for work supervised by the Forest Service but completed, after competition, by industry (e.g., surveying, layout, and silvicultural prescriptions). 4FRI continues to prioritize positions directly associated with fuels reduction on the ground and has experienced increased interest in these positions.

Even with these innovative hiring strategies, there are locations like the Apache-Sitgreaves National Forest that have a hard time recruiting and retaining candidates because of their comparative remoteness. There is still ample opportunity for improvement in addressing agency quarters for entry-level employees in remote areas and we look forward to opportunities to discuss these and broader housing needs of the wildfire crisis strategy workforce with the committee.

Question. Forest restoration treatments typically generate approximately 26 green tons of logs and 23 green tons of slash, or "biomass" per acre. Biomass cannot be left on the ground after treatments as an accumulation of dry fuel would actually

increase the fire risks, and it cannot be piled and burned in the field as the number of acres treated would generate unacceptable smoke and air quality issues. Even if only 75% of the slash is removed, and if only 30,000 acres are treated per year, over 500,000 green tons of slash must be removed and disposed of each year.

The only solution to dispose of this scale of biomass is to burn it under controlled-emissions conditions to generate electricity. This is not viable economically without the Forest Service providing for slash removal through a Service Contract. The current Service Contract with Novo Biopower in Northern Arizona was structured prior COVID and does not reflect post-COVID economic realities. What actions is the Agency taking to increase the funding of the Service Contract so that it meets the post-COVID increased slash removal costs, and that it remains funded for a full 10-year duration?

Answer. Optimizing the pace and scale of our hazardous fuels reduction with increased costs will require use of all available tools, including prescribed fire and use of biomass for electricity generation. The Southwestern Region currently holds a Master Stewardship Agreement with NovoPower to help address the biomass concerns from restoration treatments. This agreement was signed in 2022 to improve access to slash removal across the 4FRI landscape, beyond the historical operational footprint of NovoPower. The agreement includes a total of \$20 million dollars. As of the spring of 2024, only \$1.7 million had been spent due to accounting challenges associated with the unique nature of the agreement. The Regional Office met with NovoPower in March of 2024 to discuss ways to improve the distribution of funds to meet both the Agency's goals of increased fuels treatments and greater financial access for NovoPower. By April of 2024, the agreement was modified and we are optimistic it will immediately improve the economic viability of biomass removal across 4FRI.

In addition to these direct actions, the Regional Office has engaged the utility companies that work with NovoPower to stress the importance NovoPower plays for fuels reduction work and watershed protection in Northern Arizona. The Agency appreciates the ongoing congressional support for opportunities like Wood Innovation Grants to continue to incentivize the research and development of solutions to remove biomass while reducing wildfire risk and supporting market opportunities.

Question. During the April 10th hearing you stated that 4FRI has not been as successful as we need it to be'. Can you elaborate on this? What could USFS have done better to ensure the program was successful? What lessons were learned and are there examples of how those lessons learned have been utilized to turn things around?

Answer. Specifically, the Agency recognizes that the first 10-year stewardship contract did not result in the on-the-ground wildfire risk reductions that both Arizonians and the Forest Service desired. In response, the Agency conducted a rigorous examination of the current and desired industry market conditions needed for 4FRI to be successful. We gained a deeper, more comprehensive understanding of those needs and are now better positioned to balance the needs of larger and smaller operators partnering with us on 4FRI. 4FRI collaborative efforts include strategically located treatments that have a direct nexus to 58 at-risk communities, safeguarding 572 miles of transmission lines, and protecting 124 watersheds. This aligns with the Agency's consistent approach to addressing the wildfire crisis.

—For FY 2024, working collaboratively with our partners on the 4FRI WCS Landscape, we've accomplished treatment of over 100,000 acres of hazardous fuels and commercially thinned acres.

—In FY 2024, 4FRI's record 44,422-acre commercial timber offering includes 16,354 acres from partner commitments through the Good Neighbor Authority and other agreements, contributing 37% of our program of work leveraged with BIL and IRA investments from FY 2022 and FY 2023

—The Forest Service is in regular (weekly) communications with various industry partners and groups. In addition, the Region meets regularly with non-industry and congressional partners on 4FRI.

Question. In January 2021, USFS committed to high priority projects in the 4FRI landscape over the next 10 years. USFS commitment has been successful in attracting additional partner funding. What is USFS's budget strategy to ensure USFS completion of the 2021 4FRI funding commitments?

Answer. The bottom line is that we have made great strides towards making American communities safer under the Wildfire Crisis Strategy (WCS) using a range of historic investments, including those provided by the Bipartisan Infrastructure Law and the Inflation Reduction Act. We have shown that with investments from Congress, we can deliver on meaningful work to reduce the risk of catastrophic wildfires. We expect to see outcomes for multiple years from investments we are

making now, and we continue to take new and innovative steps to achieve our goals under the strategy.

Question. USFS announced several Keystone Agreements with various non-profit partners. Can you detail for me how the funding for these agreements will be used, what the expected outcomes are, the timeline for each agreement, and which Wildfire Crisis Strategy Priority Landscapes will benefit from these Keystone Agreements?

Answer. Keystone agreements are partnership agreements and support the WCS, landscape restoration, and other pressing agency challenges. Any landscape or forest across the National Forest System can explore the option to tier to a keystone agreement. Current scope, timelines, and priority landscapes include:

The Nature Conservancy partnership is active through March 2031 and focuses on wildfire risk reduction and ecosystem restoration through convening, workforce development, site prep, thinning, revegetation, roads, trails, and activities related to supporting work and certain on-the-ground, active management. Additional work includes supporting prescribed fire training, implementation, capacity building, science, and traditional ecological knowledge. WCS landscapes include: Colorado Front Range; Four Forest Restoration Initiative (4FRI).

The National Forest Foundation partnership is active through March 2043 and focuses on supporting Wildfire Crisis Strategy implementation and project needs; including resource surveys, watershed health improvement projects, road and trail maintenance, decommissioning, and reforestation. WCS landscapes include: Colorado Front Range; 4FRI; Kootenai; North Yuba; Plumas; San Carlos Apache; Southwest Idaho.

The Trout Unlimited partnership is active through March 2027 and provides capacity for watershed restoration and climate resiliency projects, aquatic organism passage improvements, abandoned mine land reclamation, and related stream habitat projects across NFS lands and lands adjacent to partnering national forests and grasslands, where projects directly benefit aquatic resources on NFS lands.

The Mule Deer Foundation partnership is active through March 2043 (stewardship agreement) and active through February 2028 (participating agreement) and focuses on conserving migration corridors and seasonal habitats for big game and other species, vegetation management, hazardous fuels reduction, road and trail maintenance or decommissioning and more. WCS landscapes include: Colorado Front Range; Plumas; San Carlos Apache; Wasatch.

The National Wild Turkey Federation partnership is active through September 2042 and works in alignment with the seven items under stewardship law; emphasis on fuels reduction activities in priority fireheds and forest products generated through restoration work that support industry infrastructure. WCS landscapes include: Colorado Front Range; 4FRI; Klamath River Basin.

The Student Conservation Association partnership is active through June 2028 and focuses on workforce development including engaging crews and interns to support the Wildfire Crisis Strategy and Inflation Reduction Act priorities and developing a diverse and qualified future fire and fuels workforce culminating in Public Land Corps hiring authority eligibility. The WCS landscape includes North Yuba.

The National Fish and Wildlife Foundation is active through August 2028 and supports the America the Beautiful Challenge, which focuses on conserving, connecting, and restoring the Nation's lands, waters, and wildlife and consolidates funding from multiple Federal agencies and the private sector in helping locally led projects to address shared priorities across landscapes.

QUESTIONS SUBMITTED BY SENATOR KATIE BRITT

Question. Please provide an overview of U.S. Forest Service spending in each State, broken out with spending from FY23 appropriations in total, FY23 appropriations spent on wildfire prevention, FY23 appropriations spend on firefighting, Infrastructure Investment and Jobs Act (IIJA) spend through December 2023 in total, IIJA spend through December 2023 on wildfire prevention, IIJA spend through December 2023 on firefighting, Inflation Reduction Act (IRA) spend through December 2023 in total, IRA spend through December 2023 on wildfire prevention, and IRA spend through December 2023 on firefighting.

Answer. Attachment 1 to this QFR is the breakout of spending by Forest Service unit (Region, Station, Washington Office Unit) as well as wildfire suppression and Wildfire Crisis Strategy Landscape (WCSL) spending by State. The Forest Service's geographic spending breakout in its financial system is by organizational unit (e.g., region or station) and not by State. Some priority projects and programs such as

our WCSL projects and wildfire suppression can be broken out by State so those are also included in the attachment as well.

Question. Many finished wood products require a combination of domestically grown species with international species, the latter of which cannot be grown in the U.S. The U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS), U.S. Fish and Wildlife Service (FWS), and U.S. Customs and Border Protection (CBP) are jointly responsible for overseeing processes with respect to clearing imported wood products at U.S. ports of entry. In recent years, coordination across the three agencies on allowing or declining imports has frustrated importers, leading to delays for U.S. importers and additional storage costs.

To what extent does the U.S. Forest Service provide assistance in the current import process? From the Forest Service perspective, what could be done to provide a more efficient, clear process for clearing imported wood products through ports of entry?

Please describe any wood testing, screening, or analyzing capabilities the Forest Service International Programs Office possesses that could be used to clear delays for importers. Please include details on costs or cost estimates, testing speed for samples, and any impediments to utilization of Forest Service capabilities by importers for quickly clearing imported wood products through ports of entry.

Answer. US Forest Service International Programs' Wood Identification and Screening Center (USFS/IP WISC) provides wood species identification services to APHIS, CBP, and other agencies within Department of Homeland Security and Department of Justice related to import inspections or enforcement matters. This service is also available to FWS, but this agency instead requests services from its National Fish and Wildlife Forensic Laboratory (which is co-located with USFS/IP WISC).

The processing time for sample test results can vary, but initial confirmation of declared species can normally be completed within two business days.

Regarding current impediments to utilizing USFS/IP WISC capabilities, many CBP and APHIS personnel are unfamiliar with these services or the process to access them. Currently, USFS/IP WISC receives samples at the discretion of CBP field office personnel. Starting in 2024, USFS/IP began directly outreaching to CBP Field Offices to provide information, training, and direct sampling support for wood products. As far as USFS/IP is aware, CBP and APHIS has not issued standard national guidance to submit samples for analysis at USFS/IP WISC.

USFS/IP's support to the wood import screening and processes is also impeded by the inaccessibility of CBP and APHIS data resources, including the Lacey Act Declaration Information System. If these data were available to USFS/IP, the office's trade economists and wood specialists could provide more advice to partner agencies on targeting and risk assessment of imported cargo, to focus inspections and sampling on high-risk containers.

Regarding cost, USFS/IP WISC has collaborated with CBP and APHIS without requesting reimbursement from the partner agencies, as these operations are supported by the Forest Service's International Programs and Trade Compliance budget line item. Due to the previously described impediments, USFS/IP WISC's capacity has exceeded the volume of requests from CBP, APHIS, and interagency partners. However, if these impediments were resolved, the full demand of these services would likely exceed current USFS/IP WISC's capacity.

USFS/IP does not have access to the necessary data to assess the total potential demand from interagency partners. However, USFS/IP estimates that one WISC laboratory center can test 10,000 samples per year and that one center would cost approximately \$3,000,000 per year, inclusive of personnel, equipment, facilities, and other costs.

SUBCOMMITTEE RECESS

Senator MERKLEY. [Whereupon, at 11:56 a.m., Wednesday, April 10, the subcommittee adjourned subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

WEDNESDAY, MAY 1, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:03 p.m. in Room 192, Dirksen Senate Office Building, Hon. Jeff Merkley, (chairman) presiding.

Present: Senators Merkley, Murray, Tester, Van-Hollen, Heinrich, Peters, Sinema, Murkowski, Capito, Hoeven, Fischer, and Britt.

ENVIRONMENTAL PROTECTION AGENCY

STATEMENT OF HON. MICHAEL S. REGAN, ADMINISTRATOR

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Today, we convene to review the Environmental Protection Agency proposed budget for fiscal year 2025, as well as the agency's ongoing role in critical issues affecting our environment and our health.

As stewards of this planet, it is our duty to protect it not only from pollution, but from the ravages of shortsightedness and neglect. Yet, as we gather here today, we are confronted with a stark reality, a reality that our commitment to environmental protection has been undermined by the decisions of fossil, gas, and oil industry that are prioritizing profit over the well-being of our planet and the well-being of our people.

Administrator Regan, I commend you for your dedication to public service. The challenges we face demand bold action and unwavering resolve. Let me start with the topic of methane. The alarming rise in methane emissions poses a significant threat to our climate and to our public health.

Methane is a potent greenhouse gas, sometimes referred to as natural gas, but there is nothing natural about it once it is taken out of the ground. It is pouring fuel on a fire of climate chaos and making extreme weather more frequent and more devastating.

We know that EPA estimates of methane emissions are far lower than what are being observed with the latest monitoring tools. So, we need better modeling, better modeling using better technology.

We can't use old estimates to justify projects that shouldn't be justified. Thankfully, EPA has finalized the Super Emitter Pro-

gram, well done, and created the Methane Emission Reduction Program through the Inflation Reduction Act.

Together, the Super Emitter Program and the Methane Emissions Reduction Program have the potential to significantly reduce methane emissions from oil and gas wells, but only if we use modern technologies.

I am deeply concerned that EPA, given its deep expertise regarding human health impacts, has deferred its role in obtaining and securing the technology that has been funded through the work of Congress. It is important to ensure we maximize the Super Emitters Program in taking on this challenge, and we are also learning more about methane from landfills.

Landfills provide an important, cost effective opportunity for us to reduce emissions now, and EPA needs to take a look at and update its regulations regarding landfills. Now, next, wildfires. In Oregon, we see wildfires becoming more powerful, more ferocious, and the wildfire season being longer, and that is a challenge.

In that challenge, citizens are much more willing to use prescribed fire as a tool in our arsenal to protect our towns and our cities. It mitigates the risk of catastrophic blazes, and we need both strong science based standards for clean air and regulatory clarity for events like prescribed fire.

If the particles that are in the air from prescribed fire are then used to force communities to adopt stronger standards on other things, as if that was the same particles from a natural fire, then there is an incentive for these communities not to use prescribed fire, which makes the whole situation worse.

So that is a piece that I hope we will take on. Plastic pollution and toxic chemicals pose another formidable challenge. We know we are failing in our vulnerable communities, especially on the Gulf Coast, which are being overburdened by toxic chemicals from plastic production. We need to do more to protect those communities.

On this committee, I will do all I can to increase EPA funding so we can implement and enforce our existing laws better, but then EPA must act. One place where it can start, EPA can start by reexamining significant impact levels for air quality standards for permitting petrochemical facilities.

The evidence is clear that the substances that are carcinogenic to humans and States have abused the permitting process, to the detriment of frontline communities. Let's not impose even more pollutants on those frontline communities.

This is a key issue of environmental justice. I was in Ottawa last week for the inter-governmental negotiating committee meeting where countries from around the world are gathered to reach agreement to address the plastic crisis.

Plastics, which are choking our oceans, our rivers, our landfills. Plastics, which are being digested by marine life and land life, infect our ecosystems. Plastic, which in its micro form and nano form are providing even more dangerous pollution and it is infiltrating our food and water, even breast milk; meanwhile, leaching dangerous chemicals into the organizations—organisms that digest it, including us.

It is estimated that each of us consumes about a credit card of plastic a week. Plastic is an endocrine disruptor and has strong associations with a series of health issues. So, we are encouraging our Government to take the ambitious track in having a vision for an international treaty on plastics that will result in measurable goals, with accountability for reaching those goals.

Right now, our State Department is saying they want a Paris structure where everyone says we will go and do our best. Going and doing our best hasn't worked on climate and it won't work on plastics, so we need to have a more concrete, detailed approach, and there is a whole group of nations that are seeking to have concrete goals and measurable results and accountability, and we should join them and encourage EPA to help us pivot to be part of the solution in that area.

I want to turn to EPA's new method of testing for 6PPD-quinone. This is a chemical in tires, and it was found to be a chemical that has a huge impact on salmon. And there was a whole mystery as to why after rainstorms, there was a die off, and finally it was traced to the runoff from parking lots with tire dust.

This is a big deal for us, and it is not an easy thing to address, but identifying and understanding it is a great first step in that direction. So, I encourage EPA to continue down that road, not just to understand the chemical and what alternatives there might be, what the impact of those alternatives might be, how we can cure this problem, because it is a big environmental impact that few of us were aware of until the last couple of years.

So, as we go forward, let's continue to have an ambitious approach or a more ambitious approach to taking on these multiple challenges. We need an international treaty that decreases plastics, plastics that are produced, plastics that get into our waterways, plastics that get into our ecosystems and into our bodies.

We need to continue our work on toxic chemicals through TSCA, and not have it take a decade to address a single toxic chemical and an overly complicated system. I am concerned that EPA's staffing levels have dropped 20 percent over the last 13 years. It makes it a lot harder to do all this work on very complicated issues when you are understaffed.

So, thank you for being a strong advocate for having the team that you need, and certainly that resonates with me and with many of us. In 2010, you had 17,300 FTEs at EPA. Since then, we are down to 14,000—3,300 people with a lot more complicated work to do now than then.

I am pleased that the fiscal year 2025 request would increase permanent positions by more than 2,000 FTEs, which would start to rebuild the permanent capacity EPA needs. Those Americans with the least resources who have chronically suffered from injustice are often most affected by pollution, toxic chemicals, and climate chaos.

So, I say, well done to having \$100 million for environmental justice in the fiscal year 2024 bill. You all advocated, and we delivered. But I know that on environmental justice front, a lot more remains to be done. I will now turn to my colleague, Ranking Member Murkowski, for her comments.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. Administrator Regan, thank you, and I appreciate the opportunity to discuss EPA's fiscal year 2025 budget request with you. I know that we had hoped to have a little bit of a conversation ahead of this, and travel interrupts just about everything around here.

So, thank you for the time that you are going to spend with the committee here today. I want to appreciate and thank you publicly for the good working relationship that my office has enjoyed with you and your office. You know, there are, not surprising, going to be policy disagreements on many matters.

That is just the nature of it. Some of the rulemakings that the agency has undertaken, I will mention some of those that I have concerns with, but I really do honestly appreciate the work that we have done together. I think you and your team have been forthright with us.

You have been helpful in bringing historic levels of infrastructure investment to Alaska and really trying to solve some long term problems that we have faced with. And I just appreciate the efforts there.

I will share though, the concerns, some of the concerns that I have about some of the—what I consider to be regulatory overreach that we have seen out of the agency on some of these national rulemakings, including the updated final WOTUS rule, the vehicle emissions rules, the final power plant rules.

I have shared before the final WOTUS rule fails to reflect the uniqueness of Alaska and unfortunately will have disproportionate harm within my State. Congress has recent—has directly expressed its disapproval on many of the agency's recent broad rulemakings.

I think the court is going to decide the outcome of many of these rules, but I have been disappointed that the agency did not reach consensus on these issues and instead moved ahead with a heavier handed action in a unilateral fashion.

In addition to concerns over these national rulemakings, I would like to speak to several regulatory actions that are more specific to Alaska. First, as you know, we have had many conversations about this, but this is the potential enforcement actions that the agency may take against the State of Alaska and the Fairbanks North Star Borough regarding PM_{2.5} emissions.

Again, one of these longstanding issues that has been out there. But you have heard me say many times before that I think that the agency's mishandling of the residential woodstove testing, and certification program has played a role in what we are seeing in elevated emissions in the region. I have worked pretty hard to get additional support.

We have secured tens of millions of dollars through the Targeted Air Shed Grant for woodstove change outs, so the agency's failures on this issue continue to be frustrating. So as this matter continues, I would fully expect the EPA to work closely with the State and the Borough and to incorporate their feedback.

And then finally, I would just ask that your team sit down with my staff to discuss the reforms of the woodstove heater program and perhaps identify some creative funding solutions that we can

undertake. We want to work to reduce the air emissions in that region.

And it is important. I think we recognize that. But how we get there in a place where you have so few options and alternatives has been a real challenge. I have been concerned about potential regulations the agency may propose on small aircraft that we see used very commonly around Alaska.

In so many parts of the State, as you know, we don't have the roads, so we rely on aviation, and so much of it is very small aviation. In October of last year, EPA announced an endangerment finding for leaded aviation gas, which is used to operate the piston engine aircraft.

These are the small planes that carry roughly, you know, 2 to 10 passengers. But we rely so heavily on these types of aircraft for travel around the State, moving people, moving basic necessities.

And so, if EPA promulgates what would be unnecessarily strict standards for these lead emissions from these particular aircraft without considering the unique needs and the challenges that are specific within this State, Alaska could really, really be crippled by supply chain issues, travel disruptions as air carriers are literally forced out of existence because they don't have any other place to go, and that is a real concern.

So, how the agency considers these unique needs in a State like Alaska before undertaking any issue is more that I would like to discuss with you. And then finally, to briefly talk about the 301(h) waivers for certain communities in Southeast Alaska.

As these communities face meeting new State and Federal standards, I would hope that the agency will work closely with us to provide a pathway for these smaller communities to make economically feasible upgrades to their wastewater systems. Again, they want to make sure that they have good water systems.

But it takes their breath away when they look at what they may be facing from a cost perspective. So, turning to investments in Alaska. Again, I want to thank you and those in the agency for your leadership on Alaska Native Claims Settlement Act (ANCSA) contaminated lands. It has been decades of Federal inaction on this true environmental injustice to Alaskan Native communities.

And the Federal Government, with EPA's leadership, is finally providing resources to assess and clean up these contaminated lands. In the 2 years since we started working together on this issue, \$190 million is now available to Alaska Native communities and organizations for contaminated lands remediations.

So, it has been \$40 million through the new annual grant and \$150 million in one-time funding through EPA's Community Change Grant Program. But I know that securing these resources took some creative thinking and real commitment to the issues.

You made that commitment to me, you carried through with that, and again, I thank you and your efforts, as well as those of your team members both here in Washington and in Region 10. It is deeply appreciated.

Last year, in my opening statement, I spoke at length to the agency's poor performance in handling and processing congressionally directed spending projects. I wish that I could say a year later

we are in a better place on that, but I can't see that significant progress has been made.

I think it is unacceptable that the vast majority of fiscal year 2022 and 2023 projects remain unrewarded. And what we see with the delay in awarding these projects is substantial impact on the communities, the Congressional intent, and the cost of the projects.

So, with the recent passing of the fiscal year 2024 Interior Approps Act, the agency's workload on these projects, I think, is extensive. You know that. But the backlog in processing these projects just simply has to be reduced.

So, we are going to keep urging you on this, but I would ask that you do everything that you can to again reduce this backlog and do so quickly. I am absolutely ready to be a constructive partner in getting these projects out the door into the designated communities, so let me know how I can help.

One of the ways is I hear from people back in my home State, I am sure that other colleagues do as well, and when we call you up, we get attention to the matter, but it shouldn't have to be that way.

So, let's work together on that. I will close by just telling you I appreciate that you have come to Alaska. You have worked with me on a number of important issues to my State and to my constituents.

And I know we will continue to work together, but I hope that you and the agency will respond to and address some of the concerns that I have raised in my statement today, and we will have opportunity in the following questions.

But Alaska is a great time to come and visit. And you are welcomed back anytime. With that, Mr. Chairman, I thank you.

Senator MERKLEY. I thank you very much. Now we turn to your testimony.

SUMMARY STATEMENT OF HON. MICHAEL REGAN

Mr. REGAN. Well, Chair Merkley and Ranking Member Murkowski, and Chair Murray and Vice Chair Collins, and members of the committee, thank you for the opportunity to appear before you today to discuss the bold vision laid out in the United States EPA's proposed fiscal year 2025 budget request.

Our partnership and open dialog with Congress is invaluable for EPA to carry out its mission and to protect public health and the environment. Over the last 3 years, we have been hard at work at EPA, and under President Biden's leadership, my agency has finalized protections that will bring 100 million people cleaner and safer drinking water, free from PFAS, and we have worked hard to right many of the historic wrongs communities have faced for generations.

Through our critical rulemaking, we banned the last remaining kind of asbestos used in the country and issued final technology-based standards that will eliminate more than 6,000 tons of toxic air pollution from chemical plants each year, slashing cancer causing pollution from covered processes and equipment by nearly 80 percent and reducing elevated cancer risk for those living near these facilities by 96 percent.

EPA is committed to protecting public health and the environment for all of the American people. But more than just the powerful health impacts EPA is undertaking, my agency is working hard to implement the historic laws you passed and President Biden's Investing in America agenda.

President Biden's Investing in America agenda has not only directed investments and communities nationwide, but it has generated nearly \$700 billion in funding for private sector manufacturing and clean energy projects, creating good paying jobs and enhancing our global competitiveness.

Together, President Biden's Investing in America agenda and EPA's 2025 budget request will continue to invest in environmental actions that will promote cleaner communities and produce economic benefits for years to come.

Last August, during my Journey to Justice tour, I joined Senator Murkowski in Alaska to spotlight the environmental justice challenges of Alaska Native tribes. We met with tribal leaders and heard firsthand about the challenges facing the community, including climate impacts and adaptation, food security, and water infrastructure.

And the President's Investing in America agenda is helping to fund projects that address these concerns while benefiting federally recognized tribes all across the State. President Biden's proposed fiscal year 2025 budget request for EPA provides nearly \$11 billion to advance key priorities for the American people, including protecting air quality, cleaning up pollution, upgrading the nation's aging water infrastructure, urgently fighting the climate crisis, and advancing environmental justice.

Millions of people across the country are still grappling with the effects of poor air quality, perpetuating harmful health and economic impacts. In fiscal year 2025, EPA will improve air quality for communities by reducing emissions of ozone forming pollutants, particulate matter, and air toxics.

The President's budget includes \$1.3 billion to improve air quality for communities all across the country, to reduce exposure to dangerous levels of radiation, and to leverage regulatory tools and public and private sector partnerships that promote environmental stewardship and encourage the adoption of cost-effective technologies and practices.

EPA's work to set these standards provides certainty to industry, builds on the advancements in technology, and reinforces market movement that reduces power plant emissions without sacrificing reliability and affordable energy. Clean and safe water is the foundation for healthy communities and a thriving economy.

Although substantial progress has been made, many areas across our nation still face significant barriers and challenges to achieving this collective goal. Aging water infrastructure, the effects of lead pipes, cybersecurity threats to water systems, climate change, and emerging contaminants such as PFAS all pose dangerous health risks to our nation's water supply and the American people.

EPA's budget request includes a total of \$101 million for two EPA grants dedicated to remediating lead contaminated drinking water. From investing in clean air to cleaning up contaminated

land and water, there is no shortage of important work to be done. Members of the committee, EPA is up for the task.

We are eager to work with all of you to deliver for our fellow Americans and to secure our nation's global competitiveness. But we need your support. The fiscal year 2025 President's budget continues the historic progress and investments made by the Biden-Harris Administration and positions EPA to advance our vital mission of protecting public health and the environment, championing environmental justice, and tackling the climate crisis.

Thank you all for the opportunity to be here today to submit testimony for the record, and I look forward to our continued partnership to achieve these ambitious yet necessary goals, and I welcome all questions. Thank you all.

[The statement follows:]

PREPARED STATEMENT OF HON. MICHAEL S. REGAN

Thank you, Chairman Carper, Ranking Member Capito, and members of the Committee. I appreciate the opportunity to appear before you today to discuss the U.S. Environmental Protection Agency's (EPA) proposed Fiscal Year (FY) 2025 Budget request. In our FY 2025 Budget request, we provide the resources needed to advance a cleaner, healthier, and more equitable Nation where all people have equal access to safe and clean water, air, land, chemicals, and communities.

THE FY 2025 PRESIDENT'S BUDGET REQUEST

The President's FY 2025 Budget for EPA requests nearly \$11 billion to advance the key priorities outlined in the FY 2022–FY 2026 EPA Strategic Plan, including urgently tackling the climate crisis, advancing environmental justice, protecting air quality, cleaning up pollution, upgrading the Nation's aging water infrastructure, and building the Agency's core capacity to carry out its vital mission. The President's FY 2025 Budget adheres to the discretionary spending levels set by the Fiscal Responsibility Act and continues to build on the historic progress and investments made by this Administration. EPA is committed to providing robust support to our Tribal, State, and local partners, with more than \$4.5 billion in grants that directly reach these communities. The Budget adds more than 2,000 Full Time Equivalents (FTE) across program and regional offices, bringing EPA back to more than 17,000 FTE, to ensure that the agency has the workforce to protect human health and the environment across the Nation.

URGENTLY TACKLING THE CLIMATE CRISIS

In FY 2025 EPA will continue to prioritize tackling climate change with the urgency that science demands by investing nearly \$3 billion in climate-related programs. EPA requests an additional \$19.3 million and 14.5 FTE for climate adaptation efforts to strengthen the adaptive capacity of Tribes, States, territories, local governments, communities, and businesses. In addition, the Budget requests an increase in State and local air quality management grants to help expand the efforts of air pollution control agencies to implement the Clean Air Act (CAA). We will leverage an additional \$65 million to implement the American Innovation in Manufacturing (AIM) Act to continue phasing out hydrofluorocarbons (HFCs).

EPA also requests an additional \$5 million to provide administrative support to implement the historic \$27 billion Greenhouse Gas Reduction Fund (GGRF), enacted through the IRA. EPA recently released funding opportunities for three grant competitions through the GGRF: the \$14 billion National Clean Investment Fund, the \$6 billion Clean Communities Investment Accelerator, and the \$7 billion Solar for All competition. With the requested enhanced administrative support, EPA will be able to more effectively and efficiently administer competitive grants to mobilize financing and leverage private capital for clean energy and climate projects that reduce greenhouse gas (GHG) emissions with an emphasis on projects that benefit low-income and disadvantaged communities.

ELEVATING ENVIRONMENTAL JUSTICE

The Budget bolsters the Agency's efforts to achieve environmental justice in communities across the Nation by investing nearly \$1.5 billion in environmental justice-

related programs. This investment supports the implementation of the President's Justice40 commitment, which ensures at least 40 percent of the benefits of Federal investments in climate and clean energy as well as infrastructure work reach disadvantaged communities, including rural and Tribal communities.

In FY 2025, EPA requests more than \$324 million and 265 FTE for the Environmental Justice Program, an increase of \$216 M and 41 FTE above the current levels, to expand support for community-based organizations, indigenous organizations, Tribes, States, local governments, and territorial governments to identify and develop solutions to environmental justice issues through multi-partner collaborations. Included in this increase is \$36.5 million to scale up capacity-building grants to more communities, governmental partners, and academic institutions; and nearly \$70 million and 39.3 FTE to continue building out the community-centered technical assistance hubs established in FY 2023, ensuring that the network provides robust coverage across the United States. In partnership with the U.S. Department of Energy, EPA has opened 17 Thriving Communities Technical Assistance Centers (TCTACs), three of which are dedicated to assist Tribes, with the goal of strengthening EPA's partnership with Tribal Nations to deliver much-needed infrastructure investments to Tribal communities.

EPA's goal is to ensure that environmental programs inside Indian Country are as robust and protective as those same programs outside of Indian Country. The Budget requests \$25 million to establish a new Direct Implementation Tribal Cooperative Agreements Program, with \$13 million of this funding dedicated to making Tribes more resilient to climate impacts. This unique funding vehicle will allow EPA to fund Tribes to implement Federal environmental programs in Indian Country. Since its creation by Congress in 2001, DITCAs have been proven successful as a tried- and-true method of providing Federal support directly to Tribes however at a limited scale due to a lack of dedicated funding. Once established, this program will be able to maximize the use of DITCAs and expand its access to reach more underserved communities in Indian Country. This program is expected to at least double the number of Tribes receiving EPA assistance for direct implementation activities while providing needed multi-media environmental protections.

ENFORCING ENVIRONMENTAL LAWS

Enforcing and ensuring compliance of our Nation's environmental laws is foundational to achieving EPA's mission. EPA holds, and will continue to hold, bad actors accountable for their violations, with a particular focus on communities with multiple pollution sources. In FY 2025, the Budget invests \$260 million for civil enforcement efforts, such as increasing enforcement efforts in communities with high pollution exposure and preventing the illegal importation and use of hydrofluorocarbons in the United States. The Budget also requests \$172 million for compliance monitoring efforts, including funds to conduct inspections in underserved and overburdened communities and rebuilding the inspector corps. Additionally, the Budget directs \$77 million for criminal enforcement efforts to pursue investigations of the most egregious environmental cases and to support a specialized Criminal Enforcement Initiative focused on addressing environmental justice issues in partnership with the Department of Justice (DOJ). In FY 2025, EPA will implement the National Enforcement and Compliance Initiatives to target these investments at the most serious environmental violations.

ENSURING CLEAN AND HEALTHY AIR FOR ALL COMMUNITIES

Poor air quality still affects millions of people across the country, perpetuating harmful short- and long-term health and quality of life impacts. In FY 2025, EPA will improve air quality for communities by reducing emissions of ozone-forming pollutants, particulate matter, and air toxics. The President's Budget includes \$1.3 billion to improve air quality for communities across the country, to reduce exposure to radiation, and to leverage regulatory tools and public and private sector partnerships that promote environmental stewardship and encourage adoption of cost-effective technologies and practices. In FY 2025, EPA will make critical resource investments in air regulatory development and implementation work, including \$269 million to develop and implement programs such as the National Ambient Air Quality Standards (NAAQS) to reduce air pollution from vehicles, engines, and fuels. EPA's work to set these standards provides certainty to industry, builds on advances in technology, and reinforces market movement towards a cleaner energy system that provides reliable and affordable energy. Additionally, the Budget provides \$100 million to expand the availability of Diesel Emissions Reduction Act (DERA) grants and rebates to include funds to replace existing school buses with low- and zero-emission buses.

Recognizing the need to further support Tribal, State, and local partners, the Agency is requesting \$423 million in grants to expand efforts in implementing air quality management programs that support on-the-ground efforts to address GHG emissions while building on core work such as air quality training and air toxics monitoring. EPA will continue to build on its historic progress in protecting human health and the environment from the harmful effects of air pollution and work to assure clean air for all Americans, with a particular focus on those in underserved and overburdened communities.

ACHIEVING CLEAN AND SAFE WATER FOR ALL COMMUNITIES

Clean and safe water is a foundation for healthy communities and a thriving economy, and EPA is committed to ensuring clean and safe water for all. While progress is being made, it is clear that the Nation still faces significant barriers and challenges achieving this goal, including access to safe and clean water, aging infrastructure, replacement of lead pipes, cybersecurity threats to water systems, climate change, and management of public health risks of emerging contaminants of concern, such as PFAS.

In FY 2025, EPA will continue our work with federal, Tribal, State, and non-governmental partners to advance water quality science, provide clean and safe water for all communities, and protect our Nation's waterbodies from degradation. The Budget provides \$2.4 billion for EPA's Drinking Water and Clean Water State Revolving Funds (SRF) and \$334 million for a range of grant programs authorized or modified in the America's Water Infrastructure Act (AWIA), the Water Infrastructure Improvement for the Nation (WIIN) Act, and the Drinking Water and Wastewater Infrastructure Act (DWWIA). These resources complement funds provided for water infrastructure programs in the Bipartisan Infrastructure Law (BIL). To further the President's goal of replacing all lead pipes within the next decade, the Budget proposes nearly \$101 million for two grants dedicated to Reducing Lead in Drinking Water and Lead Testing in Schools.

Also included is \$80 million to support the Water Infrastructure Finance and Innovation Act (WIFIA) loan program. As of December 2023, EPA has issued 120 WIFIA loans to communities across the country totaling over \$19 billion in credit assistance to help finance more than \$43 billion for water infrastructure projects. WIFIA loans for these projects have saved communities nearly \$7 billion, which can be used for additional infrastructure investment and to keep rates affordable for water system users. These WIFIA-financed projects have created over 140,000 jobs and benefited more than 63 million people, demonstrating that WIFIA credit assistance is an effective tool to help address a variety of water infrastructure needs to support communities nationwide.

The Budget also requests \$30 million for a new program that addresses gaps in resources to help improve Federal response to water-related emergencies where water quality poses a risk to public health. This new program will expand EPA's capabilities both at the headquarters and in the regional offices and establish a water emergency fund that provides direct assistance to affected communities which could be in the form of bottled water, filters, and trained personnel to operate or manage drinking water and wastewater services, among other essential tasks. The agency also requests new authority under the Safe Drinking Water Act 1442(b) to provide technical assistance and grants to any appropriate recipient that is not a State or a publicly owned water system.

To help deliver on President Biden's commitment to tackling PFAS pollution and to accelerate EPA's PFAS Strategic Roadmap, the FY 2025 Budget requests an additional \$60 million to increase our understanding of PFAS and their human health and ecological effects; restrict PFAS use to prevent new PFAS pollutants from entering the air, land, water; and remediate PFAS that have been released into the environment, the agency is taking a comprehensive approach to tackling PFAS pollution across the country. For example, the agency has finalized its PFAS drinking water regulation and is monitoring for PFAS in public water systems. EPA plans to propose an effluent limitation guideline rule for organic chemical manufacturing, metal finishing/electroplating, and landfills industrial point source categories. EPA has also finalized a rule to designate PFOA and PFOS as hazardous substances under Superfund and proposed to add multiple PFAS compounds as hazardous constituents under the Resource Conservation and Recovery Act (RCRA). These rules will strengthen protections for communities and better enable cleanup of lands contaminated with PFAS across the Nation. Additionally, the FY 2025 Budget provides \$289 million for the Section 106 Grants Program, which funds Tribal, State, and interstate water pollution control programs, and is critical funding for actions to identify, assess, and mitigate emerging contaminants in the environment like PFAS.

From the Great Lakes to the Chesapeake Bay, from Lake Pontchartrain to the Puget Sound, the United States is home to water bodies of ecological, cultural, and economic significance. Through EPA's Geographic Water Programs, the Agency assists Tribes, state, and multi-State partners to accelerate and manage the restoration of the ecological health of these water bodies. The Budget invests \$682 million to continue strong support for EPA's Geographic Water Programs to protect and restore these water bodies of special ecological and economic importance to the Nation. In FY 2025, EPA's Geographic Programs will deliver technical and financial assistance to solve problems and support healthy resilient ecosystems that address water quality, water infrastructure, nutrient pollution, habitat loss, treaty rights, equity, and environmental justice.

SAFEGUARDING AND REVITALIZING COMMUNITIES

Preventing and cleaning up environmental pollution that harms communities and poses a risk to public health and safety continue to be a top priority for the Administration. Cleaning up America's most contaminated land and reducing exposure to toxic substances are critical components of the Agency's strategy to address human health impacts, particularly in underserved communities where many of these sites are located. The FY 2025 Budget enables EPA to continue to collaborate with Tribal, State, and local partners to improve the livelihood of all residents of the United States by addressing contaminated sites, including Superfund, brownfields, leaking underground storage tanks, and other waste sites and restoring them to productive use.

The Department of the Treasury currently estimates that \$2.2 billion will be available to the EPA in Superfund tax receipts in FY 2025. This funding, combined with annual appropriations, will enable the Superfund program to advance clean-up of the Nation's most contaminated land and respond to environmental emergencies and natural disasters. The Budget includes \$300 million in the Superfund Remedial program to make more progress in communities across the Nation. This historic level of funding will allow EPA to advance critical Superfund pre-construction work such as site characterization, construction design, and community outreach/engagement. Additionally, this funding will allow EPA to continue to effectively and efficiently address situations that require emergency response and removal actions such as chemical releases, fires or explosions, natural disasters, and other threats to people from exposure to hazardous substances, including from abandoned and uncontrolled hazardous waste sites. The Budget also includes \$208 million for EPA's Brownfields programs to provide grants and technical assistance to communities so they can plan, inventory, assess, safely clean up and reuse contaminated properties, as well as \$20 million for the Alaska Contaminated Lands program. Taken together, these investments will ensure EPA is cleaning up sites and fully engaging the communities we serve in the process.

ENSURING THE SAFETY OF CHEMICALS FOR PEOPLE AND THE ENVIRONMENT

Chemicals and toxic substances are ubiquitous in our everyday lives and are often released into the environment from their manufacture, processing use, or disposal. EPA has significant responsibilities under amendments to the Toxic Substances Control Act (TSCA) to ensure the safety of chemicals in or entering commerce and addressing unreasonable risks to human health or the environment. EPA's work in managing chemical safety and toxic substances is particularly important to vulnerable populations, including low-income, minority, and indigenous populations, as well as children, who may be disproportionately affected by, and particularly at risk from, exposure to chemicals. The FY 2025 Budget requests \$132 million for the TSCA Program, an increase of \$49 million above current levels so the agency has the resources needed for the Program. These resources will support EPA-initiated chemical risk evaluations, protective regulations in accordance with statutory timelines, and establish a pipeline of priority chemicals for risk evaluation.

The agency has significant responsibility under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) to screen new pesticides before they reach the market and ensure pesticides already in commerce are safe. In addition, EPA is responsible for complying with the Endangered Species Act (ESA) and ensuring that federally endangered and threatened species are not harmed when the agency registers pesticides. To continue making progress toward meeting ESA mandates in FY 2025, the Budget includes an additional \$29 million for a total of \$80 million in our environmental pesticides program. The Budget also includes \$29 million for the Pollution Prevention Program to support businesses, Tribes, States, and other partners to promote and facilitate the adoption of approaches to improve multimedia environmental conditions and address climate impacts through reductions in pollutants and

other hazardous materials, including an additional \$7.8 million for a new grant program to help small businesses transitioning to TSCA compliant practices to mitigate economic impacts.

CONTINUING TO BUILD BACK CRITICAL CAPACITY TO CARRY OUT EPA'S MISSION

Ensuring the Agency has the workforce it needs to carry out its mission is essential. The Budget adds more than 2,000 FTE relative to the current level, for a total of more than 17,000 FTE, to help rebuild EPA's core capacity. The Budget also will dedicate resources to continue strengthening the agency's ability to recruit, hire, develop, promote, and retain top talent and remove barriers to equal opportunity at management and staff levels to strengthen and advance diversity, equity, inclusion, and accessibility.

In FY 2025, the Agency requests an additional \$3.8 million to expand an existing paid internship program across the Agency to strengthen talent and workforce acquisition. A commitment to follow the science underpins EPA's work, and the Budget includes approximately \$1 billion for the Science and Technology account, an increase of more than \$200 million above current levels, that will ensure programs have the best available data to inform decisions.

CONCLUSION

All people deserve clean air, clean water, and safe land on which to live. This is the core of EPA's mission and is a worthy investment of Federal resources. The FY 2025 President's Budget continues the historic progress and investments made by this Administration and positions the EPA to advance our vital mission of protecting human health and the environment, championing environmental justice, and tackling the climate crisis. With these investments we lay the groundwork to ensure the benefits of a cleaner environment for future generations.

Thank you for the opportunity to be here today. I look forward to our continued partnership and welcome any questions you may have.

Senator MERKLEY. Great. Thank you very much. And I think we are going to have five minute sessions, which I will stop and not ask any more questions after my five minutes have expired and I will ask everyone else to do the same. I want to start with this issue of measuring methane.

Back in fiscal year 2023 and fiscal year 2024, we provided funding to the EPA to be able to address what they said was their challenge. What was their challenge? Their challenge was they said, we need to be able to digest information more effectively and validate it. And then the Inflation Reduction Act provided \$850 million for methane detection and monitoring, yet nothing has been done.

Not one bit of satellite data has been acquired by the EPA, and yet methane is a massive global warming gas. So, this is unacceptable. When is the EPA going to start taking methane seriously and develop a real program with the funds we have already provided?

Mr. REGAN. Well, thank you for the question, Senator. We are absolutely taking methane very seriously. I think the oil and gas rule specifically establishes, for the first time ever, emission control standards for methane for this sector. And so, our enforcement will make sure that facilities are meeting these standards.

We have received approximately \$15 million to support methane enforcement. With those resources, we are developing a data system to collect and publish information about methane super emitters. We are purchasing in advance monitoring equipment for those inspections.

And, you know, as far as the Methane Emissions Reduction Program, you know, February 2023, we issued a notice of intent for a second solicitation for competitive opportunities, and eligible opportunities are satellites to help characterize and quantify methane emissions, retrofits for existing wells and infrastructure, and focus-

ing on smaller operators, and accelerating deployment of innovative and near commercial technologies.

We are also laser focused on landfill methane.

Senator MERKLEY. Yes, we will turn to landfills in a moment, but here's the thing, when we pursued this with EPA and said, what is going on? EPA said, what we want to do is provide data using private funding, which is more resilient and efficient as a basis for this program. So, we provide you with \$850 million.

We say multi-level monitoring is incredibly important. Satellites are a key piece of that. And we get back, we want folks to go out and make donations to someone and then provide us with free data. That is a stalling tactic on this important issue, and it is just not acceptable asking, let's go out and, you know, put out our cap and say, someday, can somebody help us acquire methane information? This is a big deal.

We have raised it repeatedly, and we need you all to get the process together and really start tracking—it is fine to say you are going to go and do a penalty program for super emitters, but you don't know what they are if you don't have the data. We have to understand this program across America.

Meanwhile, the basic estimates that EPA continues to put out, which say that methane leakage is around 1.4 percent, are completely rejected by the scientific community as wholly understating the challenge.

So, this inaction is sustaining bad information, resulting in bad decisions, and this needs to change. Can you commit to really focusing on this challenge in this coming year?

Mr. REGAN. I can absolutely commit to continuing the laser focus that we have. I am not quite sure I agree with inaction. I think that when you look at the regulations we have produced, when you look at the enforcement actions we have taken, and quite fairly in the Inflation Reduction Act, they gave us a timeline, you guys gave us a timeline to develop programs.

One side focused on State grants, the other more so open to non-state entities, which require a certain level of development, implementation, and oversight. So, I believe that with the time we have been given and the resources we have been given, we are moving incredibly fast to match these resources with our enforcement and our regulatory.

Senator MERKLEY. All right. I am just going to repeat once more, telling us that you are waiting for private charities to provide money to allow you to acquire information is totally unacceptable.

Mr. REGAN. Yes, I am not quite sure who is suggesting that we are soliciting private resources.

Senator MERKLEY. This was the EPA's response to our previous questions about inaction in this area.

Mr. REGAN. I will circle with my team.

Senator MERKLEY. Okay.

Mr. REGAN. I can assure you that,

Senator MERKLEY. I am giving you a hard time on it because methane is such a huge factor in climate change. Thank you. That is my time.

Mr. REGAN. Absolutely. Thank you.

Senator MURKOWSKI. Thank you, Mr. Chairman. Administrator Regan, as I mentioned in the statement, in my opening statement, I am concerned about the potential for these new standards for lead emissions for this smaller aircraft and the implications that it will have on a State like Alaska.

As you know, the Alaska delegation is working to address this legislatively. We are hoping that we may be able to address this in the FAA bill that we will be moving to hopefully this afternoon. You have stated, or EPA has stated that it is committed to working together with a wide range of stakeholders on this.

Know that I want to add my name to that list of stakeholders, but can you share with me exactly who in the State your teams have been reaching out to, who the stakeholders are? Because what I want to know and what I want to commitment on is that the agency is going to consider the fundamental needs of the State of Alaska at issue here before finalizing any potential rulemaking.

So, it is important who you are talking to. And so, if you have available right now some of the stakeholders that you have been reaching out to, I would love to hear them. Otherwise, we will take that back.

But where I am trying to get is we have to address this because I am going to have whole portions of the entire State will have no way in and no way out of their communities because there will be nobody to fly them.

Mr. REGAN. Yes. Well, Senator, first of all, let me say thank you for inviting me to Alaska to see first-hand for myself. I completely recognize the unique transportation needs for the State of Alaska.

I just want to state that we have, by law and by requirement, looked at the endangerment finding of lead. Now that we have done that, we are beginning to start the process to evaluate what kinds of actions we need to take.

And I can assure you that we will wholeheartedly engage you, your staff, and also the State of Alaska as we begin to move down the road of promulgating any rules that pertain to aviation and lead.

Senator MURKOWSKI. Well, and I look forward to that engagement. But again, when we talk about what environmental justice looks like, think about what it means to some of our very remote, very rural, primarily Alaska Native communities that will again be completely locked in, shut down. No way to gain access to health care. No way to gain access to public safety.

So please know how significant this is. We are just in a different place than anybody else on this. And it kind of ties into what we have been trying to do with the situation with PM2.5 in Fairbanks. We all want to work to reduce the emissions issues, improve that air quality. I know the agency is working with the State of Alaska and the Borough on a path forward, but we are just very concerned about this threat out there of enforcement actions.

And so, knowing what we have in front of us, the history, and again, the actions that have been taken, I am hoping that the agency is going to be responsive to the feedback from the State and the Borough in working through a State implementation program. But one of the areas where you do have full control, this is the residential wood heater program.

Last year, the agency's Inspector General found the flaws and the problems within the program. So, can you share with me and others on the committee what steps you have taken to improve the wood heater testing and the certification program so that we can kind of at least clean up this part of it?

Mr. REGAN. Yes. Well, I will say that we take all reviews by the IG very seriously. We took a look at the things that we can improve in terms of testing procedures, processes, the ways that we are communicating with the State of Alaska and those who rely on these technologies.

I believe that we have found a way through, a process improvement but also relationship improvement. I have to say thank you. You have done a great job helping to reestablish some very strong relationships on the ground that quite frankly we need.

We are listening directly to the communities, and we understand the role that we play in solving this problem. So, I can tell you that through procedural improvements and relationship improvements, I believe that we are well on our way to solving the problem.

Senator MURKOWSKI. Well, I know that you have given me that commitment, but we are going to have to get—we are going to have to be creative in some funding solutions for working to reduce these PM2.5 emissions going forward. My time has expired. I have got a lot more. I am going to look forward to those. Thank you.

Senator MERKLEY. Senator Tester.

Senator TESTER. Thank you, Mr. Chairman, Ranking Member for holding this hearing. And Administrator Regan, thank you for being here. I appreciate you coming forward to the committee today.

Look, as a farmer, somebody whose family has been on this land since we broke—for over 114 years, I know the value of clean air and clean water. There is just no doubt about that. But I will tell you that the rules that come out of Washington, D.C. have to be rooted in reality. If you can't meet them, it really is a huge problem.

And that is why I want to talk a little bit today about the MATS rule. Now, in this rule, you acknowledge that the only power plant this is really affecting is one in Colstrip, Montana, okay. That is the only one.

You also acknowledge it will take hundreds of millions of dollars to meet the standards, and this is a power plant with the public depreciation date of 2042. You and I both know there is no way they make hundreds of millions of dollars in investment in a power plant that has that depreciation date.

I would just tell you that when it comes to jobs, when it comes to this community, when it comes to power, this is all really important as we try to meet that happy medium between clean energy and clean air and clean water, okay. But in your role, you also provide additional flexibilities and I want to flesh that out a little bit.

These are additional flexibilities to bring sources into compliance. It does go into detail on what these are. So, my question to you is what are—and don't filibuster me. I know you won't. But what are these additional flexibilities?

Mr. REGAN. Well, and I won't filibuster. I will say that the flexibilities that are in there are number one, different types of control technology options and combinations——

Senator TESTER. Yes.

Mr. REGAN [continuing]. timing and looking at some of the unique aspects of the State of Montana. We have had direct conversations with this facility.

Senator TESTER. Yes.

Mr. REGAN. And what I would say is, I am not quite sure if my team would agree that it would take \$100 million of investment. I think if our teams, your team are talking with this facility, and we look at these combinations of control technologies that we have helped other States do, like Kentucky and Oklahoma, I believe that we can get there.

Senator TESTER. Okay. And then the question becomes, can we get there and still have it so that when it turns 40 below zero, we got power. You know, unfortunately, because of climate change, we don't have those times very often anymore, but we had one last winter.

Mr. REGAN. Yes.

Senator TESTER. And you know what happens with peak power prices and things like that when it—and if you don't have the juice, I am telling you, it is over with. You got big costs.

So, my question, is there any thought since this only impacts one power plant in the United States, the whole damn country, just one power plant, of potentially moving the day forward and giving some flexibility to maybe 2032?

Mr. REGAN. Well, let me say I think it does impact more than one, but let's——

Senator TESTER. No, the rule actually points out it impacts one.

Mr. REGAN. Yes, 93 percent of coal plants in this country we believe will be able to meet.

Senator TESTER. Yes, and this is the one that won't.

Mr. REGAN. Let me say this, I would love for our staff to talk.

Senator TESTER. Okay.

Mr. REGAN. They have been having some very technical conversations.

Senator TESTER. Good.

Mr. REGAN. And I do believe there is a path.

Senator TESTER. We need to visit. Now, I want to make something really clear. I talked to a lot of people about this. There is nobody who said, let's just throw the rule out.

We think this rule is a bunch of garbage and we should throw it out. All of them said, I see what they are trying to do. They just need to understand that a one size fits all rule doesn't necessarily work all the time.

Mr. REGAN. Yes.

Senator TESTER. Okay. And so, if you are willing to work with my staff, and we are willing to move this thing forward in a way that really ensures both climate—find that sweet spot, ensures both climate stability and energy stability without totally torching this community, it would be a big win for everybody, okay.

Mr. REGAN. Sounds good to me.

Senator TESTER. We thank you for that. It is—this is really, really important. And I get it. I mean, I get it. I understand climate. I mean, I have been through two of the worst droughts I have ever had on our farm, and that is in 114 years, okay, and we are still ain't out of it by the way. It could be another one this year, and I hope not but it looks like it might be.

So, making sure that this stuff works for everybody is really, really, really important. Appreciate you. My time has run out. I want to talk about Superfund sites too, but we will do that when we come in and talk about MATS, okay.

Mr. REGAN. That sounds great, Senator. Thank you.

Senator TESTER. All right.

Senator MERKLEY. Senator Heinrich.

Senator HEINRICH. Thank you, Chairman. First, I want to thank you for the work the EPA has done to finalize the national drinking water standard with respect to PFAS. This is something that all of our colleagues are struggling with in their States.

Can you kind of walk through this budget request and all the pieces and parts of where you are going to be able to make progress with respect to PFAS contamination as a result of this budget? And do you think it is adequate to meet the incredible challenges that we face with PFAS?

Mr. REGAN. Well, thank you, and it has been a combination of all of us and our staffs working together. This is an issue that doesn't know boundaries, political or State. In the final rule that we designed, we had input from over 120,000, serious people in the water sector.

And what I will say is, as I said in my opening, we are going to, you know, reduce PFAS exposure to over 100 million people. And then we also announced at that same time, a \$1 billion grant, thanks to the bipartisan infrastructure law, to help some of our smaller communities comply with this rule.

The reality is, is that we are focused on a number of PFAS in this first drinking water standard, and we have thousands more to focus on. So, we really need the resources and the staff to have a comprehensive approach of protecting our water quality from these forever chemicals.

So, we would use that money to continue to collect the scientific evidence, look at how to design technology and health based standards to protect as many people as possible from different forms of this pervasive chemical.

Senator HEINRICH. I want to ask you an IRA related question. And those of us who have worked with Department of Energy for years and the loan program office, we know it took a long time to sort of build the muscles in that organization to be able to do the things that they are doing at scale now.

The Greenhouse Gas Reduction Fund, the National Clean Investment Fund, these were things that were sort of created out of whole cloth in the IRA. Can you talk about implementation progress there and where are you going with that?

Mr. REGAN. We feel really good about the \$27 billion Greenhouse Gas Reduction Fund, that \$20 billion that is focused on those investments for clean technology and the \$7 billion that is focused on

Solar for All. Thankfully, you all had the wisdom in the law to give us the flexibility to add to the expertise that we already had.

And so, we were able to use some of those resources to hire some of the expertise that helped us to design this program. But the program is also designed in a way where we are leveraging those in the private sector, those in the investment space who understand how to leverage capital.

This is \$27 billion that we think is going to pour hundreds of billions off the sideline. So, with those time limited positions, coupled with the EPA expertise, we believe that we created a really strong grant competition, and we are going to see the fruits of that labor.

Feel really good about the metrics. Feel really good about the types of transparency that we built in. And, you know, we have invited our Inspector General and others to ensure that we have the transparency, and we are keeping an open book on that.

So, I feel really good about where we are headed.

Senator HEINRICH. I look forward to more news on that front as you continue implementation. You know, the Supreme Court's Sackett decision last year had an impact on New Mexico that is outsized to most of the rest of the country.

Over 90 percent of New Mexico's waterways were left without any protection from pollution or infill. And New Mexicans have worked really hard over the years to improve water quality and now are grappling with this new situation that is really untenable. How can the EPA work together with States like New Mexico to fill that gap?

Mr. REGAN. Well, it was a disappointing decision for a number of us, but I committed as Administrator to follow the science and follow the law. And the Sackett rule is very prescriptive.

And so, for those who are feeling left out, you know, whether it is North Carolina, New Mexico, whomever, we are encouraging our States, tribes, and municipalities to use available resources that we have, such as our wetland program development grants.

There are some other grants in BIL and IRA that we believe we can couple to fill some of those gaps. Listen, I will say I have pledged, and my staff is pledging that we will not leave any communities behind.

And we know that there are some serious water quality issues. I don't believe that the decision from the Supreme Court helps. I think it complicates. But that being said, EPA, and the Army Corps, will follow the law.

And with help that you all have given us through grants and resources, we believe we can plug those gaps with resources and technical expertise.

Senator HEINRICH. Great. I am out of time. I have got another question on rodenticides that I am going to give you for the record. If you could get back to us on that, that would be appreciate it.

Mr. REGAN. Absolutely.

Senator MERKLEY. Thank you. And now we will turn to Senator Van Hollen.

Senator VAN HOLLEN. Thank you. Thank you, Mr. Chairman. Administrator Regan, it is good to see you again. And I want to start by thanking you and the team at EPA for your help in the response to the Key Bridge collapse in Baltimore.

EPA was on the scene with coordinators who worked with the unified command to assess potentially hazardous cargo aboard the Dali, and provide recommendations as needed on removal or recovery plan. So, thank you for lending that technical expertise needed to protect the public health.

And I understand that Senator Heinrich raised the issue of the Greenhouse Gas Reduction Fund. I just want to thank you and the EPA for the rollout on that fund. And thank you for consulting with us during that process, your entire team, Jahi Wise. Please give him my best and others on the team who worked on that.

It was a long journey since I first introduced the National Green Bank legislation I think in 2009 back in the House of Representatives, along with my friends and colleagues. And originally that provision was included on what was known as the Waxman Markey bill that we actually passed out of the House, but it died in the United States Senate. It does show what collective persistence will bring.

So, the IRA has many good provisions. This is one of them. Thank you and your team for helping roll it out. I see in the budget you have got \$5 million for sort of administrative oversight right now.

If you could just talk very briefly about how you are going to use it. It seems to me we have to make sure we are on target to achieve our goals. One goal is the amount of greenhouse gas reduction that is going to be associated with this \$27 billion fund total.

The other is the equity lens and the share of that that needs to be invested in lower income communities that have been too often overlooked. And third, and very important, it has got to be self-sustaining. The idea was this is not just a pool of funds for grant monies. These are investments to be made that will get a return to go back in the fund and be self-sustaining.

So, number one, do you agree with those goals, and are you committed to providing the oversight to make sure that we are on track to achieve them?

Mr. REGAN. Absolutely. I think you have helped me answer your question, which is we did receive some, what we consider to be time limited resources, to help design and stand up this program. But you are absolutely right, the execution and implementation in a transparent way, with the appropriate level of oversight, is an absolute necessity.

So, to do justice to this brilliant idea that you and others had, that you have been working on for over 15 years, we want to be sure that we actually pool those hundreds of billions of dollars of private capital off the sideline.

And it is just amazing that just with the solar program, we may reach over 900 thousand, close to 1 million homes, and so many people through the other \$20 billion, low income, moderate income, who will actually see these resources as investments into the quality of their lives, their homes, and the like.

We want to use the budget to ensure that we continue operating this program in the utmost transparent way that has the proper oversight and also the proper engagement with those we need to be engaging with.

Senator VAN HOLLEN. I appreciate that. And I am now going to turn to the Chesapeake Bay. I am sure you are not surprised that we would raise Chesapeake Bay clean up with you. And as you know, the Bay sort of watershed includes six States plus the District of Columbia.

The most recent Bay cleanup agreement was signed in 2014 and set a series of goals to improve the health of the Bay by the year 2025. It includes measurable objectives that have helped us track progress and take course corrections as necessary.

And together with the 2010 total maximum daily load (TMDL), I gave the EPA the ability to serve as the backstop and step in, as you have in some respects, with Pennsylvania, to ensure compliance. So, Mr. Administrator, we are coming up fast in 2025.

We know as of today that we are not on track to hit those targets. So, my question is, will you and the EPA commit to start working with the States right now to set ambitious goals and targets to move the Bay clean up beyond the year 2025?

Mr. REGAN. You have my commitment on that.

Senator VAN HOLLEN. I appreciate that because we do need to get started. I am concerned that we are not on track to hit those targets, and I do not want this to drift any longer. So, I think the sooner we get to work, the better. And thank you for the commitment for EPA to be right there at the table from the start, helping pool people together.

Mr. REGAN. Absolutely.

Senator VAN HOLLEN. Thank you.

Senator MERKLEY. Great. Senator Fischer.

Senator FISCHER. Thank you, Mr. Chairman. Thank you, Administrator, for being here today. Biofuels are a great market for Nebraska's farmers, and it provides clean burning and cheaper fuel for American families.

Sustainable aviation fuel is another important potential market for Nebraska's biofuels. Secretary Vilsack has encouraged the biofuels industry to lean into that SAF market, saying to a group last year, "I want you all to understand this is a critical moment, a make or break moment.

And if it is not seized and not taken full advantage of, you may have a different conversation years from now." Well, yesterday, an interagency task force, which included your agency, released an updated Greenhouse gases, Regulated Emissions, and Energy use in Technologies (GREET) model to determine the carbon intensity of fuels for the credit.

And I am still reviewing the updated model that you sent out, but it seems to mandate a set of conservation practices that corn, and soybean farmers must do in order for the SAF to qualify for the tax credit.

Additionally, with this updated modeling, corn and soy based biofuels, even if they complete the additional conservation practices, would still be deemed more carbon intensive than Brazilian sugarcane ethanol. My concern is that this is going to lead to taxpayer dollars incentivizing imports of foreign fuel.

So, Administrator, I would hope that the Biden Administration would not have knowingly released an updated model that favors

foreign feedstocks by imposing barriers for U.S. biofuels to qualify for that SAF tax credits.

Is it your belief that the U.S. produced biofuels are less sustainable than foreign feedstocks like Brazilian ethanol, as the updated model seems to indicate?

Mr. REGAN. Well, what I would say is that number one, I agree wholeheartedly with Secretary Vilsack that this is a great moment in time, and I believe that SAFs have a great opportunity here.

Our role in the interagency focused on updating the GREET model was to ensure that we gave all farmers options to comply with the Clean Air Act. So, what I think you will see with this updated model, and what I have heard farmers say is that there is more flexibility in how this model is going to determine the outputs to ensure compliance with the Clean Air Act.

I think the design of conservation programs and tax policy, well those questions are probably better steered to USDA or Treasury. I am not an architect of how those programs work, and I tell you that my focus was to ensure that we put a product across the finish line that gave farmers maximum flexibility and options for Clean Air Act compliance.

Senator FISCHER. Oh, gosh, I think you are going to be hearing from corn producers all across the country and especially Nebraska. The requirements we see on this updated model that came out from you folks—it really has rather stringent requirements that have to be met.

And it is a number of requirements that have to be met. And as I said earlier, you know, the Brazilian sugarcane ethanol is going to qualify for taxpayer dollars, United States taxpayer dollars, where what I am hearing from my producers is they are not going to be able to meet this new model that came out.

Do you think maybe you need to relook at what that model is doing?

Mr. REGAN. You know, I think what we should probably do is have our staffs compare notes. That is not what I am hearing.

I am hearing that we have produced a product that allows for our farmers to compete in a global market, as we look at filling this SAF gap. So, I would love for our teams to kind of talk a little bit about that.

Senator FISCHER. Oh, I would too. Because the air fuel that Secretary Vilsack was very excited about and looked at as another avenue to really help farmers, Ag producers be able to open up another market for them that was a very positive step. And we feel now that we are going backwards, we are going the other way. So, I look forward to having a continued conversation with you on that.

Mr. REGAN. Yes.

Senator FISCHER. I have also heard from numerous public power districts and electric co-ops about the regulations you released last week on power plants. In Nebraska, we are a total public power State.

And we are seeing a dramatic increase in electric demand because of increased economic development, which is a good thing. We like to see that. And the public power districts and our electric co-ops, they have expressed concern that EPA's rule jeopardizes af-

fordability and reliability by forcing the premature closure of coal powered plants.

And you have been quoted as saying, the EPA knows the potential of this industry, power generators, and we have been talking to this industry. They provided us comments over the past 2 years, formally and informally.

We believe that we have those interests baked in. Yet the National Rural Electric Cooperatives Association stated, the path outlined by the EPA is unlawful, unrealistic, and unachievable.

It undermines electric reliability and poses grave consequences for an already stressed electric grid. So how do you square your comments that rural electric interests are baked in with the rural electric industry describing the rule as unlawful, unrealistic, and unachievable?

Mr. REGAN. Yes, I feel that is unfortunate that it is described that way. I would say that when you look at what we have proposed, the enormous amount of comments that we accepted from EEEI, and from rural electric cooperatives, I think that the rule gravitated towards a level of flexibility and expansion that took a lot of what they said very serious.

And so, I believe that not only did we listen, but we produced a lawful rule. I am sure that the courts and others will decide. But when you look at the work that we have done with DOE and FERC, and those who specialize in grid reliability, this meets the mark. We understand that there will not be jeopardy in reliability based on this rule.

And when we did the cost analysis, we looked at a potential increase in cost of between 0 and 1 percent. And so, I feel very good about the rule that we proposed, and we will look forward to the implementation processes, and working with the States to be sure that the flexibilities that we believe are there are actually built in.

Senator FISCHER. Well, with all due respect.

Senator MERKLEY. Senator Fischer.

Senator FISCHER. I would say our Nebraska public power districts and co-ops, again, public power, they are opposed to the regulations because they do believe it is going to really hurt our affordable electric generation. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much. Senator Peters.

Senator PETERS. Thank you, Mr. Chairman. Administrator Regan, as you know very well, the Great Lakes Restoration Initiative was established back in 2009 to accelerate efforts to protect and to restore one of the largest systems of freshwater in the entire world, the Great Lakes.

And as Michiganders, I can say that the Great Lakes are not only in our DNA, they are a critical resource for drinking water, for economic growth, and for job creation. And since 2010, GLI resources have been used to fund thousands of projects to improve water quality, to protect and restore native habitat and species, to prevent and control invasive species, and to address other Great Lakes environmental problems.

However, challenges to the Great Lakes, unfortunately, from fluctuating lake levels to increased harmful algal blooms, to climate change, aren't going away and are increasing. And so, we need to

make sure we have full funding for at least the authorized \$450 million in the fiscal year 2025 budget.

So, my question for you, Administrator, is can you speak to how EPA would be able to leverage a fully funded GLRI of \$450 million, with the historic level of funding received in the IIJA to continue this incredibly vital work to protect our Great Lakes?

Mr. REGAN. Absolutely. I want to say thank you for your leadership on this topic, Senator Peters. And, you know, as you mentioned, GLRI has funded more than 7,500 projects and leveraging over \$3.7 billion in partnership with Federal agencies, States, tribes, and local Governments.

We just announced, four applicants will receive more than \$35 million to fund projects across the Great Lakes. And the Southeast Michigan Council of Governments is one of the four that is set to receive \$4.2 million. EPA will also invest another billion, under the bipartisan infrastructure law, largely targeted for accelerated cleanups of areas of concern, including the Detroit and Rouge River areas of concern.

So, I feel really good that the vision of this program is working. The economic aspects of it, the leveraged dollars are making a lot of sense. And we have got \$1 billion in additional resources that we are going to leverage against that to continue to see the progress that you and others have led.

Senator PETERS. Well, I appreciate that. And it I think I would ask you, as a follow up a little bit on your response for the benefit of the committee, to just describe how the Great Lakes Restoration Initiative (GLRI)—because I think it is in a lot of ways used as a model Federal program.

It enjoys one strong bipartisan support, which is always great to see, but it is also Federal, State, and local levels all have embraced these kinds of investments.

So, I think it, for the benefit of the committee to hear, talk a little bit about both the significant environmental and economic benefits when we are able to bring all of these entities together and focus on this problem.

Mr. REGAN. Absolutely. You know, because of your leadership and the leadership of many on this committee, the interest has created a catalyst for unprecedented Federal agency coordination, a whole of Government approach, that really is yielding unprecedented results.

You know, the economic benefits, a 2018 University of Michigan study shows that for every \$1 spent in GLRI projects between 2010 and 2016, we are seeing the additional economic activity of about \$3.35.

So that is \$1 to \$3.35. So, you know, there has obviously been a great initiative to unify the Federal Government to focus on these resources, but also, again, it is making a lot of economic sense as well.

Senator PETERS. Yes, definitely. That is a good return on investment, so I appreciate you bringing that up.

Mr. REGAN. Yes.

Senator PETERS. Administrator, after long pushing for a national standard to limit PFAS in drinking water, I want to say I certainly applaud last month's very historic announcement by the EPA for

the finalization of the nation's first ever national standard to address toxic PFAS chemicals in drinking water.

Communities in Michigan, quite frankly, have waited far too long for this new standard to help our State and nation make the kind of progress necessary to rid our communities of these toxic chemicals.

Researchers and scientists have underscored the serious risk of PFAS contamination in both human health and our environment, and that is why it is important to establish, I believe, additional national drinking standards as soon as possible to help communities.

My question for you, Administrator Regan, is that when you were before this committee last year, you told me that the EPA had an additional 29 PFAS on its radar for potential consideration under a similar standard.

Could you please provide me and this committee with an update on your work to designate these other dangerous chemical compounds, and how we need to regulate them accordingly.

Mr. REGAN. Absolutely. We are very proud of the focus on the six that you alluded to, and we all know that there are many more.

And so, we are monitoring drinking water in communities all across the country for those 29 that we discussed at the last hearing through our unregulated contaminant monitoring rules.

We have a formal process there where we are doing a lot of testing at significantly more water systems than ever before, using advanced methods to detect these pervasive chemicals, and we are regularly releasing that data that we collect under this rule for full transparency.

So, again, we are beginning to uncover, monitor, detect, and determine some of the health disbenefits of those 29, with an angle or an idea that we will pursue regulation for those in the near future as well.

Senator PETERS. Well, good to hear that. Thank you. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much, Senator. And Senator Hoeven.

Senator HOEVEN. Thank you, Mr. Chairman. Administrator, do you support developing carbon capture for coal fired electric plants, so that they can capture CO₂ and continue to provide dependable, low cost baseload energy to the power grid?

Mr. REGAN. I do and thank you for the invitation to North Dakota to actually see some of those technologies operate up close and personal.

Senator HOEVEN. So right now, we have the largest carbon or CO capture project in the world with the DGC Dakota Gasification Company, which captures about 50 percent of the CO stream for EOR, for tertiary oil recovery.

And now they are adding another 35 percent, which they will capture for geologic storage. They are continuing to work their way forward. We have got Project Tundra, which is an effort to put CO₂ capture on a traditional coal fired facility that is owned by a cooperative. And then also Coal Creek, which is an investor owned coal fired electric plant who is also working on carbon capture.

But they have got to have an environment that enables them to deploy these new technologies. They are investing hundreds of millions, billions of dollars in doing this, and the Department of Energy is their partner.

Matter of fact Project Tundra, Minnkota was recently awarded, I think, \$350 million under a DOE grant to continue forward with CO₂ reduction or capture and sequester, okay. Now, you have just brought forward or finalized the MATS rule, which makes further reductions, but it particularly hits lignite coal, which is a type of coal that we have.

And my question is, why are you now requiring another round of new MATS reduction, which is mercury standards, when your own regulatory analysis acknowledges that studied emissions from lignite fired sources, "are below levels of concern from a public health standpoint," when that makes it very difficult for us to do the very things that you just said you support, which is capture and sequester CO?

Mr. REGAN. Yes, I think that—

Senator HOEVEN. And you recognize the differences between the lignite and other types of coal, and that these are mined mouth operations, right?

Mr. REGAN. I do, and I recognize that irrespective of the source, the exposure to mercury is same on children. And what we have said and what we have looked at in this rule is 93 percent of the coal units in this country will qualify or meet this rule. And this is about 7 percent that we want to work with and focus on.

That rule has some flexibilities in there, some technology combinations that we would like to consider. And so, when I spoke at CERAWEEK about 2 years ago, what the utilities said to me was, hopefully we can align these rules that come out.

If you are going to do something on mercury, on carbon, on water effluents, maybe you could do them in a close proximity so we could understand how to make our investments. And so, that is what we have attempted to do here.

And so, I don't necessarily see a conflict in how we capture or eliminate these pollutants. I actually see an opportunity.

Senator HOEVEN. Well, then you are going to need to work with our industry, because lignite coal does have differences that you need to take into account. Are you willing to do that?

Mr. REGAN. We are willing to—that is part of the flexibility that is built into the rule. I think that we recognize that there is no one size fits all. We recognize that 93 percent of the coal plants say they can do it.

But we want to work with those 7 percent, like we have done in Oklahoma and Kentucky and other States, where we can prove that the rule is flexible enough that a combination of rules can get at that dangerous mercury toxic emission.

Senator HOEVEN. All right. If you want to have these technologies deployed, which our companies are making huge investments in, as is Department of Energy, then you are going to have to work with them so that they can, in fact, do it.

Another example is your new CO rule as far as total emissions, now saying that emissions have to be reduced by 90 percent by

2032. Okay, I just cited a project. It is now the largest carbon capture project in the world in the Coal Gasification Company, okay.

They actually turned lignite coal in the natural gas. Now, with the new deployments, they will be up to maybe 85 percent. They are just getting up and running.

But you are talking about these companies capturing 90 percent by 2032 when we are just out—I mean, we are the first—you know, we are advanced, I think, ahead of anybody in this technology and deploying it.

And if successful, it is not only going to have an impact here in this country, but globally, because they will be other adapters of these new technologies for carbon capture, which is what I think you want.

Mr. REGAN. Absolutely.

Senator HOEVEN. But how do you expect them to hit a 90 percent standard when we are just getting these things up and going now? In other words, you are putting regulations in place that are so stringent that you prevent anybody from actually achieving the very kind of reductions that, you know, that are possible from a scientific and a commercially viable standpoint.

And if you—and if those regulations prevent it from happening in this country, there is nobody else around the globe that is going to do it. They are going to just keep emitting more CO.

So, aren't you a lot better off to work with our industry to accomplish these new standards that continue to keep this baseload in operation? And just like we have done with SO_x, NO_x, mercury, and all these other things, addressed the CO. But if you keep setting standards that can't be achieved, you are just going to put them out of business.

Mr. REGAN. I think that we can get to that world that you just laid out with SO_x, NO_x, and others. What I would say is we are working very closely with DOE.

We have got billions of dollars from the bipartisan infrastructure law. President Biden has said that he supports and wants to see carbon capture and storage in place.

And so, when we look at what DOE is doing, what BIL is investing, and the timing of this rule, and what you were doing in North Dakota, what is happening with Governor Gordon in Wyoming and other places, I believe that we can get there.

Senator HOEVEN. Well, you understand that these regulations that you promulgate have to give the industry room to achieve, you know, these reductions by deploying these new technologies, and they are hundreds of millions and billions of dollars.

Look at the impact on our ratepayers and look at the impact on the stability of the grid if we lose this baseload. So, don't those regulations have to empower our ability to do these things?

Mr. REGAN. I think they will, and I think they will work together. And I do believe that once we look at this rule and look at the State Implementation plans, and look at the process that individual States and these utilities will go through, taking into consideration the billions of dollars that we have gotten from BIL and IRA, and looking at, again, the resources that DOE is pumping into this technology, I believe that all of these things can and will con-

verge if we approach the planning process the appropriate way and continue to have these conversations.

Senator MURKOWSKI. We are going to move on to Chairman Murray.

Senator MURRAY. Thank you very much and thank you, Administrator Regan. Good to see you today. You know, these hearings really offers a really critical look at the needs that are facing our nation in fiscal year 2025.

And as I have said before, and as we have seen many times, keeping our nation strong and our families safe is about a lot more than just how much we invest in our military. It is also about the absolutely essential investments we make at agencies like EPA, which ensures that we have clean air and clean water for our families and protects our communities from toxic pollutants and cancer causing chemicals, and a lot more.

So as long as I am Appropriations Chair, I am going to make sure that we never lose sight of that reality or leave essential domestic needs behind. Now, I have been very clear from the start, I don't like the bipartisan spending caps we have to work with. They seriously limit our investments in our country's future, and they forced a lot of tough funding and decisions in the bill we just completed.

There is no question that our fiscal year 2025 is going to be even tougher than last year, but I am absolutely committed to working again in a bipartisan way to make sure we address the challenges we face for defense and non-defense alike.

For me, the order of the day, every day as we work on our new funding bills now is to make sure our families are always treated as an equal priority in our funding bills and are as important as our military spending. They are both critical to our nation's success.

So, Administrator Regan, thank you again for being here. I wanted to ask you about the President's budget request for fiscal year 2025. You include key funding increases for some of EPA's core programs.

This is the funding that ensures that EPA can enforce our bed-rock environmental laws, like the Clean Air and Clean Water Acts, protect our ecosystems, our waterways, our communities. The request for clean air programs would boost funding by \$393 million. Would you talk to us about why that need is there and how it would be used?

Mr. REGAN. Well, thank you for that. And the increases in the President's budget, I believe, do respect those spending caps.

And it is really important that we look at those requests that were made so that we can keep up with some of the progress we are making. We are—just proposed a really good strong drinking water rule on PFAS. But that is six.

We have got 29 in the wings, and we have got thousands more. So, we need to keep the pace there. We want to ensure the safety of chemicals before they hit the markets. And that is one of the places on our team where we have a deficit in terms of staffing.

Yet we are getting more and more requests from our Ag communities about herbicides and pesticides. We have to maintain the

progress that we are making on cleaning up our Superfund sites and our Brownfield sites.

And quite frankly, I wish it weren't the case, but we need the capability to respond to a lot of these emergencies that we are seeing, whether they are train derailments or bridge collapses or wildfires.

And so, all of the requests that you see in that budget are really focused on some core, key core areas that are pertaining to the EPA's mission.

Senator MURRAY. Okay. And I also want to ask you about the Puget Sound Geographic Program, which provides really important supports to protect and restore the Puget Sound and the larger Salish Sea.

I am pleased to see that the budget continues to include robust funding for those efforts, protects our local ecosystems from climate change and habitat loss and pollution, and also protects tribal treaty rights and tribal sovereignty, including by supporting recovery efforts for salmon and southern resident killer whales, all really important priorities to me.

Can you talk about how your budget investment supports the Puget Sound Geographic Program?

Mr. REGAN. Well, it does. It is very important that it does. All of—it keeps pace and maintains all the progress that you just laid out, in addition to the threat and danger that we are seeing from 6PPD. This underscores the need for the science and the ecological protection there.

And so, I want to thank you and Congress for the resources and the focus there. But specifically for the Puget Sound, we have successfully followed through with our new statutory requirements to stand up the Puget Sound Recovery National Program Office and a Puget Sound Federal Leadership Task Force.

As a matter of fact, I believe our task force leadership is completing our first report to Congress under the statute, and we will get you a copy of that. But I want to say that I am very proud of the work that we are doing on the Puget Sound and protecting that ecosystem and those waters.

And through your leadership and through these task force and program offices, I think we are well on our way. We just need the budget resources to continue to progress.

Senator MURRAY. Okay. And finally, let me just say that I really want to commend the EPA, along with the Department of Energy and the Washington State Department of Ecology, for reaching a holistic agreement on the treatment of tank waste at Hanford Site earlier this week.

I take the Federal Government's moral and legal responsibility, and I just support the Hanford cleanup very seriously and make sure this committee does as well. So, we will be talking to you in the future about how you can make sure that that is on top of the agenda, and we are putting clean up first. So, thank you very much.

Mr. REGAN. Thank you.

Senator MERKLEY. All done. Okay, Senator Britt.

Senator BRITT. Thank you, Mr. Chairman. Mr. Administrator, thank you for being here today and taking time before the sub-

committee. Alabama farmers are greatly concerned with the EPA's recent Endangered Species Act pesticide proposal like the herbicide strategy.

These proposals could impose hundreds of millions of dollars in new restrictions on farmers who need these tools to protect crops and maintain conservation practices like reduce tillage and cover crops.

Some farmers are finding that they may lack options to comply with the EPA proposal, which means that they have to entirely stop using tools that are vital to their farms. And I hope that you and I both share the thought that food security is national security, and making sure that we continue to support our farmers and continue to support the job they do, knowing that they protect their land.

The fruitfulness of it is what allows them to continue to do their job. And support the work they do, not only for their community, but truly for the entire nation. In that vein, bipartisan instructions were provided to EPA in the final fiscal year 2024 Interior Appropriations Report to ensure the use of "best scientific and commercial data about available" to assess species risk as the law requires.

These instructions include using real world data on pesticide usage, existing conservation practices farmers are using to protect wildlife, real world data on spray drift and water concentrations, to supplemental models, among other sources.

My question for you, Mr. Administrator, is how does the EPA plan on implementing Congress's bipartisan instructions?

Mr. REGAN. Well, thank you for that. And we do share that goal. And I can say that I agree that no farmers should wake up in the middle of a growing season and have to face some of the decisions that they are having to face.

Senator BRITT. Thank you.

Mr. REGAN. You know, I think previous decisions that spanned decades and court rulings have put us all in a precarious position. I do feel really good that we are speaking with our farming community, our agriculture community, on how we approach to Pesticides and Endangered Species Act, and we have come up with some strategies that, quite frankly, a number of farm groups have spoken very positively about.

Senator BRITT. Okay.

Mr. REGAN. The American Soybean Association and the AG Retailers Association. So, I think we are digging our way out of this hole. We are having a lot of conversations using—similar conversations around using the same science so that we can achieve some of these goals that will provide certainty for our agriculture.

Senator BRITT. The two things I have heard, and so these are my concerns, is that we are not using kind of the directive that was in the bipartisan report language. And so, it has been brought to my attention that in some ways the EPA seems to be intentionally using conservation models that are designed to overestimate risk and which is explicitly not, you know, the best scientific and commercial data available.

And so that type of risk assessment is something that I am worried about because I believe it will necessitate farmers adopting ad-

ditional restrictions and, you know, to just mitigate what may be a phantom risk.

And so, I just want to make sure if that comes across, if you will make sure to just kind of drill down and ensure that is not happening, because I just want to caution EPA, after last year, you know, we saw the D.C. circuit court rule against the National Marine Fisheries Services for taking that similar approach of overstating the risks to different species.

And so, I just, I strongly advise EPA to implement the bipartisan data instructions, as Congress has directed. And the other feedback that I have gotten is that there may be a potential of you having some type of significant volume of things and maybe not having, you know, staffing in order to be able to implement this.

And so, my question on that front is, would the EPA consider appointing designated non-Federal representatives to help you meet the ESA responsibilities and Congress's bipartisan data instructions?

Mr. REGAN. I think you will see in the budget, we attempted to be responsible and provide a request for the necessary bodies to do so. That particular office of the office that we are talking about is down to levels that early 2000s and more.

So, I think what—there is a common agreement is, is that we need more staff, and more resources to keep pace with what the courts are pushing our way. And I am not certain that we are comfortable with the overreliance of a Federal responsibility to volunteers or folks who have expertise that are not contractually acquired. So, we would really need to talk through—

Senator BRITT. Yes, would you mind—I know I am about out of time. Would you commit that our staffs could get together and actually talk about this, because I don't think the EPA needs to do this alone.

You know, if you look at the Endangered Species Act, it actually allows the agency to designate non-Federal representatives to help do this work. And so, would you commit to me that we can sit down and have that conversation and see if there is a path forward?

Mr. REGAN. I would, and I would love for us to prioritize doing it in a way that we haven't done in the past. The court decisions and the use of that program contributes to why we are here today.

Senator BRITT. Well, let's work together to see if we could find a path forward. Thank you.

Mr. REGAN. Thank you so much.

Senator MERKLEY. Senator Sinema.

Senator SINEMA. Thank you, Chairman Merkley and Ranking Member Murkowski. And thank you to our Administrator for being here today. As you know, a slate of recent rulemaking from your agency stands to have enormous impacts on the prosperity of Arizona.

We are committed to a clean and healthy environment, and the manufacturing boom in my State is helping to lead the way. From advanced semiconductors to batteries and the critical minerals they are made of, Arizona is at the forefront of the clean energy economy. But it doesn't feel like this progress and responsible growth is always supported by the Federal Government.

So, I have a few important questions for you, and I look forward to discussing these matters. My office recently had the opportunity to host one of your assistant Administrators, Joe Goffman, in Arizona.

As you no doubt are aware, the issue of ozone non-attainment in Maricopa County is significant and could hamper the kinds of clean energy advanced manufacturing investments this Administration and Congress have sought to support and restore over the past years.

I share your goal of providing clean air to the American people, but the simple fact is that my State does not have the industrial history on which to base a robust bank of emissions reduction credits that manufacturers like the semiconductor industry can use to support expansion.

Maricopa County's proposed with 204 and 205 would provide the mechanisms to create a bank of these credits, though the process to get these rules has been extremely arduous. Now that the EPA is taking the first step towards conditional approval of 205, will you commit to working with Maricopa County throughout this process to ensure a timely, final approval by the end of this summer?

And can you also provide an exact timeline of how the agency plans to work with the county to get rule 204 to conditional approval this calendar year?

Mr. REGAN. Well, thank you for the question. And what I will say is, I can commit that we will continue to work on this process. I think that Maricopa County has pioneered some very novel approaches that have gotten us this far.

Administrator Goffman was there a meeting with stakeholders to try to learn from the success of 204 and 205, excuse me, so we can apply it to 204. So, I will circle my staff and have our teams converse about what timeframe we actually think we are on. I would hate to promise something that we can't meet.

And I would like to give you some level of specificity on what that timeline is and what needs to occur to ensure success for that timeline.

Senator SINEMA. Well, thank you, Administrator. I like that specificity, though it would have been nice to have an open hearing. I will take it in a later time, if you are able to follow up. My second question, Western States face significant regional challenges in maintaining the eight hour ozone standard.

This cannot be solved by States at the individual or regional levels. These challenges include high natural background ozone levels, increasing ozone impacts from wildfires, and significant ozone impacts from international transport.

But the penalties for not attaining the eight hour ozone standard, including sanctions on major industries and highway funding, are directly imposed at the regional level. Now, the current EPA policies and guidance effectively bar Western States from pursuing Clean Air Act relief from locally uncontrollable ozone that is generated by wildfires and transport.

So, what are you doing to revise those policy and guidance related to exceptional events and international transport, places like Arizona can't control that, so that Western States can access these limited Clean Air Act relief mechanisms and avoid sanctions that

are associated with failing to obtain an ozone standard that we have no control over?

Mr. REGAN. Yes. Well, thank you for that question. And I will say that, when we look at all of the work that we have done as of late with our National Ambient Air Quality Standards (NAAQS) program, we recognize that wildfires or unnatural events or prescribed burns need to be differentiated in terms of the air monitoring data that we are acquiring.

So, we do have a process to diverge that data that comes from exceptional events, prescribed burns, so that States, counties, regions are not penalized for that. I think that when you look at—

Senator SINEMA. Administrator, just to interrupt, does that also include to account for international transport? As you know, we share a border with Mexico and have no ability to manage how they regulate their usage of ozone or pollutants in their air.

Mr. REGAN. Yes. What I would say there is I think that our program is designed to understand what transport is coming from out of State. That is part of what we have perfected in our Good Neighbor Rule, even though it is constantly challenged in court and other places.

So again, that is another place where I think our teams can have a conversation about exactly when we look at ozone attainment, and in terms of meeting that goal, what percentage is coming from international airspace or what is coming from prescribed burns or exceptional events? I think that there is a way that we can focus more on that to assure the attainment that we are all looking for.

Senator SINEMA. Thanks. My last question is, when I expressed to you in the past, I have serious concerns with how the agency's rulemaking around ethylene oxide was handled.

The potential impacts of this rule on the safety and availability of sterilized medical devices is one that I still don't believe the EPA has taken on with all seriousness, including comments that the FDA submitted about the massive risks to medical device supply chains.

Can you explain how you have worked with Commissioner Califf at the FDA to address concerns that they have indicated around medical device supply chains that require ethylene oxide?

Mr. REGAN. I can. I can say that I have talked to Dr. Califf a number of times. Our teams at FDA and EPA have talked a number of times. I think that we were able to resolve those issues that the FDA had during the proposal and final phase. I will say that we are assured, based on our process, that we will not have any impact on sterilization of medical equipment that is used obviously to save lives.

But we also feel really good that this rule can be complied with at less than 1 percent of the annual revenue of these companies. And we are reducing cancer causing risk, elevated risk, by surrounding communities by 96 percent.

So, I think that we have done a really good job balancing those health obligations, the cost effectiveness of it, and some of the very serious questions that we took serious that were raised by the FDA.

Senator SINEMA. And I know I am over my time, Mr. Chairman, but just one last question. Do you feel confident in saying that the

FDA shares your assessment, that through this process, you have addressed all of their concerns, and that the industry will be able to move forward without harm to patients or to the medical device supply chain?

Mr. REGAN. I believe that, and I believe we have the documentation that says so.

[The information follows:]



DATE: February 27, 2024

TO: Environmental Protection Agency (EPA)

THROUGH: Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB)
Office of the Executive Secretary, Department of Health and Human Services (HHS)

FROM: Food and Drug Administration (FDA)

SUBJECT: FDA Review of EPA Final Rule, "Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review"

FDA shares EPA's goal of improving public health by lowering exposure of sterilization facility workers and community members to ethylene oxide (EtO), while also maintaining the availability of sterile medical devices in the United States. We appreciated the opportunity to review and provide technical feedback through the Executive Order 12866 interagency review process on EPA's draft final rule regarding EtO emissions standards for sterilization facilities. As you know, FDA is responsible for overseeing the safety and effectiveness of medical devices, including sterile devices, and we collaborate with others to support the integrity of the medical device supply chain. Accordingly, we focused our feedback to EPA on aspects of the draft final rule that could lead to reductions in device sterilization capacity (either temporary or permanent) and, in turn, cause shortages that negatively impact patient access to sterile devices. EPA made changes to the draft final rule that, in combination with assurances regarding meaningful access to extensions or exemptions for the compliance deadlines, helps mitigate and manage potential risk of medical device shortages or other supply disruptions that could result from implementation of the final rule.

FDA provided comments through two rounds of review. On January 26, 2024, we provided initial feedback on EPA's first draft of the final rule, and we noted that the draft included key changes from the proposed rule to help mitigate impacts to the device supply chain. Further, we identified remaining aspects of the draft final rule that could result in either temporary or permanent reductions in device sterilization capacity, and we estimated the potential supply chain impact based on information in the draft final rule and draft regulatory impact analysis. We explained, for those reasons, we were unable to concur with the draft at that time.

On February 20, 2024, FDA concurred with comments on EPA's second draft of the rule. This draft reflected two important changes to reduce risk of negative supply chain impacts: 1) the continued waiver of the Title V permitting requirement, and 2) the addition of an option for facilities to demonstrate compliance with a site-wide emission reduction standard, as opposed to having to demonstrate compliance with each individual emission stream. Given these changes, FDA's prior estimates for reduced sterilization capacity would not apply to the second draft. The preamble helpfully included new language explaining

Memo re: FDA Review of EPA Final Rule, “Ethylene Oxide Emissions Standards for Sterilization Facilities Residual Risk and Technology Review”

options for facilities to seek extensions of the compliance timelines if needed—*i.e.*, 1) the option under CAA section 112(i)(3)(B) and 40 CFR 63.6(i)(4)(i)(A) for States with delegated authority to grant an existing source an additional year to comply with section 112(d) standards, and 2) the option under CAA section 112(i)(4) for the President to exempt any stationary source from compliance for a period of not more than two years, and extend the exemption for one or more additional periods, each period not to exceed two years. Based on these changes, FDA concurred with comments on the rule.

Our remaining comments focused primarily on our recommendation that, to the extent possible, public clarity and regulatory certainty be provided about the options for facilities to secure compliance deadline extensions or exemptions, if needed, and EPA’s plans for completing a separate action under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). From a supply chain perspective, it is crucial that facilities be able to obtain an extension or exemption, rather than reduce device sterilization capacity, if they are unable to comply by the statutory deadlines. The availability of extension and exemption options, such as the exemption under 112(i)(4), will be important to help mitigate any supply chain impacts that may occur.

On February 26, 2024, FDA reviewed the third draft of the final rule. The preamble helpfully included a new sentence regarding the FIFRA action, including that “OPP has been actively collaborating with the Office of Air and Radiation to ensure that the requirements of the FIFRA Interim Decision (ID) do not interfere with the requirements of this rule, and vice versa” and “OPP has been consulting regularly with other federal agencies and with industry trade groups, to discuss how best to harmonize the requirements of the FIFRA ID with the requirements of this rule, and to ensure that the operative standards, once finalized, will protect both workers and neighboring communities from the risks of EtO exposure while mitigating and managing any risk to the supply chain for sterile medical devices.” With this change, FDA concurred on the final rule.

Again, FDA very much appreciated the opportunity to provide our perspective and work with EPA to help advance our shared public health goals.

Senator SINEMA. I would like to see that. Thank you. Thank you, Mr. Chair.

Senator MERKLEY. You are most welcome. Senator Capito.

Senator CAPITO. Thank you, Mr. Chairman. Welcome, Mr. Administrator. Good to see you again. I am sure that you will not be surprised that I am going to start by saying I am extremely disappointed by the EPA’s Clean Power Plan 2.0 and other rules in the so-called EGU strategy that were announced last Thursday.

I will discuss these more in detail because you are coming in front of our EPW committee, and we can dig deeper into that and discuss those rules. So, turning to another issue, would you agree that the EPA’s offer—excuse me, Office of Inspector General plays an important role in conducting independent, third party auditing and oversight of the agency’s programs?

Mr. REGAN. Yes, I would agree.

Senator CAPITO. And would you also agree that the IG’s work helps to ensure that the agency’s programs are responsibly and effectively implemented, and waste, fraud, and abuse is minimized?

Mr. REGAN. Yes.

Senator CAPITO. Well, we agree on the important role of the EPA’s Inspector General. I think it is especially important when it comes to the oversight of the IRA, which was passed with Democrats only voting for it.

The IRA appropriated more than \$41 billion to the EPA, and established many new programs that require the agency staff to conduct activities that are outside their traditional roles.

One example is the Greenhouse Gas Reduction Fund, commonly referred to as the Green Bank provision, which I understand is \$20 billion that you have just announced is going to eight entities. It is \$20 billion going to eight entities.

Democrats provided \$27 billion for the entire program. The Inspector General has testified before the House, the EPA Inspector General, that the Green Bank and other new IRA programs carry a heightened risk of waste, fraud, and abuse.

So, of note, however, the IRA provided not \$1 of additional funding for an EPA Inspector General to independently oversee this \$27 billion. By contrast, the Inspector Generals of other agencies did get IRA funding.

For example, the DOE got \$20 million to help oversee their funding. It is deeply concerning to me that we are now entering the second year since the IRA became law and the EPA Inspector General still has not received any additional dedicated funding to audit more than \$40 billion in your EPA programs.

So, do you support the EPA Inspector General being provided with additional funding to perform audits and reviews of the IRA programs?

Mr. REGAN. Actually, I do, and in our budget, we are requesting those resources.

Senator CAPITO. Why was that not included in the IRA?

Mr. REGAN. I am not a member of Congress. It is a law that passed that I am responsible for implementing. And so, what I would say is, I would like to operate in a very transparent way. I have had a number of conversations—I meet with my IG routinely.

We have a good partnership. He has indicated that it would be in both interest to have more oversight. And so, in that spirit of partnership at EPA, we have requested to Congress, through the budget, through the President's budget, that the Inspector General's Office receive adequate funding so that we could continue that strong partnership—

Senator CAPITO. How much did you ask for in that?

Mr. REGAN. We have requested \$79.2 million in total. I think the current is \$54.6 million.

Senator CAPITO. Okay, so that is additional like \$25 or something like that. Am I hearing that correctly?

Mr. REGAN. Yes. It is 45 percent, yes.

Senator CAPITO. So how do you say that you are going to finalize these agreements of \$20 billion to eight different entities, and when are you finalizing those agreements, in September?

Mr. REGAN. Well, we had a very competitive process. We have selected those eight recipients, which I think—I don't want to speak for the IG or anyone else, but we chose eight applicants that have demonstrated expertise.

From an oversight standpoint, that is much better than choosing 30 or 40 applicants that don't have quite the same level of expertise. And by the way, these eight recipients are distributing the resources. So, this is not \$20 billion going to eight entities for their usage.

Senator CAPITO. Which that makes it even harder to oversee, I think. I am not advocating that they are the ones that spend it.

But it seems to me if you are going to have 300 different entities, you know, being the recipients of this with eight major entities putting this money out, I don't see how you are going to keep track of this.

I mean, I just think it is so ripe for waste, fraud, and abuse, subjective kinds of deploying of the dollars, and that it very much concerns me.

Mr. REGAN. I think the design of the program—and I am very proud of the way we have designed this program.

We have the metrics. We have the guardrails. We have carefully selected these eight entities. They are accountable to us. I think we have a ton of oversight mechanisms built in. But listen, some might consider me not as objective, which is why we are asking for the resources in the President's budget to ensure that our Inspector General feels comfortable with the actions that we are taking.

Senator CAPITO. Well, I will end there on that. I would say it is just amazing to me that the authors of the IRA wouldn't want to be more accountable to the dollars that were being spent, billions of dollars being spent in a whole new program and wouldn't have included that in their initial proposal. Thank you.

Senator MERKLEY. Thank you very much, Senator. And I think we are going to have additional five minute rounds, if you want to stay and ask any more questions. So, I am going to attempt to get through three or four questions in five minutes.

First, just to restate what I think I heard you say, under the exceptional events criteria, any error contaminants that occur from a prescribed fire will not be counted against achieving attainment.

Mr. REGAN. That is correct.

Senator MERKLEY. Thank you. Terrific. That was fast. All right. Second, in my home State is Coffin Butte landfill. In June of 2022, the EPA sent out a team to measure the methane coming out of it because of local concerns.

The inspection resulted in recording 61 leaks, including three measurements that maxed out the instrumentation that was being used at 70,000 parts per million. So, can you give me a short version of what action the EPA is taking?

This is now 23 months ago that the field inspection occurred. And if we need a longer discussion, I would like to follow up with you to make sure that there is going to be action regarding landfills like this that are out of compliance.

Mr. REGAN. Well, I will say that our enforcement arm has been very aggressive in looking at these methane leaks and opportunities here. This is one, as you said, that was discovered in 2022.

Unfortunately, it is an active enforcement situation, so I can't speak to that without betraying the confidence or the legal obligations that I have. But I can tell you that we are coordinating with the State of Oregon. It is an active case, and we are laser focused on this case.

Senator MERKLEY. Great. Because if you have a landfill that maxes out the instrumentation, which is, I think, quite rare, it probably should rise to the top of the list of places to act on.

And I will convey to the folks in Corvallis and nearby that you are on the case. Great. Thank you. I want to turn to 6PPD. This is an ingredient in tires that makes them wear longer.

But there is a fascinating study that was conducted in 2020 because scientists in Washington noticed that the Coho salmon that were returning to spawn were dying, and they tried to figure out why, and they ended up testing 2,000 chemicals in the stream and discovered they finally had a smoking gun, 6PPD.

Every time it would rain, it would flush the dust from tires into the stream and the Coho would die. We have lots of challenges on both coasts of this country for the survival of our salmon.

Last thing we needed was a chemical that wipes them out as they are spawning each time it rains. And yet, this chemical, apparently no substitute has been found to make tires wear longer. And if they wear out too fast, that can create safety issues. So, this merits a high level of attention.

And I applaud EPA for granting the TSCA application that came from the Yurok and two other tribes, because it is rare to have such a petition granted to examine a chemical. But we know how slow TSCA can be.

Given this lethal impact on salmon that are spawning, and not to mention that it has a huge impact on rainbow trout and brook trout as well, what can we do to accelerate a solution to replace 6PPD with something that works a lot better? Or works equally well for the tires but doesn't kill our salmon, brook trout, and rainbow trout.

Mr. REGAN. Yes, I am very thankful for the EPA's storm water research has helped us connect these dots. I am very excited that we were able to approve that petition as quickly as possible, and our team is moving very quickly.

We intend to publish an advance notice of proposed rulemaking under Toxic Substances Control Act (TSCA) by this fall. And so, from a regulatory standpoint, we are moving as quickly as possible. There are some, you know, mitigation efforts that we are researching to see if we can plug some of those gaps until we can take regulatory action.

But the reality is, is that this is another one of these pervasive chemicals that has been ignored for far too long. Thankfully, we have been receiving the budget resources to tackle these pervasive chemicals, and we are going to do that with this budget request as well.

Senator MERKLEY. Great. And my understanding was that that rule, that advanced rule or notice advanced rulemaking, leads to requiring the manufacturers to provide you with a lot of research data.

That is great. I hope that some of the new hires you have on will become a team to tackle this challenge, because I am afraid that the process of considering the chemical could take so many years, our salmon could be gone. They have faced so many threats. So, if there is a way to—and I know the manufacturers already have a 16 company coalition that is working to test other products.

They just haven't found one. We need a lot of understanding of this. And even if it comes close to matching, helping with the tire wear so it doesn't kill salmon, we need to figure that out and make

a transition. And I am out of my time, so I don't get to ask another question until my co-chair here steps in.

Senator MURKOWSKI. Just keep moving through them. Good questions though. And, Administrator, know that the chairman and I, we are talking about this issue and how we are seeing the potential impact in our streams and the impact to our fisheries. Obviously, an issue that we are looking at with great attention in Alaska as well.

I wanted to ask you about Superfund program next year and how you plan to ensure the long term viability of this program. I think we all agree that this is a critical program and certainly a big one within our budget request.

But in the fiscal year 2024 request, the agency proposed to heavily reduce the annual discretionary funding because of the new revenues that are coming into it. And then what we just passed partially acts on that proposal, but not to the full reduction requested. So compared to the previous budget request, the agency's request this year includes additional funding to the program.

And so, I am looking at that and thinking that this change in request level perhaps showcases a reversal in how the agency views the funding for the Superfund program over the long run. We know that the tax is bringing in, this new revenue are eventually going to expire. So, I guess this is a pretty broad question to you, but how do you view the long term funding outlook for the Superfund program?

I feel pretty strongly last year that we needed to maintain a good level of discretionary funding for the program in case the expectations on the taxes weren't achieved. So, can you share with me where you think we are with that?

Mr. REGAN. Well, thank you. And unfortunately, your predictions were right. The tax collections have been much lower the first 2 years than forecasted by the Treasury Department. And so, we saw a big gap there. In this budget, I think we are requesting \$300 million to fill that gap.

Our Superfund program, our Brownfields programs are some of our most important programs, most productive programs. And so, we have that \$300 million request in the budget this year, and we are going through a thought process of what do we need to do to ensure that the Department of Treasury and EPA are having the right conversations to understand what these projections are so that we can better prepare our budgets for the future.

Senator MURKOWSKI. Well, I appreciate that. And I was really worried last year because, you know, we were all looking for different ways that we could meet our budget. And, you know, we were really constrained.

And there were a lot that were looking at the Superfund as well now we are going to have all this new revenue coming in, so we don't need to fund it on the discretionary side. So, I think we were—we are in a good place, but I agree with you, these programs are far too important across the country, so we want to make sure that we get this right.

I raised the issue of Congressionally directed spending projects and getting them out the door to the intended communities. I don't think I mentioned any numbers in my statement, but looking just

at Alaska as an example, of the 48 fiscal year 2022 and 2023 projects that we secured for Alaska, only 15 of those have been awarded.

And so, when you think about just the process that we are dealing with, we have communities that are coming to us and saying this is absolutely highest and most significant need. We work to achieve that.

We get it. It is in law. And then, 1 year goes by and they don't see it. And the second year goes by. So, can you give me any updates on what the agency is doing to improve the processing?

And I guess what I want, Administrator, is your assurance that you are really going to make this a priority and including talking with the new acting Administrator for water to kind of sit down and figure out, all right, how do we get these funds out the door?

Mr. REGAN. Absolutely. And I would love to also just continue this conversation so that we can drill down a little bit more. I know that Congress awarded us \$7 million last year to try to help us close the gap.

With these earmarks, as you and I have discussed, these are going to applicants who just are first timers in the grant application process. So, we have tried to take that \$7 million plus other technical assistance we can provide to the applicants to submit qualified applications. Of the completed qualified applications, we are at a 99 percent approval rate.

So, we really have a deficit in terms of getting these grant in the door in a decent fashion. And so, we put our heads together to think about how to speed that up. We can do that with existing technical expertise and the \$7 million.

But I do think we need to have a more robust conversation about not just with Alaska, but how do we close this gap all across the country, given that there is a big gap in terms of those who have never applied for Federal grants, and there is a process that we have to follow to ensure that they can handle those resources.

Senator MURKOWSKI. Well, we all want to get to the same place, but I am sure you can understand the frustration from those who have been the recipients, but now they are looking at it and they are like, we are recipient in paper only. And it is not legal tender paper. It is, you win, but you don't have anything yet. So, let's work together on that. My time has expired. Thank you.

Mr. REGAN. Absolutely.

Senator MERKLEY. Thank you. Are you going to stay for another round of questions? Okay. All right, so back to landfill methane. One of the broader questions that doesn't just address Coffin Butte, the landfill that I noted in Oregon that we have lots of concerns about, is landfills more broadly, are you considering, will you consider updating the new source performance standards for landfills?

Mr. REGAN. That is something that I know has been discussed by the team. And so, what I want to do is get an update from them on where we are in that process, that discussion process, and I will be sure to circle back with you and your team on that.

Senator MERKLEY. Okay. That would be great. I keep thinking about this one landfill that I visited in Oregon, where they would run piping throughout the whole thing, and they were collecting all the methane, and then they were burning it for energy.

At least when you burn it, it makes it less lethal to the climate. Produces carbon dioxide, yes, but less toxic. But, but you are also producing energy for the grid and—but the landfills where they are just emitting massive amounts of methane that is not collected, not burned, whatever, is the worst case.

I want to turn to follow up on the point my colleague was just making because we are getting a lot of feedback, not always so polite feedback, back home on the fiscal year 2022 and 2023. In Oregon, we call them community initiated 0projects. They put forward their best ideas, we fight for them.

And so, we want to make it clear it is their priorities back home. It is not our priorities. But of the 1,225 awards that were made where people were told, yes, you are going to get your funding that you applied for the community initiative project, my understanding is only 486 extended applications have been completed.

Because they are told about this award, but then they have to go out and they have to get maybe an architect to complete the work and a construction team, and they have got to make sure they are matching funds in the State or, you know, that that box is checked. So, out of that 1,225 from fiscal year 2022 and 2023, I gather only 260 checks have gone out the door. And so, that leaves 1,000 frustrated organizations.

And maybe that is because we don't help them understand what they have to do if they get the award. And part of it is because we are doing so much infrastructure work around the country, you can't get a design team, maybe you can't get an architect, maybe you can't get an engineering estimate, maybe you can't get a construction firm to build it.

And but now we have, in addition, announcements of another 471 projects for fiscal year 2024. And so, this is all within the EPA realm. This is not—it is just the community initiated projects that—so I know it is a much more extended conversation about how we educate those who apply, how they know what they have to do quickly, how do we solve—if there is any way to solve the challenges of fulfilling all the details of the application, the full application they have to do after they have been told they have the money, because we want this to work well.

These were the community's top priorities. We want it—we get excited telling them we have gotten the money, and then this whole process gets frustrating for them. I had one community that said to me, we got \$1 million grant, great, but in the year it took us to get all the boxes checked and approved by EPA, the project increased by \$1 million.

And that obviously didn't help anyone in that particular instance. The Greenhouse Reduction Fund—oh, EPA staffing normal. That is what I wanted to turn to. So, how does your fiscal year 2025 budget increase the permanent staffing?

We know the staffing is increased from the Inflation Reduction Act and the infrastructure bill with shorter term contracts. But in terms of your permanent hires, which have decreased 20 percent over the past decade, how much repair work is done in this fiscal year 2025 budget?

Mr. REGAN. You know, it is a great—it is a good shot in the arm. I think when we look at 14,000 plus employees, and trying to get

up to that 16,000 level, you know, 10 years ago, 15 years ago, we were at 17,000 or more, and I would argue that the environment was less complex.

Now we are focused on making up lost ground for TSCA. We are looking at all of these pesticides and herbicides that we need to respond to because of the court. We are tackling things like PFAS.

And so, a significant portion of what we are asking for are permanent employees, folks who can focus on some of the bread-and-butter issues at EPA. We have been rebuilding for the last 3 years.

We have got a little bit more to go. And these resources that we have requested will help us ensure that we are doing our jobs adequately.

Senator MERKLEY. Thank you. Senator, back to you.

Senator MURKOWSKI. Thank you. Two more questions for me. Both of them not very easy, one is PFAS, and one is clean power, so. But there has been a lot of attention focused on the PFAS contamination, what we need to do.

I am pretty proud of the funding that we were able to include in the bipartisan infrastructure bill to start addressing this PFAS contamination because we recognize that we have got to address it. But I worry a lot about the impact of these national rulemakings on our very small water system providers.

I mean, they are small, you know, Administrator. You have had an opportunity to see some of them, to hear their concerns. They have not only expressed real, genuine concerns about the cost, but also the liability under the CERCLA designations, even with the enforcement discretion policy that the agency has released.

So, how do we address the very legitimate concerns that we have here? And I don't know, maybe there has been some work that has been done in the rulemaking or separately to address some of the concerns of, again, of these very small, community providers like we see in Alaska.

And it is not that anybody wants to say, well, we don't want to have good standards here. But for some, I mean, there is no option. It is like, okay, if we can't meet this and there is enforcement, and if there is enforcement, we can't pay for that, and therefore we have no water. What do we do?

Mr. REGAN. Well, and I understand exactly what you are saying. And thank you for introducing me to some of those small water utilities that I saw while I was in Alaska. I think we are very cognizant of that in terms of the way we designed the rule.

And so, I would love for our team to get together so that we can talk about some of the flexibilities that exist there. In addition to the billion dollars that we announced to help some of these smaller systems, you know, within that \$50 billion water infrastructure package for BIL, there is tens of billions of dollars that we believe can be leveraged for PFAS compliance as well.

And so, I believe that there are a number of pots of money, in addition to leveraging some of our public, private partnerships that can bring some of these water systems into compliance, that fall on the smaller scale or in that rural scale.

Senator MURKOWSKI. Well, what I would like to do is take you up on your invitation to introduce you to some of these very specific communities, share with you and your folks just the enormity and

also the steps that they have taken to try to address some of these issues, and see if we can't be a little more creative in identifying some sources of funding.

And last question to me is on the Clean Power Plan and its effects on Alaska. You again, you have spent some time there. I know that you are familiar with many of the issues that are distinct in my State, but we are facing a situation now with declining natural gas production in Cook Inlet.

Natural gas is basically that baseload that powers the entire, South Central region, all the way up to Fairbanks. And we are in a place now where our Legislature and our Governor is actively discussing with the utilities the need to import LNG from Canada in order to avoid brownouts and worse. It is a situation that is absolutely untenable, in my view, but this kind of speaks to the place that we are in right now as we are trying to integrate in additional renewables.

That is good, that is positive. But it doesn't come on soon enough and we are seeing the decline with available gas really a looming, looming threat. And so, a couple questions when it comes to the Clean Power Plan and our energy picture in that context, because under the previous rule, Alaska had an exemption to the Clean Power Plan.

And I guess the question to you is whether or not the EPA actually looked to what these rules could mean for electric generation and energy costs in Alaska, particularly given this dynamic that we are seeing.

It is like this wall coming at us. And whether or not we should be in a position where if because of the pressing urgency that we are in right now—and again, an option that is untenable, which is importing LNG from our neighbor in Canada.

If Alaska is forced into a situation like this, can EPA look to the Alaska exemption that was in place in the prior Clean Power Plan and acknowledge that it might be time again for an Alaska exemption?

This is a situation where I don't think anybody thought that our situation was so tenuous, but we are to that point. We are now to the place where the Governor is saying, we are going back to coal because we know we have got that, but we can't get the natural gas that we need, and we can't bring the renewable energy on in a manner—our transmission grid is not able to accommodate.

We have a significant grid grant that we are very thankful for, but all this is kind of years in going forward. And so, part of my question is to ask you if it is something you would consider, but it is also intended to make sure that you are aware of this very real, very looming threat that Alaska is facing in a matter of like 18 months. It is coming up like a freight train.

Mr. REGAN. No, and I appreciate you raising this. It is something that I am paying close attention to. I will say that, when you look at the rules that we just announced, that they are more so focused on existing coal and new natural gas.

So, the tenuous issues that you have raised are top of mind, and the timing is perfect because we took a step back in the proposal. We originally had existing natural gas as part of the package.

At the urging of the environmental justice community and some in the environmental community who thought we needed to take a stronger look at that, as well as the industry, we took that piece out and now that is on a separate track.

And so, the discussion you are raising now, the timing is perfect. I would like for our teams to get together and continue to have this conversation. And I commit to you that this line of thinking and the exemption that you have asked me to investigate, I will make that a priority.

Senator MURKOWSKI. Thank you. I look forward to having a visit with you and your team, and when we can make that schedule happen. Thank you, Mr. Chairman. That is the last of my questions.

Senator MERKLEY. All right. Thank you very much, Senator Murkowski. And I would like to follow up after this with a better understanding of all that we expect to be accomplished from the \$27 billion, including the \$7 billion in the Solar For All program.

I keep thinking about this project that a group in New York had called Up Rows where they were trying to work with local stores to be able to do solar canopies and then benefit from the community solar, so on and so forth.

I know there is a lot of innovative ideas, solar panels that go on to affordable housing, helping low income families in various ways and so forth. But I think it would be helpful to try to, now that those eight nonprofits have received funding and have sort of laid out a vision of what they are going to accomplish, to try to do a kind of a compiled understanding of what are we really going to get from this and would appreciate that.

ADDITIONAL COMMITTEE QUESTIONS

If there are no other statements, the hearing record will be open until the close of business on May 8th, 2024. Obviously, there are tremendous diversity of complex challenges that are on your desk, Mr. Secretary, so thank you. I know you are waking up every day trying to tackle them, and we just keep piling more issues, even as we go forward.

QUESTIONS SUBMITTED BY SENATOR CHRIS VAN HOLLEN

Question. There are many Federal agencies involved in the Chesapeake Bay clean-up process alongside the Environmental Protection Agency. USDA, for example, has provided critical resources to assist farmers in implementing conservation practices to avoid runoff. In 2009, President Obama issued Executive Order 13508 on Chesapeake Bay Protection and Restoration. That order established a Federal Leadership Committee, chaired by the EPA Administrator and including senior leadership from other relevant agencies, to ensure a coordinated cleanup.

Does the authority for the Federal Leadership Committee from the 2009 Executive Order still stand?

Answer. The Executive Order 13508 issued by President Obama has not been rescinded. The Executive Branch still has the authority and directive to convene Cabinet Members of departments and agencies that coordinate on the Chesapeake Bay Program.

Question. Whether through existing authority or by pursuing a new authority, would you be willing to explore re-starting that Federal Leadership Committee to better-coordinate Federal resources to the Bay and ensure that each agency's efforts and funding are put to the most effective use?

Answer. Yes. EPA is currently planning a meeting of this group for the fall.

QUESTIONS SUBMITTED BY SENATOR KYRSTEN SINEMA

Question. Last summer saw unprecedented energy demand in Arizona—our largest utility needed 8,200 megawatts to meet peak demand. This demand is expected to grow by 40% by the end of this decade. And this is just for one utility. Maintaining grid stability throughout the year, particularly in the summer, is for me an issue of life and death—the consequences for vulnerable and underserved populations during a summer blackout in Arizona are that high. I have concerns about how the Agency will look to regulate existing gas-fired power plants in the future as well for future discussion.

As States like Arizona continue to grow, and Federal regulations incentivize or even require greater levels of electrification our economy, what will the impacts of this new power plant rule be on grid stability and affordability? Is carbon capture and sequestration truly feasible at scale on the timeline your rule requires?

Answer. In April, EPA finalized four separate rules that reduce pollution from fossil fuel-fired power plants, protect communities from pollution and improve public health, all while supporting the long-term reliable supply of the electricity needed to power America forward. EPA has an excellent, longstanding track record of delivering public health and environmental protections while supporting grid reliability. EPA performed a sensitivity analysis of the combined effect on the power sector of the carbon pollution, air toxics, and water rules, and EPA's recent rules for the transportation sector as well as examining a high demand scenario with the power sector carbon standards rule.¹ The projections show that the EPA regulations will not adversely impact the sector's ability to meet growing demand for electricity and provide affordable electricity at the same time as it reduces pollution in accordance with these rules to protect health and the planet. After proposing the carbon pollution standards for new and existing fossil fuel-fired power plants,² we engaged extensively with balancing authorities, power companies, reliability coordinators and other key reliability authorities including the Federal Energy Regulatory Commission (FERC), and U.S. Department of Energy (DOE) to understand their concerns and address them in the final rule. We expect this engagement will continue during implementation. In this rule, we made several adjustments that will provide flexibility for the power sector and reliability authorities to continue providing reliable electricity for consumers, including adjusting key provisions like subcategories, providing additional time for certain coal-fired plants to meet their standards, articulating how States may take reliability considerations in consideration when setting standards for plants under the provision of the Clean Air Act permitting consideration of remaining useful life and other factors, and providing compliance flexibilities. Although we have confidence that the rule is consistent with supporting reliability, as an additional safeguard, we also added two reliability-related instruments. One is a "short term reliability mechanism" to address grid emergencies, such as weather-related emergencies and natural disasters. The other is a "reliability assurance mechanism" that States can use for existing coal plants that can provide additional time to units with cease operations dates, providing an extension when a documented reliability need exists, and when there is insufficient time for a State plan revision.

Experience with carbon capture and sequestration (CCS) to date has demonstrated that it is technically feasible for electric power plants, and lower costs, alongside tax incentives from the Inflation Reduction Act that allow companies to offset the cost of CCS, informed EPA's determination of what is cost reasonable for new baseload combustion turbines and for existing long-lived coal plants. The Infrastructure Investment and Jobs Act (IIJA) also known as the Bipartisan Infrastructure Law (BIL) also includes billions of dollars to advance and deploy CCS technology and infrastructure. EPA projects that the sector can comply with the standards with negligible impact on electricity prices, thanks to cost declines in CCS and the other emissions-reducing technologies that the rule relies on.

EPA's 90% capture determination for CCS is based on the experience of existing large scale utility projects and projects in other industries. Compliance based on 90% capture would not have to be met until 2032. EPA's record indicates that power plants can achieve these standards in that timeframe because 90% capture CCS is adequately demonstrated at existing plants, and because vendors are currently offering CCS technology that captures 90% of carbon emissions.

¹For details of EPA's sensitivity analyses, please see "Technical Memo—IPM Sensitivities Final" available at: <https://www.regulations.gov/document/EPA-HQ-OAR-2023-0072-8917>.

²Greenhouse Gas Standards and Guidelines for Fossil Fuel-Fired Power Plants (<https://www.epa.gov/stationary-sources-air-pollution/greenhouse-gas-standards-and-guidelines-fossil-fuel-fired-power>).

Question. Will the country have sufficient power generation and transmission capacity to reach the very ambitious targets the agency has set for light and medium-duty vehicles? A follow-up, is America's critical minerals production for batteries robust enough where we can say we aren't just outsourcing the emissions from our supply chain to adversarial nations?

On the heavy-duty vehicle-side, can you explain how you believe hydrogen technology will have scaled sufficiently, including both the production and the mass transportation of hydrogen fuel, to make the new rule feasible?

Answer. Electric utilities have historically met increases in electricity demand, and we anticipate they will continue to do so. We estimate that EV charging under the light- and medium-duty standards, combined with our projection of charging under the heavy-duty vehicle standards, will increase annual generation from the electric power sector by less than 1% in 2030, approximately 9% in 2040, and 12% in 2050. The U.S. has historically met the demand from comparable expansions of generation and transmission capacity (e.g., residential/commercial air conditioning in the 1970s-1990s; and recent expansion of generation needed to support computer data centers, cryptocurrency mining and residential/commercial expansion of heat pumps).

Regarding your question on critical minerals, there are more than enough minerals to make enough hybrid and plug-in electric vehicles to meet the standards. All cars, including internal combustion engine vehicles, require some amount of critical minerals and other materials such as structural metals, plastics, electrical conductors, electronics, and computer chips that are produced both domestically and globally. It has long been the norm that global supply chains are involved in manufacturing these products. In the past, other countries including China have invested far more than the U.S. in producing critical minerals, but the U.S. is making enormous investments in this area because these minerals are also critical to America's competitiveness in the global economy. The Biden-Harris Administration worked collaboratively with members of Congress to design policies that create incentives for new facilities—like the Thacker Pass³ lithium plant and the Redwood Materials⁴ recycling operation—to extract, process, and recycle EV battery metals and materials in the United States and ally nations, and for on-shoring EV battery production. The U.S. is also securing new mineral supply chains through free-trade partners and other countries that are economic allies of the U.S. As with almost any other product, it is not complete domestic self-sufficiency but rather a secure and diversified supply chain that will meet our needs for critical minerals.

On the heavy-duty vehicle side, hydrogen technology is a part of a modeled potential compliance pathway to reduce greenhouse gas emissions. As indicated in the rule, a diverse range of heavy-duty (HD) vehicle technologies are feasible and may be used to comply with the final standards in the rule. Fuel cell electric vehicle (FCEV) technologies powered by hydrogen are part of one potential compliance pathway, but the standards could also be met using internal combustion engines (including alternative-fueled), hybrid, and plug-in hybrid vehicle technologies, hydrogen-fueled internal combustion engine technologies, and battery electric vehicle technologies.

We evaluated a range of FCEV technology cost projections, along with retail hydrogen price projections (in coordination with the Department of Energy), which include the costs of production, distribution, storage, and dispensing of hydrogen at a fueling station. Our assessment is that early market buildout of a hydrogen refueling station network to support modest HD FCEV adoption levels in the modeled potential compliance pathway can reduce costs sufficiently to make HD FCEVs cost-competitive in the 2030 to 2032 timeframe. We are not suggesting that a full national hydrogen infrastructure network needs to be in place by 2030 or even by 2032, and specifically note that a full national hydrogen infrastructure network is not needed to accommodate the demand projected in the modeled potential compliance pathway. Rather, a phased and targeted approach can offer sufficient lead time to meet the projected HD FCEV refueling needs in the rule.

This assessment is supported by numerous provisions in the Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) designed to accelerate the deployment of zero-emission vehicles (ZEVs) and supportive infrastructure, including policies and incentives to reduce the cost of clean hydrogen production and jumpstart the hydrogen market in the United States. For example, the \$7 billion

³For additional information, please see: <https://www.energy.gov/lpo/articles/lpo-announces-conditional-commitment-lithium-americas-corp-help-finance-construction>.

⁴For additional information, please see: <https://www.energy.gov/lpo/articles/lpo-offers-conditional-commitment-redwood-materials-produce-critical-electric-vehicle>.

Regional Clean Hydrogen Hubs⁵ (H2Hubs) program is expected to catalyze over \$40 billion in additional private investment to create networks of hydrogen producers, consumers and local connective infrastructure. The U.S. currently produces and consumes about million metric tons of hydrogen annually, and the H2Hubs are projected to produce at least three million metric tons per year, which is more than enough to accommodate the 130,000 metric tons of hydrogen projected as needed annually by 2032 under the potential modeled compliance pathway.

Additionally, whole-of-government frameworks such as the U.S. National Clean Hydrogen Strategy and Roadmap⁶ and the National Zero-Emission Freight Corridor Strategy⁷ offer hydrogen infrastructure deployment timelines that are aligned with the measured approach for HD FCEVs in the rule's modeled potential compliance pathway.

Question. Those who live in Arizona, and the entire Western United States, have been impacted by increased wildfire activity in recent years.

The Maricopa County Region submitted documentation to Region 9 that demonstrated 33 ozone exceedance days in 2015–2019 have been impacted by wildfires. Of those 33 days, to date, EPA Region 9 has evaluated 19, but has concluded that only three days have a high weight of evidence that would exclude them from attainment modeling exercises. The remaining 16 days have been classified as having either low or medium weight of evidence, and EPA Region 9 would generally not recommend excluding these days from attainment modeling.

This demonstrates a fundamental difference between EPA and local air agencies perspectives on how and why ozone exceedances impacted by wildfires should be considered exceptional events and therefore excluded from attainment modeling.

It will be exceedingly difficult for the Maricopa nonattainment area to demonstrate attainment without excluding ozone exceedances impacted by wildfires. Will you commit to looking at the way EPA Region 9 considers and processes ozone exceedances impacted by wildfires and working on common sense solutions to this growing issue?

Answer. The Clean Air Act has long recognized that it may not be appropriate to use monitoring data influenced by “exceptional” events, including wildfires and prescribed fires, when making certain regulatory decisions. EPA is committed to ensuring that the process for requesting the exclusion of event-influenced data is clear and efficient, and has been engaging with State, local, and Tribal air agencies as well as developing new tools and resources to that end. In April 2024, EPA made three products available to improve and support an efficient process for demonstrating exceptional events impacting air concentrations of fine particles (PM_{2.5}). Some of these new tools can also assist in identifying event-influenced ozone data. In addition to these exceptional events implementation tools, EPA has also developed a memorandum that clarifies approaches and analyses outside of the Exceptional Events Rule that air agencies may use in certain situations to modify air quality data. Some of these approaches may be applicable to modeling scenarios. EPA will continue to offer tools and information to help support State, local, and Tribal air agencies (and their delegates) to seek exclusion of air quality monitoring data influenced by wildland fire smoke events.

Question. I appreciate all the work EPA has done to address PFAS contamination, including implementing the billions of dollars in cleanup funding from my bipartisan infrastructure law. PFAS contamination is, as you know, a major ongoing issue in my hometown of Tucson.

Regarding the Agency's recent actions under CERCLA and the Safe Drinking Water Act, I'd like to focus on liability, costs, and unintended consequences.

How exactly will EPA determine what party, or parties, are liable in places like Tucson? Will ratepayers of municipal water systems be expected to foot the bill for cleanups? Lastly, how have you worked with the FAA and DOT to ensure that these rulemakings do not conflict with Federal regulations requiring airports to have fire-fighting foam containing PFAS on-hand?

Answer. The Safe Drinking Water Act authorizes the EPA to act to protect drinking water resources where there may be an imminent and substantial endangerment. On May 29, 2024, the EPA issued a Safe Drinking Water Act Section 1431 Unilateral Administrative Order to the U.S. Air Force and the Arizona Air Na-

⁵ For additional information, please see: <https://www.energy.gov/articles/biden-harris-administration-announces-7-billion-americas-first-clean-hydrogen-hubs-driving>.

⁶ For additional information, please see: https://www.hydrogen.energy.gov/docs/hydrogenprogramlibraries/pdfs/us-national-clean-hydrogen-strategy-roadmap.pdf?sfvrsn=c425b44f_5.

⁷ For additional information, please see: <https://www.energy.gov/articles/biden-harris-administration-releases-first-ever-national-strategy-accelerate-deployment>.

tional Guard, which will focus those organizations on meeting their responsibilities for protecting drinking water supplies in Tucson, including communities with environmental justice concerns. The Order will require the U.S. Air Force to submit and implement a PFAS Water Treatment Plan to ensure PFAS levels in water are safe for use by Tucson Water, and to move forward with sampling and remediation of public and private water wells with high PFAS concentrations.

Additionally, in April 2024, the EPA finalized two critical regulatory actions under the Safe Drinking Water Act and under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that will help address PFAS contamination and protect public health, welfare, and the environment. On April 19, 2024, the EPA also released a “PFAS Enforcement Discretion and Settlement Policy Under CERCLA” (Policy) that provides direction about how the EPA will exercise its enforcement discretion under CERCLA in matters involving perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS).

The Policy does not change the EPA’s usual approach: the Agency’s CERCLA response and enforcement decisions are made on a case-by-case basis after considering the specific circumstances related to the CERCLA release at issue. Under the Policy, the EPA will focus on holding responsible entities who significantly contributed to the release of PFOA or PFOS into the environment. The EPA does not intend to pursue entities where equitable factors do not support seeking response actions or costs under CERCLA. Any CERCLA enforcement actions undertaken at a site such as the Tucson International Airport Superfund Site would be conducted by following the EPA’s usual approach, while taking into consideration the terms of the Policy.

The EPA understands challenges that users of Aqueous Film Forming Foam (AFFF) face in light of a growing body of scientific evidence that PFAS chemicals can cause adverse impacts to public health and the environment. The Federal family is working together to navigate these important

cross-Agency issues. For example, as directed by Congress in documentation accompanying the December 2022 Omnibus Spending Bill, the Federal Aviation Administration worked jointly with the Department of Defense and the EPA to develop and publish the Aircraft Firefighting Foam Transition Plan⁸ in May 2023. The plan will support airports in their transition from PFAS- containing AFFF to a new fluorine-free foam.

QUESTIONS SUBMITTED BY SENATOR JOHN HOEVEN

Question. The California Air Resources Board (CARB) has a request pending at the EPA to allow enforcement of a new California rule that will impose significant financial and operational burdens on rail transportation, not just in California, but nationally as well.

Concerning provisions of CARB’s new rule include the banning of certain locomotives from operating in California starting in 2030, and imposing a requirement that locomotives utilize zero- emissions technologies that are not commercially available.

A large coalition of local, State and national agricultural stakeholders recently wrote to EPA stating that the CARB rule poses a significant danger to U.S agriculture and the broader supply chain.

Will you fully consider each of the comments filed to ensure that any final decision is legally sound and mindful of impacts on the Nation’s supply chains?

Answer. EPA has received an authorization request from CARB for its “In-Use Locomotive Regulation.” The Clean Air Act sets forth both the administrative process for such authorization requests as well the criteria that EPA must consider in evaluating the request. EPA conducted a public hearing and written comment period that is now closed. EPA is now evaluating the comments received in order to reach an appropriate decision based on the Clean Air Act criteria.

Question. Pesticides are an essential tool for many growers in North Dakota and across the country, protecting crops from pests and enabling conservation practices such as no-till and low- till.

Unfortunately, there are misconceptions about pesticides that run counter to EPA’s scientific findings on the safety of these crop protection tools.

For one such product, glyphosate, EPA has concluded that “there are no risks of concern to human health when glyphosate is used in accordance with its current label.”

⁸For additional information, please see: https://www.faa.gov/sites/faa.gov/files/FAA_Aircraft_F3_Transition_Plan_2023.pdf.

Given the European Commission recently approved the use of glyphosate for a 10-year period, through December 2033, does EPA continue to stand by its scientific finding that the product can be used safely?

Answer. EPA's conclusion on the carcinogenic potential of glyphosate is consistent with the overwhelming consensus by the scientific community, including an external peer review by the 2016 EPA Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) Scientific Advisory Panel (SAP), as well as international regulatory authorities and organizations, including the

Canadian Pest Management Regulatory Agency, the Australian Pesticide and Veterinary Medicines Authority, the European Food Safety Authority, the European Chemicals Agency, the German Federal Institute for Occupational Safety and Health, the Joint FAO/WHO Meeting on Pesticide Residues, the New Zealand Environmental Protection Authority, and the Food Safety Commission of Japan.

Glyphosate is currently undergoing a reevaluation process called registration review. The law requires EPA to conduct registration review for existing pesticides, like glyphosate, at least every 15 years, to ensure that as science evolves and new information becomes available, pesticides on the market continue to meet the appropriate safety standard.

In December 2017, as part of glyphosate's ongoing registration review, EPA conducted a comprehensive human health risk assessment of glyphosate that considered hazard and exposure data, including any registrant-generated studies and any relevant information from the open literature (i.e., publicly available studies). EPA's risk assessment process combines hazard, dose-response, and exposure assessments to describe the overall risk from glyphosate. EPA's independent evaluation of the available scientific data for glyphosate found no risks of concern to human health when used in accordance with the current label instructions and concluded that glyphosate is "not likely to be carcinogenic" to humans.

As part of the cancer evaluation for registration review, EPA completed a fit-for-purpose systematic review to identify relevant and appropriate studies with the potential to inform the human carcinogenic potential of glyphosate. This included an in-depth review of all relevant animal carcinogenicity and genotoxicity studies for the active ingredient glyphosate, as well as epidemiological studies that investigated potential cancer outcomes, including non-Hodgkin lymphoma (NHL), from using pesticide products containing glyphosate. Details of EPA's systematic review, studies identified on NHL, and EPA's evaluation of these studies can be found in the Revised Glyphosate Issue Paper: Evaluation of Carcinogenic Potential. This included consideration of analyses of glyphosate uses and cancer incidence in the Agricultural Health Study (AHS) cohort (Andreotti et al. 2018) that were published after the SAP. The AHS is the largest, best-designed, high quality epidemiological study available for glyphosate and did not find any association between glyphosate exposure and NHL.

As part of the Agency's response to comments received on the proposed interim decision (PID) to support registration review, EPA evaluated two additional review articles involving NHL meta-analyses that were published in 2019—Zhang et al. and Leon et al.—and that review is available online.⁹ Meta-analysis is a statistical tool used to combine data from several studies. The studies summarized and used in the meta-analysis by Zhang et al. were all considered in EPA's evaluation of carcinogenic potential; however, EPA identified methodological deficiencies in those studies. In particular, the meta-analysis by Zhang et al. did not properly incorporate the more recent data from Andreotti et al. (2018) for the AHS cohort. The Agency performed its own supplemental analysis to properly incorporate the AHS cohort data and found a lower non-statistically significant meta-risk ratio than that reported by Zhang et al. Leon et al. performed a pooled analysis of NHL in agricultural cohorts from France, Norway, and the United States (the AHS cohort) and did not find statistically significant associations between glyphosate exposure and overall NHL malignancies or any NHL subtypes.

In February 2020, after receiving and considering public comments on the PID, EPA published the interim registration review decision for glyphosate. On March 20, 2020, this ID was challenged in the U.S. Court of Appeals for the Ninth Circuit. Petitioners challenged EPA's analysis of human health and ecological risk, the weighing of risks against the benefits of glyphosate, and the interim risk mitigation measures, and they alleged that EPA violated the Endangered Species Act (ESA). In a June 2022 decision, the Ninth Circuit vacated the human health portion of the glyphosate interim decision and remanded to EPA for further analysis and explanation, remanded without vacatur the ecological portion, and imposed an October

⁹For additional information, please see: <https://www.epa.gov/sites/default/files/2020-01/documents/glyphosate-epidemiological-review-zhang-leon-proposed-interim-decision.pdf>.

1, 2022, deadline for EPA to issue a new ecological portion. In September 2022, EPA withdrew the glyphosate interim decision, primarily because the Agency could not meet the October 1, 2022, deadline imposed by the court.

EPA's underlying scientific findings regarding glyphosate, including its finding that glyphosate is not likely to be carcinogenic to humans, remain the same. In accordance with the court's decision, the Agency intends to revisit and better explain and clarify the findings from its evaluation of the carcinogenic potential of glyphosate and to consider whether to do so for other aspects of its human health analysis. EPA intends to address the issues in the ecological portion of the interim decision that were identified by the court petition and respond to an administrative petition regarding glyphosate before issuing a final registration review decision.

QUESTIONS SUBMITTED BY SENATOR KATIE BRITT

Question. EPA recently employed its SAGE model. The model demonstrated a large uptick in investment. How does EPA generally understand its regulations driving large investments?

Answer. The regulatory impact analysis (RIA) accompanying the final New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units and Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units employed the SAGE model to estimate the economy-wide effects of the final rules. As noted in the RIA, EPA found that the final rules are expected to accelerate investments in the electricity sector, leading to an expected economy-wide net increase in aggregate investment in 2026 and 2031 (0.09% and 0.13%, respectively).

This increased capital investment is a result of the expected compliance pathway for the electricity sector. This increased investment represents both new investment and accelerated investment that is now expected to occur earlier than it would have absent the final rules, as reflected by a small decrease in expected economy-wide investment in 2036 and 2041. The magnitude and pattern of expected shifts in economy-wide investment in response to regulatory actions is case-specific and depends on the expected compliance pathways and the expected baseline investments in the regulated sector.

Question. The FY 2023 appropriation for PRIA-related activities represented an \$11 million increase above the FY 2022 appropriation—an increase of approximately 8.5%. In addition, PRIA 5, signed into law in December 2022, increased industry maintenance fees and registration service fees by 30%.

The FY 2024 appropriation represents a decrease of roughly \$6 million below the FY 2023 funding level. However, during FY 2023, despite additional resources there were not significant improvements in late decisions by the agency. Despite having the most resources in over 10 years, staffing still fell during this period.

Answer. The FY 2024 President's Budget requested \$170.6 million dollars from Congress for the pesticides program. When PRIA 5 was enacted, Congress specified a \$166 million-dollar minimum appropriations level to trigger fee collections. Congress provided approximately \$133 million dollars or \$38 million dollars less than the Presidential budget request, \$33 million dollars below the "minimum appropriations level" set by Congress, and a reduction of over \$6 million compared to what was appropriated in FY 2023.

FY 2024 also included a civilian pay raise, which further reduces available non-pay resources available compared to FY 2023. The reduction means that EPA may need to slow hiring in the Office of Pesticide Programs (OPP), cut contract support, or a combination of the two. Additionally, the FY 2024 PRIA fee collections are much lower than expected (by about \$6 million dollars) leaving OPP with even fewer resources.

In addition to a likely hiring freeze, OPP will likely need to slow their efforts to modernize our work like digital labelling, automating internal workflows, and implementing a streamlined platform for submitting and managing applications—all of which would help speed up pesticide reviews. These reductions in funding could delay pesticide actions an estimated 6–12 months.

Question. How many net staff were added during FY 2023 with the additional resources available to the agency?

Answer. The Office of Pesticides Program (OPP) added 14 (14) additional positions with the additional resources within the Environmental Programs and Management (EPM) appropriation.

Question. What is the average time required to hire a new Office of Pesticide Programs staff person from the time the position is advertised to their first day on the job? How does this compare within other EPA divisions?

Answer. In FY2023, for OPP it took an average of 78 days to hire a new staff person. The Office of Pollution Prevention and Toxics (OPPT) (a separate office within EPA's Office of Chemical Safety and Pollution Prevention (OCSPP)) takes an average of 98 days to hire a new staff person. Other EPA divisions, on average, take 101 days to hire a new staff person. The reduction in funding to EPA's HR Office may result in longer overall hiring times.

Question. It has been characterized that the \$6 million funding decrease represents a 30 FTE loss to the agency. How many vacancies existed when the FY 2023 appropriations act was signed into law on December 29, 2022? How many exist today?

Answer. The \$6 million funding decrease does represent a 30 full-time equivalents (FTE) loss to the agency in that an FTE costs approximately \$200,000 per year for full compensation and benefits. However, in implementing the budget reductions, EPA prioritized funding FTE which instead put pressure on program contract funding. In FY 2024, OPP had an operating plan reduction of 10 (10) FTE to help offset the reductions in the FY 2024 appropriation bill.

At the end of FY 2023, OPP had 14 (14) vacancies. OPP currently has 20 (20) vacancies.

Question. What investments is EPA making in IT or artificial intelligence to make the registration process more efficient?

Answer. EPA continues to implement a workflow IT system within Salesforce platform to modernize and improve registration processes. However, the pace of implementation will be decreased due to funding with some projects delayed for 6 months or more.

Question. What progress has EPA made in issuing a competitive bid for an independent third-party assessment of the Agency's workforce processes and performance?

Answer. An existing EPA contract has been identified and we are drafting the statement of work, independent government cost estimate, and market research to ensure the existing contract can provide the services we need for our workforce process and performance. We anticipate having the contract in place sometime in FY 2025.

Question. PRIA requires that EPA publish an annual report in late January. EPA still has not issued the 2023 PRIA annual report. What is the status of this report?

Answer. The report was issued May 17, 2024, and can be found at <https://www.epa.gov/pria-fees/implementing-pesticide-registration-improvement-act-2022-pria-5-fiscal-year-2023>.

Question. Per EPA, scrap metal that is not excluded under 40 CFR section 261.4(a)(13) is not subject to Resource Conservation and Recovery Act (RCRA) hazardous waste regulation when recycled. Rather, it is a valuable product that propels our domestic circular economy.

The State of California's Department of Toxic Substances Control (DTSC) has been using ad hoc enforcement to advance its own view that scrap metal must be managed as hazardous waste during recycling operations.

—Does EPA view DTSC's actions treating scrap metal as hazardous waste in conflict with Federal RCRA?

—Does EPA view permitting DTSC to regulate scrap metal as hazardous waste as setting a precedent that will result in scrap metal bypassing recycling operations?

Answer. Under RCRA Subtitle C, EPA may authorize States to implement their own hazardous waste programs in lieu of the Federal program. California has an authorized state RCRA program. EPA recently responded to a petition for Corrective Action or Withdrawal of Program Approval for California's RCRA Hazardous Waste Program. The response addresses the petitioners' concerns regarding California's regulation of material the petitioners characterize as "scrap metal." As described in the response, "scrap metal" is a defined term. Whether a material truly qualifies as scrap metal is a technical and fact-specific inquiry, and EPA has no basis to believe California is regulating materials in a way that is not in keeping with the Federal (or authorized state) regulations. But in any event, as the response explains, state RCRA programs may impose requirements that are more stringent or broader in scope than the Federal program. As a result, EPA has no basis to believe that DTSC's actions conflict with RCRA. The response (attached) addresses your first question in further detail.

With respect to setting a precedent about scrap metal recycling, EPA does not view its response to the petition as precedential because it does not reflect any new

principles. Rather, it determines that the petition did not demonstrate that California's actions are inconsistent with either its authorized program or the Federal program. Moreover, EPA did not "permit" DTSC to regulate scrap metal in any particular way; States are free to impose solid and hazardous waste requirements that are more stringent and broader in scope than the Federal program. The RCRA regulations do have a consistency requirement in 40 CFR 271.4. However, the requirement is particularly concerned with State programs that would prevent the movement of hazardous waste across state lines, and RCRA does not require uniformity among State programs. Such an interpretation of consistency would be inconsistent with RCRA and EPA's regulations.

Question. How is EPA ensuring that Waste Emissions Charge calculation methods are equitable across a variety of oil and gas production areas with widely varying operating characteristics?

Answer. Congress directed EPA to collect a Waste Emissions Charge on waste emissions of methane from applicable facilities that exceed statutory thresholds. Congress established separate thresholds for different industry segments; Congress did not establish separate thresholds based on operating characteristics or geographic location within those industry segments. EPA has engaged extensively with stakeholders, including producers, and will continue that engagement as we implement the Waste Emissions Charge. The charge incentivizes oil and gas companies to deploy available technologies and best practices to reduce harmful and wasteful oil and gas emissions. The proposed rule implements the specific requirements for calculating the Waste Emissions Charge, including flexibilities such as netting and exemptions, that were established by Congress in sections 136(c)-(g) of the Clean Air Act.

Congress also directed EPA to revise its greenhouse gas reporting requirements to ensure that the Waste Emissions Charge is based on empirical data, and that the reporting accurately reflects total methane emissions from the applicable facilities.

Question. EPA recently finalized Greenhouse Gas Reporting Program (GHGRP) requirements for the petroleum and natural gas sector. EPA will reportedly solicit input on the use of advanced measurement data and methods included in the revised methane rule to consider future rulemaking for the use of these technologies beyond that already included in the rule, and pledged to conduct engagements to learn about technological advances for measurement and detection technologies, and their appropriateness for use in regulatory reporting programs. Did EPA understand the existing technologies enough to issue a rulemaking?

EPA's final rule also does not allow for companies to use real-world monitoring and compliance data when calculating their emissions. Does EPA have a concern that companies will stop paying for costly monitoring since monitoring and stopping emissions except in the case of large events will not impact their Waste Emissions Charge?

Answer. EPA's recent final rule updating and strengthening the Greenhouse Gas Reporting Program (GHGRP) requirements for the petroleum and natural gas sector, a key component of the IRA's Methane Emissions Reduction Program, will significantly improve the accuracy, transparency, and accountability of methane emissions reporting from oil and gas facilities, including by incorporating advanced measurement data collected by satellites and other advanced technologies for the first time. These final revisions to Subpart W will also inform EPA's congressionally directed mandate to implement a Waste Emissions Charge on methane emissions from large oil and gas facilities found to be high-emitting and wasteful. Together with over \$1 billion in financial and technical assistance to support methane monitoring and accelerate the transition to technologies that reduce methane emissions, EPA's actions will advance the adoption of clean, cost-effective technologies, reduce wasteful practices, and yield significant economic and environmental benefits.

The final subpart W rule allows owners and operators of oil and gas facilities to utilize advanced measurement technologies to quantify emissions from large release events not otherwise covered by EPA's Greenhouse Gas Reporting Program requirements. In addition, the final subpart W rule requires owners and operators to quantify emissions associated with super-emitter events that are reported to EPA through the Super-Emitter Program finalized as part of EPA's new Clean Air Act rule for new and existing oil and gas facilities. These provisions of subpart W reflect EPA's review of a variety of advanced measurement approaches that utilize information from satellite, aerial, drone, vehicle, and stationary platforms to detect and/or quantify methane emissions from petroleum and natural gas systems at different spatial and temporal scales. Advanced technologies have been a focus for research and emission monitoring strategies, and several technologies have progressed in recent years to provide valuable CH₄ emission data. The spatial and temporal resolu-

tion of emission estimates varies widely, however, depending on the technology and platform. Given current detection limits and the uncertainty associated with advanced technologies, our analysis in the final subpart W rule is that advanced measurement methods based on remote sensing or continuous monitoring systems are currently appropriate for contributing to the quantification of emissions from other large release events. As the technologies continue to improve, we will evaluate whether and how remote sensing approaches could be used to estimate annual emissions from other sources under subpart W.

The final rule also adds new calculation methods, including expanding the available options that use advanced technologies or other direct measurement or survey methods, to allow owners and operators to submit empirical emissions data. The inclusion of additional measurement and survey options is expected to incentivize the use of monitoring data.

For example, facilities may choose to install continuous flow monitoring devices on natural gas supply lines dedicated to pneumatic devices and if installed, would use the measurement to calculate emissions. In the final rule, reporters also have the option to use advanced technologies to develop destruction and combustion efficiencies different than the default values when they elect to use an alternative test method that has been approved under 40 CFR 60.5412b(d) of NSPS OOOOb.

We expect that the availability of additional calculation methods will incentivize the use of monitoring data to calculate emissions and help incentivize the deployment of new technology meant to reduce emissions.

Question. EPA's methane emissions proposals introduces the term "substantive errors" but the definition of such errors is overly vague to the point that even the smallest of errors which do not impact the Waste Emissions Charge would trigger a revision. Has EPA considered a materiality threshold?

Answer. The EPA's proposed Waste Emissions Charge Rule was developed to implement the Congressional directive to impose and collect a charge on methane emissions from oil and gas operations that meet statutorily defined criteria. The EPA proposed to define a "substantive error" for the purposes of the Waste Emissions Charge Rule as any error in reporting that impacts the ability to accurately calculate the Waste Emissions Charge. This proposed definition parallels the established definition of "substantive error" in the Greenhouse Gas Reporting Program at 40 CFR 98.3(h)(3). The EPA is reviewing comments on the proposed rule, including on the proposed reporting requirements, and will consider them in the development of the final rule.

Question. In the EPA's Proposed Rule on Effluent Limitation Guidelines for Meat and Poultry Products, the agency admits that some meat and poultry processing companies may have to close plants if the rule is implemented as draft. These forced closures and resulting reductions in production will have negative impacts not only on the country's food supply and food costs, but will also result in economic harm to farmers, growers, and producers due to overall lack of demand for their crops and animals. This proposed rule seems to directly contradict this Administration's goal to create a more resilient meat and poultry supply chain. How has EPA modeled and considered how agriculture producers, food supply, and consumer prices will be each be impacted by this rule?

Answer. The EPA considered how agriculture producers, food supply, and consumer prices will be impacted by this rule by examining the effects of the proposed rule on the National markets for beef, pork, chicken, and turkey. The EPA modeled the impact by developing supply and demand equations for each meat product market based on the pre-regulatory conditions and then estimated how each market would change if the proposed rule were to go into effect. The EPA looked at the potential effect of regulatory compliance cost on facility cash flow. Based on that, the EPA estimated that 16 facilities would incur negative cash flows, where they might decide to close. However, facilities may also choose to continue operating, and change their production operation and model, pay less for the livestock, or charge more to the retailers to address the possible negative cash flow. Also, these facilities, because they are treating their wastewater first, may pay less to the wastewater treatment plant receiving the cleaner wastewater, and this potential cost savings was not incorporated into the model.

Under the EPA's analysis for its preferred option, only 0.4% of the total universe of 3,897 discharging meat and poultry products facilities may consider closing. The EPA's preferred option would be considered economically achievable under any reasonable measure of impacts. Even under the two more extensive options in the proposed rule, projected possible closures are no more than 1.4% of the universe of discharging facilities. In light of the Administration's goal to create a more resilient meat and poultry supply chain, the EPA structured all three options to avoid undue

financial stress on the industry as a whole and expressed a preference in the proposal for option 1.

Question. Several technologies and chemical treatments that EPA highlights in the recent proposed rule on Effluent Limitation Guidelines (ELG) for Meat and Poultry Processors will result in the increased production of solids. If solids cannot be land applied (either because of the composition of the material or lack of available sites), the solids must be disposed of via landfill or other expensive and less environmentally friendly options. How has EPA modeled this displacement and environmental harms resulting from this rule?

Answer. EPA modelled the net incremental increases in solid waste generation for the meat and poultry products ELG Proposed Rule, which are estimated between 384,000 and 1,210,000 tons per year. To account for the generation of these solids, the EPA included capital and operation and maintenance cost for solids handling equipment, and solids disposal at a landfill associated with the incremental increases in solid waste generation.

SUBCOMMITTEE RECESS

Senator MERKLEY. So, appreciate your service. The hearing is adjourned.

Mr. REGAN. Thank you.

Senator MERKLEY. [Whereupon, at 4:01 p.m., Wednesday, May 1, and the subcommittee recessed, to reconvene at a time subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

WEDNESDAY, MAY 8, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met, pursuant to notice, at 10:30 a.m. in Room SD-138, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Murray, Reed, Van Hollen, Peters, Murkowski, Hoeven, Fischer, and Britt.

DEPARTMENT OF THE INTERIOR

STATEMENT OF HON. DEB HAALAND, SECRETARY

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Good morning. And welcome to the Interior Environment Appropriations Subcommittee hearing on the fiscal year 2025 President's Budget for the Department of the Interior.

Secretary Haaland, thank you so much for being here today, along with your team members.

In 2023, we had the hottest day, the hottest month, the hottest year in recorded human history. There is no doubt that climate chaos is wreaking havoc on our land, our wildlife, our own health. In my home state of Oregon, as temperatures have steadily climbed, the average snowpack in the Cascades has fallen by 20 feet in the last 90 years.

This means there is less snow melt running down to our streams and rivers, devastating trout and salmon populations, less water for our ranchers and our farmers, and continuing drought cycle after drought cycle without relief. Wildfire season is starting early and ending later each year, the fires becoming more extreme.

Secretary Haaland, you and President Biden have made fighting climate change, or as I like to call it "climate chaos", a cornerstone of the administration. I have pushed the administration to be even more aggressive, to work faster on rulemakings, and leasing decisions, and other actions, to address this challenge. And I will keep making that advocacy, since climate chaos is such a great threat to all of us.

But we shouldn't lose sight of how far the administration has come, making a number of decisions, you and your team, the hard work you have been putting in, digging out from dangerous poli-

cies, and catching up on a long to-do list. Congratulations on finalizing the Bureau of Land Management's Public Lands Conservation Rule. In essence, this rule formalizes what should have always been the case, that conservation is a valuable contribution and related to public land leasing, and as valuable and important as other uses, such as Energy Development and Recreation.

For too long, public lands leasing has really only asked the question, to lease or not to lease, to drill, or mine, but this new rule puts conservation on an equal footing so public lands can be dedicated to restoring and protecting habitats, to fighting invasive species, and to improving the health and climate resilience of ecosystems and landscapes.

Just one of the challenges of climate chaos is the growing extinction crisis, like the dramatic disappearance of the western monarchs and other native pollinators over the last decade, largely caused by the combination of habitat loss, pesticides, pollution, and invasive species. The loss of pollinators threatens to damage entire ecosystems and could devastate significant sectors of our agricultural economy.

Secretary Haaland, thank you for your efforts to work with me to create the Center for Pollinator Conservation, a one-stop shop of ideas to help stakeholders promote collaboration, and provide solutions to the stressors driving pollinator decline. I want to continue to work with you and the Department so we can save and strengthen our pollinator populations.

Turning to other issues in my home state, thank you to the Bureau of Indian Affairs Team in the Northwest Region for progress on the In-Lieu and Treaty Fishing Access Sites; Congress set aside these sites for tribal fishers whose traditional fishing grounds were lost to dam construction. The sites have a number of features, access roads, boat ramps, and fish cleaning tables.

I visited these sites, and was really horrified by the lack of maintenance and facilities. So I was very pleased that we provided \$9 million over the past two fiscal years to improve these sites, including \$2.6 million to clean up the sites and improve infrastructure on the ground and in the water. And I am pleased with the quick progress that you all have made to make these safer, and cleaner, and more usable to tribal members.

As you know, I have been asking questions about the process for offshore wind projects in Oregon. In March, our Oregon Governor, Governor Kotek, signed a bill to set the framework for an offshore wind roadmap, including stakeholder engagement with tribes, with fishermen, and coastal communities. I am encouraged by that public engagement, and I hope to work with the Department and the State to move forward with that engagement to make sure we get this right, what we call the Oregon Way, doing a transparent, honest conversation with existing stakeholders to work out win-win solutions.

Thank you, also, for taking leadership of the Columbia River Basin Restoration Initiative. I can't tell you, and I know you understand how important salmon is to the tribal communities of the Northwest. This work will not only restore salmon but bolster resiliency and stability of the surrounding communities, the ecosystem as a whole, and the economic vitality of the region. It is a huge un-

dertaking, given the \$1 billion in new Federal investments, and it requires sustained commitment from this administration and from Congress across multiple agencies and jurisdictions.

I know there is a lot of work to do to complete this initiative, but I wanted to acknowledge the work that your team has done, underscore the confidence I have in your Department and the administration to see this vision through.

Turning to the budget request: In fiscal year 2024, the first-round of budget caps imposed damaging cuts on important programs in the Interior Department. I was concerned about the budget caps in the Fiscal Responsibility Act because I thought they were irresponsible.

As you work to manage your Department, you must be seeing not only immediate and painful impacts on staffing, but also on missed opportunities, missed opportunities to increase investment in reducing the loads of hazardous fuels that feed catastrophic wildfires. In my town halls where I go, open town hall in all 36 of our counties, I hear time and time again about, why can't we do more to make the forest more fire resilient, because loads of burnable materials have built up over time, and the very long, very dry, hot summers make this an enormous challenge, if we don't do more forest management.

Another missed opportunity is increased strides in research and science that leads to better decisionmaking in protecting our lands, waters, and wildlife, to better meet our trust and treaty responsibilities by increasing support for tribal communities, and to more aggressively fight climate chaos.

We also miss the opportunity to properly staff our national parks and other public lands as the summer season approaches. I am pleased to see that in the fiscal year 2025 Budget Request of \$16.3 billion, it addresses some of the damage done by the caps in fiscal year 2024. The request also makes modest increases for critical priorities such as tribal communities, education, public lands, wildfire staff increases, and critical conservation initiatives.

I support these efforts. In fact, I would probably like to go further than the request proposes, because I feel that the situation we are in is not sufficient to respond to the climate crisis, the extinction crisis, the chronic funding gaps in Indian Country, and other threats to our land and water. We must work to make sure that the fiscal year 2025 budget caps are increased so that we can start again to do our jobs as appropriators and address these overlooked, underfunded needs.

Thank you for your dedication, Secretary Haaland, to the people and to the mission of the Interior Department.

I now turn to our Ranking Member Murkowski from Alaska, for her comments.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. And appreciate you being here, Madam Secretary. We had an opportunity briefly to see one another last week at an AFN Reception where I think it was good to note the progress that has been made with murdered missing indigenous women, and persons, and recognizing that May

5th was a day to acknowledge some of that progress. So I thank you for that.

I also saw you last week at the Energy and Natural Resources Committee. That was probably a much less pleasant time for you. You certainly heard my frustration about the Department's continued targeting of resources and resource development specifically in my home state of Alaska.

To kind of share with colleagues, if you are interested, I am just going to recount one day, and it was not a good day. But it was one day out of many. It was April 19th when the State of Alaska was targeted with three separate releases, three separate declarations out of the administration. The Department closed 13 million acres of our petroleum reserve. The Department rejected the Ambler Access Project, which is guaranteed by law. And the Department issued a major land plan that failed to lift public land orders that was directed by a law, that I wrote 20 years ago. For 20 years, we have been trying to advance this.

But this day, April 19th, where there were three measures that came out of the administration that just kind of laid Alaska to its knees, these are on top of dozens of others that have effectively worked to limit Alaska's opportunity when it comes to our resources. The term that I have used and others have picked up is that Alaska is being sanctioned by this administration more heavily than they say sanctioned regimes in places like Iran or Venezuela.

When President Carter signed Alaska National Interest Lands Conservation Act (ANILCA) in 1980, he promised in that that 100 percent of Alaska's offshore and 95 percent of our onshore would be open to responsible development. And Alaskans accepted that. We accepted that in good faith in exchange for tens of millions of acres that were placed in Federal conservation status. And so, just as we did in our Statehood Act, we assumed that we would have access to the lands that had been granted that we had selected.

And so the irony is not lost on me, that President Biden, who voted for ANILCA, is now turning his back on what was a very carefully balanced effort, and is part of Alaska's foundational laws, and instead he is cutting off vast swaths of our state to score points with the environmental community in the name of, quote, "Protecting 30 percent of America's lands by 2030". And more immediately, I think, an effort to court voters.

But in the meantime, Alaskans are left asking themselves, they are saying: Why? What is it? Alaska doesn't need to be protected from Alaskans. This is an area that we treasure, we love. It is our home. Alaskan Native people, as you well know, Madam Secretary, have been stewards of the land since time immemorial. We recognize the development is not appropriate in all places, and then when we do seek to develop, we don't ask for very much.

The Coastal Plain; the Coastal Plan, the agreement in the law that was passed, the 2017 Tax Cut and Jobs Act, agreed to access to 2,000 surface acres. It is one-10,000th of all of ANWR, one-10,000th, we describe it by way of a postage stamp. We describe it in ways that people recognize the extraordinarily small footprint. So when I look at that, and it is like: How is that for balance? Because effectively you have get Alaska that gets one part, and the

Federal Government gets 9,999. That doesn't seem like balance, but that was what we were asking for, not too much, and then where we have developed, our development, our environmental record, I will contend is second to none.

And yet somehow, our record, our excellent record hasn't resulted in the trust that we deserve, but instead an even stronger effort to take more away. And that is a mistake. It is just absolutely, absolutely a mistake. There is so much that we have to offer in terms of energy, in terms of the minerals that we need to produce the clean energy. But it seems like the administration just does not care.

Never mind that shutting down Alaska undermines the administration's own policies. Never mind that this enables authoritarian regimes, human rights abuses, environmental devastation in other nations. It just seems that the administration would rather export environmental injustice abroad, than develop our own resources to help our own people.

So today, I see a Department that ignores the law with regards to Ambler, with regards to our petroleum reserve, with regards to our land management plans, our coastal plain, and the prioritization of conservation above all else. Even when it seems that you have the opportunity to do the right thing, you fail in it.

A few months ago, I wrote language right here in this committee that directed you, Madam Secretary, to go back and consult with the Alaskan Natives on the North Slope before finalizing the NPRA Rule. If the Department have done that, if you had actually done that, you would have learned that those who live there, they didn't support that rule. You would know that they don't want Interior to protect them from the economic development that has done more to increase their life expectancies than anything else has.

But you ignore the direction, and them, and the law, and Alaska's Congressional Delegation, and the Alaska's State Legislature, and you issued a bad Rule.

And so I asked you last week to give some thought to what justifies this administration's treatment of Alaska. Why are we treated like one big national park and wildlife refuge, instead of a state that has balanced the need for development and the desire for conservation? Because that is what we try to do every single day, but when one end of that bargain is lost, the whole thing is lost. It took decades to settle Alaska lands matters but less than 4 years for this Administration to just turn everything on its head.

So I hope that you are ready to answer my questions today, because right now I am in a position, I am in a place where it is really hard for me to discuss the budget request. All I can think of is if Interior is going to use its funding to make these kinds of decisions that penalize my state in this way. Then, I feel like what we need to be doing here is looking for ways to cut the Department's budget until the Department gets the point and returns to following the law and the balance that is reflected within it.

So I am going to have a whole series of questions this morning, Mr. Chairman. And hopefully we can get some answers to some of the things that I have raised. Thank you.

Senator MERKLEY. Well, thank you very much, Senator. And this is a great opportunity to ask those questions.

We are going to now have five-minute rounds for questions, and I will ask everyone to not ask a question after your five minutes has expired. We will give the Secretary the ability to continue responding, and that way we will hopefully get through folks and have round two, round three, round four, and if I violate this myself, you feel free to gavel me down.

[Laughter.]

Senator MERKLEY. And can we put five minutes on the clock?

Well, first we have to hear your testimony. We are just so eager to get into our questions.

[Laughter.]

SUMMARY STATEMENT OF HON. DEB HAALAND

Secretary HAALAND. And as eager as I am to hear your questions. Thank you for giving me time for my oral statement.

Chair Merkley, Ranking Member Murkowski, and Members of the Subcommittee, thank you for the opportunity to testify in support of Interior's fiscal year 2025 Budget Request.

I appreciate all of the support the subcommittee, and your staff, have consistently shown the Department of the Interior. I have especially enjoyed visiting many of your home states; every trip informs my understanding of the issues important to the American people, the impact of the work that we do, and how our budget can support those interests.

Our 2025 budget total is \$18 billion in current authority. Of that amount, \$16.4 billion is within the jurisdiction of the Interior Appropriations Subcommittee. First, I want to highlight several important proposals: permanent pay legislation and reforms for our Wildland Fire workforce, mandatory funding for future Indian Water Rights Settlements, and reclassifying Contract Support Costs, and leasing payments to tribes from discretionary to mandatory funding starting in fiscal year 2026.

This administration has made a steadfast commitment to strengthen government-to-government relationships with Tribal Nations. We are doing so, thanks to significant investments from Congress, which are helping address the deficiencies that decades of underfunding have created. I am grateful to the Members of this Subcommittee for working on a bipartisan basis to champion tribal priorities.

With a total request of \$4.6 billion for Indian Affairs programs, this budget will address complex and difficult challenges such as the Missing and Murdered Indigenous People's Crisis, the legacy and continuing impacts of Federal Indian Boarding School policies, and Native language revitalization.

Public safety continues to be a top priority for tribal leaders across the country. The budget includes \$651 million to support critical public safety needs across all of Indian Country. We also request \$1.5 billion for Indian education programs, with strong investments in the day-to-day operations of schools. This funding is critical as we prepare the next generation of indigenous Americans to lead their communities.

Turning to wildland fire, we continue to see the devastating impacts fires are having across the country. I want to thank this subcommittee for your bipartisan support for extending supplemental

fire pay for another year. The 2025 budget invests in reforms, including \$75 million to support permanent pay increases for Federal and tribal wildland firefighters.

Stewardship of our natural resources is a core mission for us. Interior manages about 20 percent of American America's lands and is responsible for protection and recovery of more than 2,300 endangered and threatened species. Our request includes \$2.8 billion in annual funding for conservation efforts that support key initiatives, such as wildlife corridors, and implementing the National Seed Strategy.

I am proud of the proposal of \$8 million for a mandatory funded Tribal Land Acquisition Program, a top priority of Tribes, as part of our implementation of the Land and Water Conservation Fund Program. This proposal honors the role Tribes play as stewards of the land, and will help ensure they have the resources to ensure healthy lands for future generations.

The 2025 budget invests \$189 million to continue the progress we have made in deploying clean energy, building a resilient domestic-based supply chain, and creating thousands of good-paying jobs. The demand for renewable energy has never been greater, and Interior is leading the way to a clean energy future.

Regarding infrastructure, our request includes \$2.7 billion to fund operations and maintenance for more than 130,000 buildings and structures, and 65,000 miles of public roads. In addition, there is \$1.6 billion in mandatory funding available in 2025 through the Great American Outdoors Act (GAOA) Legacy Restoration Fund. We are currently executing 326 GAOA-funded projects, with 83 additional projects requested for 2025.

We cannot address our major maintenance needs through annual appropriations alone. I look forward to working with Congress to reauthorize the GAOA Legacy Restoration Fund.

Overall, the President's budget request for Interior invests in programs to strengthen our Nation for all Americans. This great work would not be possible without the dedication of career public servants at Interior.

I look forward to our continued work together on these important issues. Thank you for your partnership and support for the important work at the Department and its incredible employees.

I am pleased that Denise Flanagan, Joan Mooney, and myself, will be here to answer any questions that you have.

[The statement follows:]

PREPARED STATEMENT OF HON. DEB HAALAND

Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee, thank you for the opportunity to testify in support of the Interior Department's Fiscal Year 2025 Budget Request.

It is an honor and privilege for me to be here with you today to speak on behalf of the President's 2025 Budget for the Department of the Interior. I value and appreciate the tradition Interior has had working together with this subcommittee to accomplish great things for the American people. Interior Appropriations plays a vital role in the success of our agency. I look forward to working with the Members of this subcommittee this year in continued collaboration to address some of our country's most pressing challenges.

As the steward of 20 percent of America's lands, the DOI serves critical roles for the Nation. Interior's programs are important to the Nation's economy: generating jobs, supporting local economic growth, building resilience to the changing climate, and managing important natural and cultural resources. Interior is also charged

with unique responsibilities to fulfill the Nation's Trust and other obligations to American Indians, Alaska Natives, Native Hawaiians and the Insular Areas. In addition, Interior's scientists and technical experts provide actionable science and monitoring data people depend on to prepare for and respond to natural hazards, drought, and wildland fires.

The Department's 2025 budget totals \$18.0 billion in current authority (\$17.8 billion in net discretionary authority)-an increase of \$575.9 million, or 3 percent, from the 2024 continuing resolution (CR) level. An additional \$360.0 million is accessible through a budget cap adjustment for wildfire suppression to ensure funds are available in the event the regular annual appropriation is inadequate to meet suppression needs. The budget also includes an estimated \$14.8 billion in permanent funding available in 2025.

Within the requested increase for 2025, \$206.0 million is needed to cover fixed-cost increases, such as rent and Federal salary adjustments, to maintain Interior's core operations carried out by more than 68,000 people living and working in every corner of the country. The 2025 request also includes \$412.2 million needed to keep pace with 2024 fixed costs that are not included in the 2024 CR base.

The 2025 President's Budget also allocates important mandatory funding available in 2025 through the Great American Outdoors Act (GAOA). This includes \$1.6 billion for deferred maintenance projects through the Legacy Restoration Fund (LRF) in the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), and Bureau of Indian Education (BIE) and \$681.9 million in mandatory funding for Interior's Land and Water Conservation Fund (LWCF) programs. Interior's 2025 allocation for LWCF includes \$313.0 million for voluntary Federal land acquisition projects and programs, \$8.0 million for a new Tribal LWCF land acquisition program, and \$360.8 million for grant programs. An additional \$117.9 million is estimated to be available for State LWCF grants in FY 2025 from offshore oil and gas revenue in the Gulf of Mexico.

2025 LEGISLATIVE PROPOSALS

The 2025 budget request includes the following legislative proposals and technical budgetary adjustments.

Wildland Firefighting Workforce-The 2025 President's Budget provides funding increases to advance wildland firefighter workforce reform initiatives first proposed in the 2024 budget. The cornerstone of these long-term reforms is a permanent increase in pay, as provided for in the pay reform legislation transmitted to Congress in March 2023. This legislation will establish a special base rate salary table for wildland firefighters, create a new premium pay category that provides additional compensation for all hours a wildland fire responder is mobilized on an incident, and establish a streamlined pay cap that includes waiver authority to the Secretary on the basis of specific criteria. The budget includes funding for these Federal pay reforms and similar pay increases for Tribal personnel. These proposals build upon the historic reforms in the BIL to ensure wildland fire personnel receive the enhanced support they need to meet evolving mission demands from the increasing frequency and intensity of catastrophic wildfires, which are expected to continue due to climate change.

Indian Water Rights Settlements-The budget proposes \$2.8 billion in mandatory funding over 10 years to expand the Indian Water Rights Settlement Completion Fund to cover the costs of enacted and future water rights settlements and provide for ongoing operations and maintenance costs associated with enacted water settlements managed by the Bureau of Reclamation.

Providing a stable, dedicated funding source for Indian water rights settlements helps to ensure these commitments are honored and Tribal communities have safe, reliable water supplies to support public and environmental health and economic opportunity.

Transfer Authority for Implementation of BIL Projects-The 2025 budget continues to propose appropriations language to expand authority for Federal agencies to transfer funds provided under the Bipartisan Infrastructure Law (BIL) to FWS to accelerate and improve Endangered Species Act consultations in support of responsible development of priority infrastructure projects and energy solutions.

Tribal Contract Support Costs-Contract Support Costs funding is a critical Tribal sovereignty payment enabling Tribes to assume responsibility for operating Federal programs by covering the costs to administer the programs. The budget proposes to reclassify Tribal Contract Support Costs from discretionary to mandatory funding beginning in 2026 and requests discretionary funding in 2025 to fully cover estimated requirements.

Payments for Tribal Leases-Section 105(l) of the Indian Self-Determination and Education Assistance Act provides that Tribes and Tribal organizations carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with the Department of the Interior for the tribally owned or rented facility used to carry out those functions. This critical Tribal sovereignty payment is allowing Indian Affairs to get Tribes closer to meeting the full cost of program implementation and improve their facilities. The 2025 budget proposes to reclassify funding for 105(l) lease agreement requirements from discretionary to mandatory funding beginning in 2026 and requests discretionary funding in 2025 to fully cover estimated requirements.

Land and Water Conservation Fund Program for Tribes-The budget proposes language that will allocate \$8.0 million of mandatory LWCF funding to establish a Tribal LWCF program in the Office of the Secretary account. The program will be managed by the Bureau of Indian Affairs to award funding for Tribal land acquisition proposals that meet the criteria of the Land and Water Conservation Fund to advance conservation and recreation opportunities. This program will, for the first time, provide Tribes direct access to participate in LWCF without relying on partners- an important advancement supporting Tribal Self-Determination.

STRENGTHENING TRIBAL NATIONS

This Administration has made a steadfast commitment to honor our Nation's Tribal trust responsibilities and strengthen government-to-government relationships with Tribal Nations. This budget maintains that commitment to support and expand this work with a total request of \$4.6 billion for Indian Affairs programs. Through initiatives addressing complex and difficult challenges, such as addressing the legacy of the Federal Indian Boarding Schools, meeting the need for native language revitalization, and coordinating Federal efforts to address Missing and Murdered Indigenous People, this Administration's commitment to respect the sovereignty of Tribal Nations and address long-standing disparities is unprecedented.

HONORING TRIBAL SOVEREIGNTY

The 2025 budget makes significant investments in Tribal sovereignty and revitalization, providing new and expanded funding opportunities and resources for Tribes to manage their lands and waters. Interior's efforts to strengthen Tribal sovereignty extend across the Department and with other Federal partners. For example, the Department held Tribal consultation sessions with the USDA, with the participation of NOAA, in which participants consistently pointed to the adverse impacts the changing climate is having on Alaska Native communities and subsistence practices, and they emphasized the need to expand Tribal co-management partnerships and incorporate Indigenous knowledge into subsistence management. Subsistence practices are vital to the lifeways of Alaska Native communities and people. Alaska Native people depend heavily on subsistence practices for their nutritional, social, economic, and traditional cultural needs. The budget includes increases in FWS and NPS to support resource management associated with Alaska Native subsistence. The Department is working to implement the FY 2024 Congressional direction transferring the Office of Subsistence Management from FWS to the Office of the Secretary.

In late 2023, I hosted the 12th and final session of the "The Road to Healing" tour, a year-long commitment to travel across the country to allow survivors of the Federal Indian boarding school system the opportunity to share their stories and help connect communities with trauma-informed support. During the "Road to Healing" Listening Sessions, one of the most significant Tribal concerns expressed was the devastating impact boarding school policies have had on the retention of Native languages in their communities. To address those concerns, the 2025 budget includes \$18.0 million, an increase of \$11.5 million from the 2024 CR amount, to expand BIA grant awards for Tribal Native language revitalization programs that are imperative to restore generational continuity and Tribal culture and strengthen Tribal sovereignty.

The 2025 budget maintains the Administration's strong commitment to fully fund Tribal Contract Support Costs and Tribal 105 (l) lease costs, which compensate Tribes for the cost of administering programs on behalf of the Federal Government, and for the use of tribally owned space for the operation of Government-owned services. The budget continues to propose to reclassify these required costs as mandatory funding starting in FY 2026 and, for FY 2025, proposes discretionary funding to fully fund requirements in the budget year: an estimated \$426.2 million for Contract Support Costs and \$120.0 million for Tribal 105(l) Lease Costs.

INVESTING IN TRIBAL COMMUNITIES

The budget includes \$2.9 billion for Bureau of Indian Affairs programs, \$344.8 million above the 2024 CR level. The 2025 BIA budget contains significant investments in Tribal communities, including \$73.1 million for the Tiwahe Initiative, \$28.6 million above the 2024 CR level. Under Tiwahe, funding assists Tribes at selected sites to implement a tribally driven approach to deliver essential services more effectively and efficiently. The initiative facilitates collaboration within Tribal communities—which can help to leverage resources, share expertise, reduce duplication, and exchange information about families’ needs—to formulate the most responsive approach to provide service. Since 2015, the Tiwahe Initiative has focused primarily on promoting family stability through several Human Services programs. The Department’s 2025 budget further expands Tiwahe in Social Services, Indian Child Welfare Act, Housing, and Tribal Justice Support programs.

The budget includes \$50.1 million, \$10.9 million above the 2024 CR level, to address another long-standing Tribal priority to improve road maintenance. Poor road conditions directly affect the quality of life in many Tribal communities, limiting transportation for public safety and emergency response, travel to school, and travel to work. This additional investment increases maintenance for an additional 5,000 miles of BIA roads. Funding will also increase bridge maintenance and safety reviews of 250 bridges to inform prioritization, project selection, and planning to better implement construction funding available through the Bipartisan Infrastructure Law (BIL). The estimated deferred maintenance backlog for BIA roads and bridges is nearly \$400 million. BIA’s budget includes additional investments in Tribal communities in areas such as Tribal climate resilience, social services, housing, and land consolidation.

Public safety continues to be a top priority for Tribal leaders across the country. The elevated level of concern is coupled with emerging needs to expand services to address the *McGirt v. Oklahoma* decision and the needs of 31 Tribes that are eligible for but do not receive BIA public safety and justice funding. The budget includes \$651.2 million in Tribal Public Safety and Justice funding, a net total change of \$71.5 million above the 2024 CR level, to support critical public safety needs in Indian Country. The request provides additional resources to help meet Tribal needs in policing, detention, and Tribal courts. A \$41.9 million program increase is included for Criminal Investigations and Police Services; of that amount, \$33.5 million is specifically targeted to increase the number of officers and investigators on the ground in Indian Country. The budget also includes a \$20.1 million increase for Detention and Corrections programs and maintains public safety and justice construction funding at the FY 2024 CR level of \$51.6 million.

ADVANCING INDIAN EDUCATION

Indian Education programs are funded in the 2025 budget at \$1.5 billion, \$119.5 million above the 2024 CR level, to provide a strong educational foundation for Native children to succeed. Native students face stark inequities in access to education, many of which were highlighted and exacerbated by the pandemic. To help address the gap, the budget invests in the day-to-day operations of BIE-funded elementary and secondary schools. The budget includes \$518.1 million, an increase of \$36.5 million above the 2024 CR level, for Indian Student Equalization Program formula funds, which provide the primary support for academic activities in the classroom, instructional services, and teacher training, recruitment, and retention. The budget includes resources to operate and maintain BIE-funded schools and fully funds the estimated \$100.7 million required for Tribal Grant Support costs, which cover the administration costs for Tribes that choose to operate BIE-funded schools. The 2025 budget also features \$7.5 million for Native language immersion programs at BIE schools.

The budget includes \$191.1 million for postsecondary schools and programs—including Haskell Indian Nations University and Southwestern Indian Polytechnic Institute, Tribal colleges, universities, and technical colleges—and expanded Tribal scholarships and adult education programs.

At \$310.2 million in the 2025 budget, annual funding for Education Construction is \$42.3 million above the 2024 CR level. The 2025 budget also continues efforts to address BIE-funded school facilities in poor condition and the deferred maintenance backlog in the BIE school system, which totals more than 180 schools. The budget includes \$162.6 million, \$8.1 million above the 2024 CR level, for facilities operations and maintenance. An additional \$95.0 million in mandatory funding for BIE school construction through the GAOA Legacy Restoration Fund is available in 2025 to support projects at two school campuses. Together, this funding will allow BIE

to replace four schools in 2025 and address cost increases at schools funded in prior years.

MEETING FINANCIAL TRIBAL TRUST RESPONSIBILITIES

The 2025 budget includes \$111.3 million, level with the 2024 CR amount, to support Tribal and Individual Indian Money financial functions managed by the Bureau of Trust Funds Administration (BTFA). BTFA was established within the Office of the Assistant Secretary- Indian Affairs in 2020 to house the ongoing financial trust management functions established through trust reforms carried out by the Office of the Special Trustee for American Indians.

BTFA currently serves as the financial manager for more than \$8 billion of Indian Trust Funds and provides services for 4,200 Tribal accounts and roughly 411,000 Individual Indian Money accounts. Thank you for providing full recognition of BTFA as a bureau in the FY 2024 Enacted Appropriation which will allow the organization to focus on its mission of serving Indian Country.

ADDRESSING CLIMATE CHALLENGES AND BUILDING RESILIENCE

Across America, communities are enduring historic and catastrophic flooding, wildfires, extreme heat, drought, and more, and longer-term changes in temperature are affecting ecosystems and the economies that depend on them. The impacts of climate change are intensifying, disrupting lives and livelihoods, and causing billions of dollars in damages. Together with agencies across the Federal Government, States, Tribes, and other partners, Interior is working to address the immediate and long-term needs driven by the changing climate. Catastrophic fire, flood, and drought events are increasingly top-of-mind considerations for Interior's resource managers. These events demand immediate attention and resources, but long-term success requires work to build climate resilience. The 2025 budget reflects Interior's important role in the all-of- government approach to tackling climate change and building long-term resilience. The budget invests \$5.5 billion in climate adaptation and resilience efforts to address these important challenges.

WILDLAND FIRE MANAGEMENT

The devastating consequences of severe wildfires continue to affect communities and wildland firefighters across the country. The National Interagency Coordination Center reports that more than 56,000 wildfires occurred across the United States in 2023, burning nearly 2.7 million acres. Climate change-driven, long-term trends continue, with increasing wildfire occurrence, burned area, and high-severity incidents expected in 2025 and beyond, with impacts ranging from direct loss of life and property to health, economic, and ecosystem impacts. For 2025, the President's Budget expands the Nation's response to wildfire impacts beyond the near term, investing in longer-term actions to restore wildfire resilience, rehabilitate burned areas, and increase the workforce capacity and capability to manage wildland fires.

The 2025 budget request for the Department's Wildland Fire Management (WFM) programs is \$1.6 billion, including \$1.3 billion for WFM annual appropriations and \$360.0 million for the Wildfire Suppression Operations Reserve Fund. The request for the WFM account includes \$831.8 million in emergency designated appropriations (also referred to as shifted base). The total request is an increase of \$206.7 million, and an estimated 61 Federal full-time equivalents (FTEs) and 7 Tribal FTE, a funding increase of 14.4 percent above the 2024 CR level. The request includes \$75.0 million to support permanent pay increases for Federal and Tribal wildland firefighters and an increase of \$39.8 million above the 2024 CR level.

The 2025 budget continues to press for implementation of permanent, comprehensive pay reform for Federal wildland firefighters at Interior and the U.S. Department of Agriculture (USDA).

Enacting pay reform is essential to meet the challenges posed by longer and more intense wildfire seasons to ensure stable firefighter recruitment and retention. The long-term reforms are supported by funding requested to implement a permanent pay increase to replace the temporary pay increases provided in the BIL and continued in the 2024 Enacted Appropriation.

Complementing these pay reforms are investments to enhance health services, hire additional permanent and temporary wildland firefighters to increase capacity, and improve government housing. These investments will help address long-standing recruitment and retention challenges, attend to firefighter mental health and well-being, increase the Department's capacity to complete critical risk mitigation and post-fire recovery work, and further the Administration's commitment to build a more resilient wildland firefighting workforce as the frequency and intensity of catastrophic wildfires continue to increase due to climate change.

The 2025 budget continues to reflect the important role proactive fuels management plays in wildland fire management to reduce the intensity, severity, and negative effects of wildfire and improve the resiliency of public and Tribal lands. The budget includes \$287.6 million for Fuels Management, which maintains program capacity at the 2024 CR level and includes a program increase of \$25.0 million to cover the program's share of the increased cost of the permanent firefighter pay reform. Combined with funding provided in the BIL for fuels management, the Department expects to treat 1.8 million acres in 2025.

The 2025 budget also proposes appropriations language to increase Interior's flexibility to engage in cross-boundary fuels management and burned area rehabilitation work, including on non-Federal lands if the work benefits resources on Federal lands. These changes will address gaps and uncertainties in current authority and support implementation of the National Cohesive Wildland Fire Management Strategy. Among other benefits, these changes will support underserved communities that may be unable to share the costs for work that also benefits Federal jurisdictions.

The budget for Wildland Fire includes \$15.0 million for Facilities Construction and Maintenance, \$5.0 million above the 2024 CR level, which includes \$10.0 million to repair, renovate, and construct housing for wildland fire personnel. These funds will significantly help address the problem of inadequate or unaffordable housing facing many wildland firefighters working in certain geographic locations. The budget will further improve wildland fire management by establishing a Joint Office for Wildfire Science and Technology with the U.S. Forest Service. The budget includes \$2.5 million in Interior's Preparedness program and \$2.5 million in the U.S. Forest Service budget to support joint efforts leading to the development, deployment, and sustainment of technology, science, and data to be used to improve safety, effectiveness, and cost efficiency across the Wildland Fire Management program.

DROUGHT AND ONGOING WATER CHALLENGES

Severe and sustained drought conditions across the West are forcing difficult challenges and choices to manage available water supplies. Limited water availability and increased wildland fire risk pose significant threats and challenges for communities, agriculture, Tribes, and ecosystems. Interior is bringing every resource to bear to help mitigate the impacts of drought and bolster long-term solutions supporting continued conservation and economic growth, so no community is left behind.

The 2025 President's Budget for the Bureau of Reclamation, funded through the Energy and Water Development subcommittee, complements the transformative investments in water infrastructure, drought mitigation, and domestic water supply projects now underway through funding from the BIL and the IRA. The 2025 budget includes \$1.5 billion for Reclamation's water programs and projects, sustaining a strong commitment to drought mitigation in the Bureau's annual appropriations. Funding in the request will help to ensure communities across the West have access to a resilient and reliable water supply by investing in rural water projects, water conservation, desalination technology development, and water recycling and reuse projects. The budget provides funding to address the ongoing drought affecting water systems across the West, including along the Colorado River System, which is near historically low levels.

In the past 3 years, Interior has allocated \$2.43 billion available through the BIL to address Indian water rights settlements enacted by Congress as of November 15, 2021. Indian reserved water rights are vested property rights for which the United States has a trust responsibility.

Settlement of Indian water rights disputes helps create conditions that improve water resource management and provides certainty as to the rights of all water users who are parties to the disputes. Honoring those commitments promptly is especially important to the health, safety, and empowerment of Tribal communities.

In addition to these previous investments, the budget provides \$181.0 million in the Bureau of Reclamation to support the White Mountain Apache Tribe's water settlement agreement within the settlement's statutory completion deadline. The budget also includes \$45.0 million in the Bureau of Indian Affairs to support payments authorized in the Hualapai Tribe Water Rights Settlement Act of 2022.

The Administration proposes legislation to expand the Indian Water Rights Settlement Completion Fund. This proposal will provide \$2.8 billion in mandatory funding over 10 years to help ensure commitments are honored on existing, newly enacted, and anticipated Indian Water Rights Settlements. Included in this total is

\$340.0 million in mandatory funding for operations and maintenance costs associated with currently enacted Bureau of Reclamation funded settlement projects.

The U.S. Geological Survey (USGS) also works with partners to deliver water predictions and drought risk assessment tools that support the mitigation of and response to prolonged drought. USGS has supported extensive partner engagement throughout the Colorado River Basin with science to identify and begin to understand the cascading effects of drought on ecosystems and socioeconomic factors; improve partners' access to science, data, and tools; and improve the understanding of gains and losses of water as it moves from one Colorado River reservoir to another. Predictions and assessments along with other fundamental information on how drought drives physical, biological, and chemical landscape change are used to evaluate watershed conditions on multiple-use public lands, the status of fish and wildlife species, drought impacts on rangeland management, and plans and investments for infrastructure, conservation, and restoration projects. In FY 2025, USGS will invest an additional \$7.0 million to support these efforts to address the critical issues facing our Nation due to drought.

BUILDING RESILIENT COMMUNITIES

The impacts of climate change on communities across the Nation have focused more attention on the need to strengthen resilience to these changes through short-term disaster preparedness and long-term planning and infrastructure investments. Interior programs advance these efforts in many ways through proactive investments leveraging science and critical monitoring networks.

USGS manages the Groundwater and Streamflow Information Program, which maintains a nationwide network of streamflow and water level information collected from more than 31,000 sites. The budget includes \$121.4 million for this program, \$6.8 million above the 2024 CR level. Network information is available online to help States, Tribes, natural resource managers, scientists, and emergency managers across the country to monitor for floods and drought and forecast water availability for crops and natural resource management.

The USGS Ecosystem Change Research Program analyzes and synthesizes the effects of environment, land use, and climate changes on ecosystems to inform natural resource management policy and decisions including those concerning wildfires and drought and collaborates with Tribal partners to assess climate impacts on Tribal lands and waters.

As part of the USGS Coastal and Marine Hazards programs, researchers use on-the-ground field work, high-resolution data, and modeling to help communities understand and respond to changes in coastal landscapes. Federal, Tribal, State, and local entities around the country use USGS data to inform coastal management and strategic planning. Some organizations use this science to plan evacuation notices, inform city planning, and construct storm-resistant infrastructure. Others use USGS habitat assessments and decision-support tools to restore coastal ecosystems and develop infrastructure that can help buffer future storm damage and coastal erosion. The budget includes \$49.2 million for the Coastal and Marine Hazards program, \$6.0 million above the 2024 CR level.

The 2025 budget includes \$48.8 million, \$13.8 million above the 2024 CR level, in the Bureau of Indian Affairs (BIA) for Interior's Tribal Climate Resilience program to support Tribes in climate resilience planning, assessment, and adaptation activities. The program also funds planning and design work for Tribal communities evaluating the need for or pursuing climate-related relocation. This annually funded program complements the Voluntary Community-Driven Relocation program, led by Interior, and made possible with investments from the BIL and the IRA, with additional support for relocation from the Federal Emergency Management Agency and the Denali Commission. This initiative is helping Tribal communities severely affected by climate-related environmental threats take the next step in the process of relocating crucial community infrastructure away from imminent threats.

The Office of Insular Affairs budget includes \$118.3 million for Assistance to Territories to support basic services in the Insular Areas and targeted investments related to climate change. These investments include \$15.5 million to promote renewable energy and strengthen grid infrastructure in the Insular Areas and \$2.8 million for work related to coral reef ecosystems and other natural resource needs. Funding in 2025 for Assistance to Territories includes total increases of \$4.0 million for important investments needed to maintain ongoing support for conservation and climate resilience in the Insular Areas. These increases are offset by a reduction of \$6.0 million reflecting the discontinuation of support for the discretionary funded Compact Impact program. Compact Impact is addressed in the recently enacted COFA legislation.

HEALTHY PUBLIC LANDS, WATERS, AND WILDLIFE

Interior manages more than 480 million acres of lands across the United States and is responsible for the protection and recovery of 2,367 endangered and threatened species. Interior leads as an active partner in ongoing efforts to understand and mitigate climate impacts on natural resources, promote biodiversity, and ensure these valuable assets remain available for the public to experience and enjoy. Natural resource conservation, restoration, recovery, and adaptive management are a fundamental part of Interior's mission across the agency. Interior's conservation and adaptive management work relies heavily on partnerships and interagency collaboration to leverage information and resources. The 2025 budget includes roughly \$2.8 billion in annual funding for conservation efforts, including critical work for restoration and improvements supporting healthier lands, waters, ecosystems, and their resident species.

The 2025 budget includes targeted investments aimed at protecting biodiversity; restoring fish, wildlife, and their habitats; and halting nature loss. The request includes \$2.0 billion for natural resource programs in NPS, BLM, and FWS. This funding supports Interior's core mission activities and at the same time supports the objectives of the America the Beautiful initiative to advance conservation efforts that are locally led, collaborative and inclusive, honor Tribal sovereignty, and follow science.

The FWS budget invests \$602.3 million in the National Wildlife Refuge System to maintain and operate 571 national refuge areas across the country. Each unit of the refuge system is established to target conservation of native species dependent on its lands and water, and all activities on those lands are reviewed for compatibility with this purpose. The budget includes \$280.4 million for Wildlife and Habitat Management activities in the National refuge areas, an increase of \$19.9 million above the 2024 CR amount.

The budget also includes \$942.5 million, an increase of \$37.9 million from the 2024 CR level, for FWS species and habitat conservation; restoration and recovery of species; migratory bird programs; fish and aquatic conservation; and international conservation programs. Many of these programs support collaborative partnerships leveraging the support of a wide range of partners, including sportspeople, local communities, private landowners, and Tribes. The budget includes \$68.1 million for the Partners for Fish and Wildlife Program, \$7.8 million above the 2024 CR level, to further support voluntary conservation on private lands—a key focus of the America the Beautiful initiative. The FWS budget also includes \$17.6 million for the Migratory Bird Joint Ventures program, \$0.8 million above the 2024 CR amount, to continue collaborations with a multitude of partners to ensure the migratory pathways of our Nation's birds remain connected and support sustainable populations.

A primary responsibility of the National Park Service is to conserve and protect the natural and cultural resources and values at 429 park units, 25 trails, and 66 wild and scenic rivers. NPS natural resource stewardship activities support active management, research, and projects to conserve, protect, and better understand park natural resources. NPS is managing invasive plants and animals, restoring disturbed ecosystems, and addressing the resiliency of park resources to climate changes to conserve iconic natural resources and enhance the visitor experience. NPS develops best management practices and applies science to understand the risks to park resources from environmental hazards, identifies specific factors that affect park resources and park investments. National Park lands are also venues to collaborate with partners and the public on this important work. The budget includes \$431.0 million for natural and cultural resource stewardship activities across the National parks, \$11.3 million above the 2024 CR level.

The Bureau of Land Management's (BLM) National Conservation Lands (NCL) system of national monuments and national conservation areas comprise nearly 37 million acres. The NCL system was created to recognize and help protect the outstanding value of these unique places, which are some of BLM's most popular and heavily visited sites. The 2025 budget includes \$54.6 million, \$4.0 million above the 2024 CR level, to maintain and operate these areas on behalf of the public. The funds support the management and operation of the NCL sites to protect and conserve these special places and address the impacts of stressors, such as high recreational use, invasive species, and climate change. BLM and its volunteers provide key visitor services and interpretive programs at areas with the highest visitation to offer the American people exceptional areas for recreation. The budget includes \$61.5 million, \$5.9 million above the 2024 CR level, for recreation management activities across BLM. That amount includes increased funding to implement the MAPLand Act (Modernizing Access to Our Public Land Act) to improve geospatial data about and facilitate access to BLM-managed public lands.

Interior bureaus often work collaboratively to address cross-cutting resource stewardship challenges. A long-standing example of this approach is Interior's ongoing support to enhance wildlife migration corridors and habitat connectivity to help ensure fish and wildlife have the freedom to move and migrate, as areas are increasingly fragmented by roads, fences, and other barriers. Since 2018, Interior has worked in partnership with 11 Western States, a wide diversity of nongovernmental organizations, and Western Tribes to support projects to better understand migration routes, remove barriers to migrating wildlife, and improve habitat conditions on public and private lands. The budget includes \$12.0 million for migration corridor activities in the FWS, BLM, NPS, and the USGS to help leverage public-private partnership efforts to protect pronghorn, elk, mule deer, and other iconic species across the West. As part of this work, USGS has led development of the coproduced science needed to manage migration corridors. Because of the widely acknowledged value of this work and the recognition of increasing threats to Western landscapes, the 2025 USGS budget includes \$3.9 million to support this work, a program increase of \$3.5 million above the 2024 CR level.

Interior plays a leadership role in implementing the National Seed Strategy (NSS) to support ecosystem restoration by addressing the increasing demand for native seed that outpaces the supply. The NSS provides a framework for coordination across Federal agencies and other partners and cooperators to build an adequate supply of native seeds. The 2025 budget includes \$27.2 million, \$4.3 million above the 2024 CR level, across BLM, FWS, and BIA to implement the NSS as part of Interior's core operations. This investment is consistent with congressional direction to "supply native plant materials for emergency stabilization and longer-term rehabilitation" and will strengthen broader restoration efforts by helping to reduce suppliers' uncertainty of demand for seed, increase the availability of stock seeds, and increase knowledge sharing.

CREATING JOBS AND MEETING ENERGY AND ENVIRONMENTAL CHALLENGES

Interior's programs create jobs and spur economic growth in a variety of areas—energy and minerals, recreation and tourism, irrigation and other water-related activities, grants and payments, and infrastructure investment. Enactment of the Great American Outdoors Act, the BIL, and the IRA have and will continue to significantly expand Interior's contributions to America's economic and job growth. A DOI analysis completed in 2023 found that investments from three BIL-funded programs alone—Abandoned Mine Lands; Orphaned Well Plugging, Remediation, and Reclamation; and Water Resources—support on average 17,669 jobs and generate \$2.0 billion for the U.S. economy each year. The 2025 budget maintains a consistent strategy to emphasize investments that create jobs and better position the country to be more competitive worldwide.

DEVELOPING A ROBUST CLEAN ENERGY ECONOMY

The 2025 budget continues to advance the Administration's clean energy goals. Interior has made significant progress to stand up clean energy projects on public lands and establish a strong offshore wind energy program, which will create good-paying union jobs and help the transition to a decarbonized economy.

At the start of 2024, two U.S. offshore wind energy sites announced the first delivery of electricity to the grid from projects off New England and Montauk, NY. This event came on the heels of Interior's announcement at the end of 2023 that the Nation's sixth commercial offshore wind energy project had been approved and a new offshore wind lease sale was proposed in the Central Atlantic. Four offshore wind-lease auctions have taken place during this Administration, which have brought in almost \$5.5 billion in high bids. BOEM has also advanced the process to explore additional opportunities for offshore wind energy development, including in the Gulf of Maine and Gulf of Mexico and offshore the U.S. Central Atlantic and Oregon coasts. Also this year, the Bureau of Safety and Environmental Enforcement (BSEE) stood up a regulatory and enforcement program for this new offshore industry. BSEE is also preparing a regulatory update to ensure safe development and operation of offshore wind facilities.

In 2023, the Bureau of Land Management approved 10 wind, solar, and geothermal projects that, when built, will power millions of homes across the West. The Administration also made significant progress clearing the way for key transmission lines crossing federally managed lands and celebrated the groundbreakings of the TransWest Express Transmission Project (Wyoming), the Ten West Link (Arizona and California), and the SunZia Transmission Project (New Mexico, Arizona, and California).

BLM is processing more than three dozen utility-scale onshore clean energy projects proposed on public lands-including solar, wind, and geothermal projects-and the interconnected generation tie lines vital for connecting clean energy projects on non-Federal land to transmission lines. These projects have the combined potential to add more than 22 gigawatts of renewable energy to the Western electric grid.

Overall, the budget includes \$189.3 million, \$35.3 million above the 2024 CR level, to continue the Administration's progress in deploying clean energy, spurring economic development, and creating thousands of good-paying jobs. Funding supports the leasing, planning, and permitting of solar, wind, and geothermal energy projects and associated transmission infrastructure that will help mitigate the impacts of climate change and support the Administration's goal of deploying 30 gigawatts of offshore wind capacity by 2030 and 25 gigawatts of clean energy capacity on public lands by 2025.

The 2025 budget includes \$53.1 million for BLM's onshore renewable energy program, \$12.1 million above the 2024 CR level. The request will help build staffing capacity at BLM's Renewable Energy Coordination Offices and accelerate planning and permitting to accommodate increased demand and workload. BLM also plans to undertake market and technology trend analysis; enhance engagement with States, counties, and Tribes; and work to adopt a regional approach to permitting and environmental reviews.

The 2025 budget includes \$52.0 million for BOEM's Renewable Energy program, a \$9.2 million increase above the 2024 CR level. This request includes funding to continue to support permitting for projects proposed on existing leases and activities associated with Interior's current Offshore Wind Leasing Path Forward 2021–2025. The budget includes \$21.7 million within BOEM's Environmental Programs for studies that inform clean energy decisions, an increase of \$1.7 million, which includes additional funding for environmental reviews associated with offshore renewable energy projects.

The budget for BSEE includes \$12.6 million to continue work in support of offshore renewable energy deployment. BSEE anticipates receiving more than 40,000 wind engineering, construction, and other technical reports for review through the end of FY 2025. The bureau is working closely with BOEM to implement the framework needed to ensure offshore renewable energy projects are constructed and operated safely and responsibly.

CONVENTIONAL ENERGY

The budget for BOEM provides \$67.5 million for conventional energy programs, approximately \$6.0 million above the 2024 CR level, to support Outer Continental Shelf planning, leasing, and oversight. This work includes inventorying oil and gas reserves, overseeing ongoing activities, ensuring adequate financial assurances for decommissioning liability and risk management, implementing the 2024–2029 National OCS Oil and Gas Leasing Program, reviewing and administering oil and gas exploration and development plans and geological and geophysical permits, and conducting economic analyses, environmental studies, and resource evaluation.

Decisions pertaining to conventional energy activities also receive support from the Environmental Programs funding.

The 2025 budget for BSEE includes \$213.0 million that supports conventional energy program work. This funding supports OCS permit application reviews, regulation and standard development for offshore activities, verification and enforcement of operator compliance with all applicable environmental laws and regulations, technical reviews of planned operations and emerging technologies to properly identify and mitigate risks, an annual inspection program that includes risk-based inspections, and incident investigations. Within this funding, BSEE will continue to strengthen its technical workforce to keep pace with an evolving industry with increasingly complex deepwater operations. BSEE's budget also includes \$12.0 million to fund the decommissioning of orphaned offshore oil and gas infrastructure. This funding, along with funding from other sources, will be used to address the most immediate and urgent well, pipeline, and platform decommissioning needs to help reduce the risk of pollution.

Included in the 2025 budget is \$115.8 million for BLM's Oil and Gas Management program, an increase of \$3.0 million from the 2024 CR level. The BLM budget also includes \$51.0 million for Oil and Gas Inspection Activities and proposes to offset the cost of this program through onshore inspection fees.

The 2025 budget continues to support onshore and offshore carbon sequestration activities. The BIL provides authority to the Secretary of the Interior to grant a lease, easement, or right-of-way on the Outer Continental Shelf for activities that "provide for, support, or are directly related to the injection of a carbon dioxide

stream into sub-seabed geologic formations for the purpose of long-term carbon sequestration.” Carbon sequestration permanently stores carbon dioxide (CO₂) in secure subsurface geologic reservoirs to reduce the amount of CO₂ in the atmosphere and mitigate its impact on global climate change. BOEM and BSEE are working to develop and publish draft offshore carbon sequestration regulations for public comment. The proposed rule will address aspects of carbon sequestration on the OCS, including the transportation and geologic sequestration of CO₂, leasing of OCS areas for that purpose, storage site characterization (i.e., delineation of potential storage reservoirs), environmental plans and mitigation measures, facility and infrastructure design and installation, injection operations, monitoring, incident response, financial assurance, and safety, among other issues.

While the rule is under development, BOEM and BSEE will continue to develop their carbon sequestration programs to facilitate program implementation upon final rule publication. The 2025 BOEM budget includes \$1.0 million to establish a dedicated carbon sequestration team and fund environmental studies, scientific research, data collection, and other activities critical to implement the new program. The 2025 BSEE budget includes \$1.5 million to prepare to regulate and oversee safe and effective offshore carbon sequestration activities.

RECLAMATION JOBS

The 2025 budget continues to provide annual ongoing support for related reclamation activities targeting State and Tribal reclamation needs associated with abandoned hardrock mines, legacy pollution on Interior’s lands, and innovative coal mine reclamation projects directly supporting local economic growth. The Administration is committed to remediating the physical and environmental hazards to repair those lands, improve air and water quality, and, at the same time, create jobs in rural communities. The budget includes \$7.0 million, \$2.0 million above the 2024 CR level, for the Abandoned Hardrock Mine Reclamation Program to support State, Tribal, and Federal efforts to inventory and address legacy sites on their lands. Abandoned hardrock mine sites often pose significant health and safety risks to surrounding areas and are found across the country. Many States, Tribes, and Federal land programs do not have good inventories or strong programs to manage those sites. This program targets the need to build capacity and begin to address this long-standing problem.

On Interior lands, the Department has identified thousands of mines and features that pose safety risks and generate environmental contaminants. USGS, in partnership with BLM, has developed the first national database of current and historical mine features. Tens of thousands of legacy pollution sites are on BLM lands alone, including roughly 56,600 abandoned hardrock mine sites, many of which pose serious threats to the public and the environment. Rural and Tribal communities proximate to historic mining sites feel the physical and environmental impacts of those sites most keenly, but the growing popularity of BLM lands for recreation has placed even more people in harm’s way. The budget includes \$58.4 million for BLM’s Abandoned Mine Lands and Hazardous Materials Management program, \$1.3 million above the 2024 CR level, which will work in tandem with national Abandoned Hardrock Mine Reclamation Program efforts to inventory and remediate those sites more broadly on State, private, Tribal, and other Federal agency lands.

The Office of Surface Mining Reclamation and Enforcement (OSMRE) works with States and Tribes to regulate active coal mines to ensure environmental problems do not occur and remediate abandoned coal mines to address health and safety hazards. High-priority abandoned coal mine problems can include clogged streams, acid mine drainage, dangerous highwalls, waste piles or embankments, subsidence, underground mine fires, and polluted water—all of which can pose immediate threats to the public health and safety of communities. OSMRE manages the State and Tribal abandoned mine reclamation grant programs authorized by the Surface Mining Control and Reclamation Act and the BIL. In 2023, OSMRE invested nearly \$1 billion in coal communities, including \$724.8 million made available to 22 States and the Navajo Nation for reclamation as part of the BIL and \$126.5 million available through the traditional, fee-funded, mandatory Abandoned Mine Land (AML) grant program.

OSMRE also manages the Abandoned Mine Land Economic Revitalization (AMLER) program, which administers grants to six States and three Tribal Nations to return legacy coal mining sites to productive uses and foster economic and community development. Since 2016, the AMLER program has provided more than \$900 million to America’s current and former coal communities to deliver economic and community development and achieve reclamation of historic abandoned mine sites. The 2025 budget includes \$135.0 million to continue support for AMLER.

In 2025, the OSMRE budget includes \$2.5 million to provide grants to nongovernmental organizations and local and State government agencies to help construct, operate, maintain, and rehabilitate abandoned mine land passive-treatment systems that were previously constructed to address water pollution from mine drainage. This funding helps local communities protect the investments made in passive-treatment systems installed to address water pollution discharges from abandoned mine lands.

PROMOTING EQUITY, DIVERSITY, AND INCLUSION OF UNDERSERVED COMMUNITIES

Interior is taking steps across the Department to expand equity, diversity, and inclusion beyond day-to-day management policies to incorporate this concept into the delivery of DOI's missions. This commitment is consistent with the Administration's all-of-government approach to advance equity, civil rights, racial justice, and equal opportunity. Interior's 2025 budget request supports the actions needed to recognize and redress inequities and to proactively advance diversity, equity, inclusion, and accessibility within the Department's workforce and program implementation. The Department seeks to ensure that everyone—no matter their background or ZIP Code—can enjoy the benefits of Interior's mission programs.

The Department of the Interior is committed to maintaining a diverse workforce that reflects the public we serve and sustaining an equitable and inclusive workplace environment. In 2022, the Department published its first Equity Action Plan, which was then updated in 2024. It outlines efforts to advance equity through all DOI operations, remove barriers to equal opportunity, and deliver resources and benefits equitably to the public.

ONGOING COMMITMENT TO DIVERSITY AND EQUITY

In support of the Equity Action Plan, the 2025 budget includes program increases of \$2.8 million for the Office of Diversity, Inclusion, and Civil Rights; Office of Human Capital; and Office of Collaborative Alternative Dispute Resolution to strengthen Equal Employment Opportunity compliance and advance antidiscrimination protections provided to DOI employees and job applicants.

INCREASING REPRESENTATION AND TRIBAL CO-STEWARDSHIP

Reflecting the Administration's commitment to accessibility and inclusion, the budget includes targeted investments to increase representation in the delivery of Interior's core missions. An example is \$3.1 million requested in the NPS budget to support recent or potential new designations that preserve important places and tell the stories of those historically underrepresented. Through the Outdoor Recreation Legacy Partnership Program, NPS recently designated three new local parks in urban areas to increase residents' opportunities to connect with the outdoors. The designations include a park in Anchorage, AK, in an area with a high concentration of low-income youth; an aging park in Moorhead, MN, in a community with a high poverty rate; and Roosevelt Park in Buffalo, NY, to address a severely deteriorated multiuse athletics field built in the 1950s in a community with a high poverty rate.

The responsibility for meeting Tribal trust responsibilities and promoting Tribal sovereignty stretches across Interior. The 2025 budget includes targeted increases to expand Tribal co-stewardship across the Department. The NPS budget includes a \$3.0 million increase to directly support Tribal participation in management of Federal lands and waters with cultural and natural resources of significance and value to Indian Tribes and their citizens, including sacred religious sites, burial sites, wildlife, and sources of Indigenous foods and medicines.

The budget for FWS includes increases totaling \$5.5 million to advance co-stewardship and engagement with Tribes on Indigenous knowledge research, conservation planning, and marine mammal management. Implicit in the Marine Mammal Protection Act is the realization that cooperative management of subsistence harvests between FWS and Alaska Native organizations is more likely to achieve the goals of the act than management by a Federal agency alone. The budget provides strong support to continue to build these relationships with partners such as the Eskimo Walrus Commission and the Alaska Nannut Co-management Council, which is the FWS co-management partner for polar bears.

The NPS 2025 budget proposes \$2.5 million in dedicated funding for Tribal Heritage Grants within the Historic Preservation Fund to support Indian Tribes, Alaska Native villages and corporations, and Native Hawaiian Organizations for the preservation and protection of their cultural heritage in addition to other important ongoing Tribal programs.

The Bureau of Reclamation budget includes \$29.5 million for its Native American Affairs Program, \$9.5 million above the 2024 CR level. The program supports a vari-

ety of Reclamation activities with Tribes, including technical assistance, drought assistance, the Secretary's Indian Water Rights Settlements Program, and outreach.

BUILDING AGENCY CAPACITY

Interior is strengthening the Department's delivery of core programs and services for the American people. Efforts related to improving Interior's workforce and operations and better leveraging technology and information are underway across the Department.

INTERIOR'S WORKFORCE AND INFRASTRUCTURE

Interior is building its capacity for next generation hiring through promotion and expansion of existing and emerging hiring authorities, working closely with the Office of Personnel Management and the Office of Management and Budget. Recently, the Department received approval for use of term appointments excepted beyond general time limits for work in support of the Great American Outdoors Act and direct-hire authority for permitting positions. The Department continues to use direct-hire authority for wildland firefighting, information technology, and STEM positions. Interior also recently increased the hiring of former Public Lands Corps participants, Resource Assistant interns, Knauss Fellows, and military spouses.

These programs-when combined with Schedule A hiring for persons with disabilities, Pathways internships, hiring of recent graduates, and the Presidential Management Fellowship (PMF) program-will greatly affect the Department's ability to acquire the talent needed to achieve its mission for the next several decades.

The budget includes \$206.0 million to fully support anticipated fixed-cost increases in 2025, assuming a 2.0-percent increase in Federal salaries in FY 2025. The budget also includes \$412.2 million in program baseline capacity funding to reflect increased 2024 fixed-cost requirements over the 2-year budget comparison. Without full funding for these costs, Interior bureaus and offices will absorb these must-pay costs by cutting funding for program work or staffing.

Another key operational priority for Interior is infrastructure. Interior manages a real property portfolio valued at more than \$400 billion, consisting of more than 130,000 buildings and structures, 65,000 miles of public roads, and a wide variety of other constructed assets. Those facilities serve millions of visitors each year, provide schooling for tens of thousands of Native American children, and are places of work for more than 68,000 DOI employees. Many of Interior's infrastructure assets are priceless for their historical significance. As the steward of those assets, DOI is committed to sustaining and making the lifecycle investments in facilities that are critical to its mission.

The Department continues its evolution toward a lifecycle investment approach to help slow the growth of the maintenance backlog and sustain assets in the long term. This approach includes focusing efforts on preventive and recurring maintenance and selectively targeting assets for modernization and renewal investments, which will enable bureaus to move away from practices that result in an unmanageable backlog. The 2025 budget includes more than \$2.7 billion for lifecycle management of real property.

The Department continues to support the Administration's goals to transition the Federal motor vehicle fleet to clean and zero-emission vehicles. The 2025 budget includes \$13.0 million across bureaus to support the Department's transition of light-duty fleet acquisitions to ZEVs. This funding will be used to conduct fleet planning (including ZEV integration), electric vehicle supply equipment (EVSE) site evaluations, and EVSE installation. The funding will also support Interior's efforts to right-size its fleet to ensure the Department has efficient, mission-capable vehicles at the right locations and with the right vehicle mix to deliver Interior's missions. Fleet planning will ensure ZEVs are integrated into the overall fleet plan, prioritizing locations and appropriate missions for deployment of those vehicles.

INVESTING IN TECHNOLOGY AND INFORMATION MANAGEMENT

The 2025 budget includes \$57.8 million, \$3.5 million above the 2024 CR level, for the operation and maintenance of the Financial and Business Management System (FBMS), which supports the Department's core financial and business management requirements. The request provides for the ongoing operations and maintenance of the Department's integrated FBMS system of record, mandatory technology upgrades, improved end-user training, and implementation of zero trust architecture to strengthen FBMS' IT security. Modernizing Interior's core business system helps to ensure a strong administrative backbone and is critical to the continued execution of Interior's mission activities.

Cybersecurity remains a top priority for the Department. Malicious actors continue to present risks to Federal systems and the Nation's critical infrastructure. Interior continues to work to support a consistent level of assurance and risk reduction for the Department at the enterprise level. This effort will provide a solid foundation for an operationally focused enterprise cybersecurity architecture that is resilient and scalable and will allow the Department to respond rapidly to sophisticated and advanced threats.

The 2025 budget includes \$67.8 million for Departmentwide cybersecurity, \$23.5 million above the 2024 CR level. This investment funds high-priority recurring operations and maintenance costs for incident remediation, provides resources to fight emerging threats, and supports the development of an enterprise cybersecurity architecture. The increase in the 2025 budget enables foundational enterprise capability to implement zero trust principles, which require all devices and users—regardless of whether they are inside or outside an organization's network—to be authenticated, authorized, and regularly validated before being granted access. Within the increase is \$5.0 million to implement a secure access service edge (SASE) solution to secure access points to meet the required zero trust security and performance standards.

CONCLUSION

The 2025 President's Budget for Interior invests in programs which will strengthen our country for all Americans, protect our environment, and ensure future generations continue to not only enjoy, but improve their way of life.

I look forward to doing this work together. Thank you again for having me, and I am pleased to answer any questions you may have.

NATIONAL PARK SERVICE SEASONAL HIRES

Senator MERKLEY. Thank you very much, Madame Secretary. I am very pleased with the fiscal year 2024 budget that Senator Murkowski and I worked so hard on, but there were some very painful pieces of that, and one of them is related to the National Park Service, and the budget forces them to scale back on summer seasonal hiring. And of course that is when Americans pour out of their homes and love getting to our national parks. What kind of impact are we going to see at the parks this summer?

Secretary HAALAND. Senator, thank you so much for the question. And of course, yes, we all know that visitation has increased immensely in our national parks. In 2024, park operations funding did not receive roughly \$102 million that was needed to cover salary and benefit increases, and other fixed costs, in addition to taking a cut of \$10 million below the prior year.

Staffing costs account for the majority of park operating expenses and this loss of spending capacity will substantially impact the park seasonal employee levels. So yes, fewer rangers will mean that we may need to curtail visitor services, there are a lot of things that happen with that, maintenance activities such as, restroom cleaning, and campground cleanup, and things of that nature, visitor operating hours could also be cut, and newly established parks and programs did not receive requested funding increases, and those will be impacted as well.

Senator MERKLEY. Will your budget prepare for the possibility of addressing this for fiscal year 2025?

Secretary HAALAND. Yes, Senator.

Senator MERKLEY. Thank you. Thank you.

Secretary HAALAND. Yes.

REAUTHORIZATION OF GAOA LEGACY RESTORATION FUND

Senator MERKLEY. I want to turn to the extension of GAOA. GAOA was an investment per year, about 1.9 billion per year for 5 years. The fiscal year 2025 budget doesn't include a proposal to extend GAOA. Will you and your administration aggressively push for an extension as we move further into 2024?

Secretary HAALAND. Senator, as I mentioned in my remarks, we cannot address the major maintenance needs of our asset portfolio through annual appropriations alone, the amounts are too high. I supported GAOA when I was in Congress myself. I think it is a wonderful bipartisan effort, and so of course we would support that and hope that it can be reauthorized.

Senator MERKLEY. When I think about this, I think about the Chateau at Oregon Caves. A hunter's dog chased a bear into the cave, and it was thereby discovered. He almost got lost and couldn't find his way out, but was fortunate to have a few matches on him, and eventually the matches ran out, but he followed the trickle of water and escaped, and thus was this very rare geological feature found in Oregon, which doesn't really have anything like this type of marble cave elsewhere.

But the Chateau has been closed for years, and years, and years. It is a national monument, is a national historic landmark, and it is an example of the type of work that needs to be done. And so I hope we will continue to push to restore and save the investments. The last generation made in so many important pieces of infrastructure.

RENEWABLE ENERGY ON TRIBAL LANDS

I want to turn to renewable energy development on tribal lands. The Bipartisan Infrastructure Law and the Inflation Reduction Act created incentives to do large-scale renewable energy across Indian Country: tax incentives, loans, some subsidies. But here are a couple examples: The Warm Springs Tribe in Oregon has a lot of sunshine but has to build the infrastructure to connect to be able to get that potential renewable energy to market. The Standing Rock Sioux Tribe of North and South Dakota is struggling to get a wind project off the ground with similar difficulties.

It takes capital up front. This isn't just a Department of Interior challenge, so we need interagency cooperation with the Department of Energy and with FERC. But it is like a vision, but a valley that has to be crossed to get to that vision. You are co-Chair of the White House Council on Native American Affairs. What tools is the administration utilizing across the Federal Government to try to solve this problem and enable tribes to be part of the climate solution, and part of the renewable energy economy, including good paying jobs for tribal members?

Secretary HAALAND. Thank you, Senator. As you know, the President restarted the White House Council on Native American Affairs, because he feels very confident that an all-of-government approach to tribal issues is the best path forward. For our part, Interior offers loan guarantees and technical assistance to Tribes for renewable energy activities, but they are on a much smaller scale than the Department of Energy's programs.

We are working to help improve opportunities for development. The BIA took action to improve and streamline applications for processing rights of way and business leases, including those needed for renewable energy projects. We will continue to work across the government to make sure Tribes have what they need to develop on their lands, and I am happy to work with you and the Tribes in your state to help. Thank you.

Senator MURKOWSKI. Thank you, Madam Secretary. The Chairman just informed me that he is going to have to excuse himself for a few minutes.

AMBLER ROAD

So let me start with Ambler. You know the project very well. This is a proposed private haul road to a mining district that has great copper and numerous critical mineral potential. I think pretty key to the administration's push for the minerals that are needed for clean energy. And as I mentioned in my opening, ANILCA created the Gates of the Arctic National Park and Preserve, it is about 8.4 million acres. The same sections of the same law provide for service transportation access to the Ambler District.

So I have got behind me a copy, or a quote from section 2014, and it says in the highlighted area, "Congress finds that there is a need for access for surface transportation purposes across the Western Kobuk River unit of the Gates of the Arctic National Preserve, from the Ambler Mining District to the Alaska Pipeline Haul Road, and the Secretary shall permit such access in accordance with the provisions of this subsection."

I think the text of the law is very clear. But what is equally clear is that this was a balance here, Congress created Gates of the Arctic and then guaranteed access to Ambler, "The Secretary shall permit access". So the concern, the problem that we have is when the administration announced that it will be choosing the no action alternative, it effectively denies this project to proceed, which is directly contrary to the Federal law that is stated pretty clearly, and in contrary to, again, this very careful balance that ANILCA struck between development and conservation.

I look at this, and as a lawyer that hasn't practiced in a long time, I can read the plain meaning of the law, do you not see that the action that the administration has moved forward with, as a no action alternative, is contrary to the clear stated intention of this section of ANILCA?

Secretary HAALAND. Senator, as you know, the Department has not yet made a final decision regarding either of the rights of way for Ambler Road. The proposed 211 mile route, it crosses different lands, approximately 25 miles of BLM-managed lands and 26 miles of NPS-managed lands. ANILCA does not address Ambler road crossing BLM managed lands. Those are all things that we needed to take into consideration. The BLM's discretionary authority to issue a right of way over BLM-managed lands is found in FLPMA.

We don't feel that we are ignoring the law. We are in fact doing exactly what the law has directed, and of course, we are happy to follow up with you, for the record, on specific legal citations.

Senator MURKOWSKI. I think we need, do need to have an understanding here, because if I am interpreting what you have just

said, you are effectively saying that Congress protected the wrong lands, that that was Parklands instead of BLM lands, and you are ignoring the plain text again of the law which says, “From the Ambler Mining District to the Alaska Pipeline Haul Road.” I don’t think, I don’t think that that language could be any clearer.

So the other thing that I heard you say here, though, is that this is not the final, the final is coming. I understand that, but are you suggesting here that we might see something different than the “no action” alternative coming out of the administration?

Secretary HAALAND. I am not saying anything. I essentially don’t have any news to share today with respect to that, but we are more than happy to stay in touch with your office, and try to answer any other specific questions.

Senator MURKOWSKI. Well, let me ask it another way. How is this not a Federal taking? How is this not a Federal taking of lands that the State of Alaska owns, because nobody is disputing that they own the lands in the Ambler District, but if the administration proceeds with this, they are unable to access it despite the guarantees in Federal Law, how is that not a taking?

Secretary HAALAND. Senator, I apologize, it sounds like a specific legal question, one that our solicitor would be happy to discuss with you, and in fact, I know that you have spoken with Bob Anderson on many occasions, and I am happy to have his office follow up.

Senator MURKOWSKI. And what I would like is a formal legal analysis from Interior on how this no action decision complies with ANILCA. I want to know. If you believe that the no action actually is within the law. I would like to see that before a Record of Decision is announced.

[The information follows:]

AMBLER ROAD LEGAL ANALYSIS

The Record of Decision, which follows, was finalized in June 2024 includes a detailed legal analysis of issues concerning the Ambler Road Supplemental Environmental Impact Statement on pages 21–25.

<https://eplanning.blm.gov/public—projects/57323/200091317/20118938/251018918/Ambler%20Road%20BLM%20ROD—508.pdf>

We will now turn to Senator Reed.

Oh. I am sorry. Go ahead, Senator Peters.

INCREASED ACCESSIBILITY TO PUBLIC LANDS

Senator PETERS. Thank you. Secretary Haaland, good to see you here today, as always. As you know, Secretary, our public lands are some of the Nation’s most treasured resources, providing significant benefits to Americans, to our economy, and to the environment. And in Michigan, in particular, we are home to some spectacular geologic and ecological environments like the Pictured Rocks, the National Lakeshore, the Detroit River International Wildlife Refuge, and one of my all-time favorites, Isle Royale National Park, which is amazing.

But at the Sleeping Bear Dunes National Lakeshore, thanks to a nonprofit partnership, visitors are able to reserve adaptive recreation equipment and explore new areas of the Lakeshore on additional designated trails. However, opportunities like this, unfortu-

nately, are scattered across DOI public lands, not all of them, unfortunately, and accurate information about trails is needed to identify where different adaptive recreation equipment can be enjoyed for visitors to make informed decisions about where they will go.

So my question for you, Madam Secretary, is can you speak to the importance of expanding these adaptive recreation equipment programs all across the Department of Interior?

Secretary HAALAND. Thank you for the question, Senator. We went to your state and we went to the sand dunes. I had a broken leg at the time with a big boot on, and they offered me this sand buggy.

Senator PETERS. Right.

Secretary HAALAND. I declined, however, I know that those are available to people with accessibility issues, so I was grateful to be offered, and of course, I strongly support increased public accessibility for Americans to enjoy their public lands. My mother rest her soul, used a wheelchair in the later part of her years, and taking her to some of the parks where there were opportunities to wheel her around was important to us.

We continue to identify and propose investments and opportunities to improve public accessibility as part of the budget process. We are happy to stay in touch with your office on this, and of course, please know that we are always working on that from our end.

Senator PETERS. Well, I would hope you would consider prioritizing funding opportunities, is that something you are open to and we can work together on?

Secretary HAALAND. Absolutely.

TRIBAL HATCHERY OPERATIONS

Senator PETERS. Great. Thank you. The DOI Fish Hatchery Operations Program provides funding to fish-producing tribes in support of associated hatching, rearing, and stocking programs. This, excuse me, this type of fish production helps achieve mandated fish recovery efforts throughout the Great Lakes states, and as well as across the country. And the benefits of tribal hatchery production is far-reaching, as I know you know, including boosting commercial and recreational fishing, but also tourism, as well as ecosystem benefits.

My question for you, Madam Secretary, is can you speak to the importance of fully funding this program and how it is used to assist tribal subsistence efforts and the development of reservation economies?

Secretary HAALAND. Thank you very much for the question. I can tell you that in 2023, EPA provided Interior with \$368 million for the important Great Lakes Restoration Initiative. As of January 2023, the Bureau of Indian Affairs had provided over \$113 million through the Initiative to Great Lakes Tribes so that they could implement roughly 800 tribally Led restoration projects in capacity awards. That is ongoing. Happy to keep you and your staff informed of how that is moving forward.

Senator PETERS. Well, I appreciate your work on the Great Lakes and your focus, and great that you were up there visiting and seeing firsthand, the joys of it.

NATIONAL PARK SERVICE EMPLOYEES

Secretary, last year we discussed an issue that I am particularly interested in addressing, the disparities and high cost of Living for employees throughout the national park system. Specifically, we discussed the importance of taking a closer look at how pay is decided, and how that would bring a more detailed understanding of pay needs, and perhaps better match pay rates to the areas where the parks are actually located, which tend to have a very high cost of living because they are near wonderful places where people want to live, and bid the price up.

Last year, you agreed that taking a closer look at how pay is decided would bring a more detailed understanding of pay needs, and you committed to taking a closer look at this. Can you provide me with an update on your work on examining this issue, please?

Secretary HAALAND. Senator, thank you for the question. Of course, that is definitely a priority for us, the budget proposes over \$100 million from different funding sources to improve employee housing and parks, and we also—because if you can get some of the cost down, of course, that also helps employees to have an opportunity to live. We were grateful to have a \$40 million anonymous contribution toward National Park employee housing in Yellowstone. So that is still a priority for us. I don't have anything specifically to report on pay currently, but we are happy to keep you updated current, shortly after this hearing. But just know that we are working hard to ensure that we can get those costs down, and housing is one of those areas, one of the big-ticket items.

Senator PETERS. Good. Well, I look forward to keep working with you. It is a critical issue for folks who just can't find affordable housing near the parks.

Secretary HAALAND. Yes, indeed.

Senator PETERS. Thank you.

Secretary HAALAND. Thank you.

Senator MURKOWSKI. Thank you, Senator Peters. Senator Fischer.

AMERICA THE BEAUTIFUL INITIATIVE

Senator FISCHER. Thank you, Senator Murkowski.

Welcome, Secretary, nice to see you again. Last year I discussed with you that Nebraska is a private property state, 97 percent of Nebraska's land is privately owned. I continue to hear great concern about the administration's America the Beautiful Initiative or the 30x30 Proposal. As a reminder, 70 counties in my State of Nebraska have issued resolutions of disapproval about the 30x30 Initiative. Nebraskans remain concerned that this effort is an attempt at a land grab, and a failure of the administration to recognize that private land owners often are much better at managing land than the Federal Government. I would like to start by following up on a question that I asked last year; in regards to the 30x30 Initiative, how exactly are you defining conservation?

Secretary HAALAND. Thank you very much, Senator. With respect to the America the Beautiful Initiative, as you know, it is a voluntary, locally led, partnership driven, conservation and restoration effort across the country. With respect to the definition of conserved land, we continue to work toward a flexible, inclusive definition given the many types of conservation that exist on Federal, state, and private land.

I think one of the operative words is “voluntary”. Folks can volunteer to include their lands in conservation or the definition of conservation, or they don’t have to.

Senator FISCHER. How do you reconcile stating that this is being a locally led, voluntary effort, yet in 2023 America the Beautiful Initiative, you cite five New National Monument designations, restoration of protections to various Federal lands, and several mineral withdrawals as key progress? How is that key progress when I don’t believe that those actions sound at all like they are locally led, or voluntary efforts?

Secretary HAALAND. In fact, many of those are, Senator, we could take——

Senator FISCHER. Can you give me an example?

Secretary HAALAND. Sure. The Avi Kwa Ame National Monument. That was, a conservation effort that was worked on by the Tribes of Nevada for almost decades, and it is their ancestral homeland. When tribes come to us and ask us to help them to conserve a certain portion of land that they care deeply about, we listen. It is a transparent process. We open up a public comment period. There are a lot of people that get to weigh in on that issue.

Senator FISCHER. Does the land remain under the control of the tribe? Or is it put into a National Monument designation? You know, I can see the Federal Government trying to work with land owners on different conservation practices. I probably define that different than you, but when the tribe, you said, has worked for decades on this, do they still then maintain control? And does it fit into the bucket that the administration is trying to have for the 30x30?

Secretary HAALAND. So staying with the example of Avi Kwa Ame that I gave you, it is BLM managed land, however, we also enter into co-stewardship agreements with tribes.

AMERICA THE BEAUTIFUL AND THE 30X30 INITIATIVE

Senator FISCHER. So does that fit in the 30x30? Is that part of the program since it has been happening for decades?

Secretary HAALAND. So the 30x30 is an initiative. It is not a specific program. It is an initiative of the administration. And so it is not a specific program with a line item in our budget, but we work toward conserving land under that umbrella. But yes, we would count that land if we were counting land, sure, that would be under a conservation effort, and the tribes would have a say in it.

CRITICAL MINERALS

Senator FISCHER. If I could move on just quickly here, in your budget, you request \$13 million for acquisition of zero emission vehicles, and electric vehicles we know are costlier. They have a host

of issues, including increasing our nation's reliance on foreign controlled critical minerals.

Secretary, thinking about the vast number of priorities across your Agency, including improving permitting and ESA consultations as we discussed, do you really believe this is the right time to be prioritizing the purchase of more expensive and probably less practical electrical vehicles for the Department? And do you find it troublesome that the Department has widely fought to restrict the development of critical minerals and mining domestically, while also pushing for vehicles that are currently heavily dependent on foreign supply chains for these? And I would emphasize, in areas of the world like Congo where we have children mining cobalt, which then we can sit back and say, oh but we don't allow that. But yet you want vehicles that are dependent upon it.

Secretary HAALAND. Senator, since President Biden took the oath of office in January of 2021, we have approved or moved through five critical mineral mine permits, and those mines are moving forward now. We started the Interagency Work Group on Mining Reform to look at the 150-year-old law. We felt there is a lot of new technology. We are trying to streamline some of these efforts, and so the report has come out and we are working to follow the recommendations of the report that we think will help us to move forward in a quicker fashion.

Additionally, under President Biden's leadership, forty mine modification permits have also been approved. The career staff at Interior is working hard to move this process through. And we also believe very strongly that we need a supply chain of critical minerals if we wish to move our country toward clean energy.

Senator FISCHER. Do you think it is practical to request that 13 million in your budget for those vehicles?

Senator MURKOWSKI. Senator Fischer asks a great question, but the Chairman reminded me we were all going to try to stick to our five minutes.

Senator FISCHER. Thank you.

Senator MURKOWSKI. Maybe we can answer this in response to another Senator. Senator Reed.

Senator REED. Thank you very much, Senator Murkowski, and I want to thank you, Madam Secretary, for visiting the Blackstone River Valley National Historic Park last summer, and thank you for including \$9 million in the Great American Outdoors Fund for repairs to the historic Slater Mill, which is the birthplace of the American Industrial Revolution. It is something that is going to make a great deal of difference. So many thanks.

ENERGY PRODUCTION ON FEDERAL LANDS AND WATERS

I listened very attentively to Senator Murkowski, who is someone I have had the privilege of working closely with, and she has raised some very serious questions which I think must be answered. But it struck me, one of the ironies is that today the United States is the world's largest crude oil producer, so we are doing a lot when it comes to produce hydrocarbons in new drilling, and was in 2023, 2,100 new oil and gas wells on public lands, that is a 29 percent increase from 2021, and there are 7,300 permits to drill on public native lands that have not even been used yet.

So we are in a very interesting situation. We have overtaken Qatar as the largest export of liquefied natural gas. And by the way, profits have almost tripled for the 10 biggest producers of oil and gas. So we are at a moment where we have to make a shift, I believe, to a green energy economy, but at the same time, we are not trying to suppress the oil and gas industry. In fact, they have never had it so good. And that is a very difficult and delegate balance that you and the President have to perform. And I wonder if you have any comments on that general topic.

Secretary HAALAND. Thank you very much, Senator. And yes, you are right, companies have over 7,300 approved drilling permits on Federal and Indian lands that they aren't using. Onshore, nearly 11 million acres under lease that are not producing, roughly half of all Federal lands that are under lease. And offshore, nearly 10 million acres are under lease that are not producing, and that is over 75 percent of all offshore Federal lands that aren't producing.

Yes, since President Biden has been in office, those applications for permits to drill have moved forward through our career staff. They are very dedicated to their jobs, and yes, it is undeniable that oil production is currently at an all-time high on our public lands.

And yes, thank you also for recognizing the need for us to transition to a clean energy future. We believe very strongly that will benefit many Americans, and work to lower costs for them as well.

Senator REED. No. Again I seeing the weather effects recently in Rhode Island, I can't speak for the rest of the country, and something is changing, I sense, and we have to get ahead of that change.

In 2022 BOEM proposed guidance to the mitigation, to commercial and recreational fisheries from offshore wind, again this is one of those balancing acts. We need offshore wind, Rhode Island was the first state to have an offshore wind project, but we also have to consider the effects on fishery, on other uses. They proposed to issue the final guidance. It has been 2 years now. When do you expect that guidance, Madam Secretary?

Secretary HAALAND. I beg your pardon, Senator? The specific question was?

Senator REED. It was, in 2022, BOEM proposed guidance for mitigation to commercial and recreational fisheries, issuing final guidance, they have not issued that yet, will provide clarity for all the stakeholders, when do you expect this final guidance to be issued?

Secretary HAALAND. I would love to get back with your office with a specific response, if that is possible.

Senator REED. Thank you.

Secretary HAALAND. Senator, we can work on that. I don't have that in front of me.

[The information follows:]

FISHERIES MITIGATION GUIDANCE FOR OFFSHORE ENERGY PRODUCTION

The Bureau of Ocean Energy Management (BOEM) is developing guidance for the mitigation of potential impacts from offshore wind energy projects on commercial and recreational fishing communities. The guidance will provide detailed processes that offshore wind lessees can follow to avoid, minimize, and mitigate impacts to fisheries in the areas of project siting, design, navigation, access, safety, and financial compensation.

In June 2022, BOEM published the draft guidance document and opened a 60-day comment period that concluded on August 22, 2022. In total, 88 comments were received from 79 organizations and 9 individuals. During that time BOEM also held four virtual meetings to present the draft guidance and answer questions. In April 2023, in response to comments from Tribal nations, BOEM directly solicited comments on the draft guidance from federally recognized Tribes.

BOEM's goal is to have the final guidance available by the end of this year. It should be noted that all projects approved to date have included fisheries mitigation plans. BOEM is ensuring that lessons learned from implementation of those plans are incorporated into the guidance. BOEM intends to have a public meeting after the final guidance is issued to explain the changes made by the Bureau based on the comments received.

Senator REED. And I yield back to the Chair Lady, of the moment.

Senator MURKOWSKI. Thank you, Senator Reed. Chairman Murray.

Senator MURRAY. Thank you very much. And thank you Secretary Haaland for joining us today to talk about the resources that Interior needs to keep up its vital work.

In my home State of Washington, our incredible forests, and mountains, and waters, give our families a great place to go outdoors and explore. We attract many visitors and bring in dollars from across the world, and it is central to our economy. The work we do to take care of them for now and for generations to come could not be more important. Everything from tackling the climate crisis and wildfires to protecting our priceless ecosystems and species, including salmon of course, and keeping our word to our tribes, which should include ensuring certainty for tribal sovereignty payments by moving them to the mandatory side of the ledger, which is something Chairman Merkley and I are both very focused on.

And as we talk about our incredible public lands, I want to note that yesterday marks 1 year since the Hurricane Ridge Day Lodge at Olympic National Park in my home state of Washington, burned down. This was an amazing, iconic structure, and ensuring that Hurricane Ridge gets rebuilt remains a top priority for me. Our public lands are not just a national treasure, they are truly a national necessity, and I want to make sure that our fiscal year 2025 bills really reflect that.

Fiscal year 2024 was a tough year that forced a lot of difficult decisions, and the 1 percent increase in funding that is now provided for fiscal year 2025 under the caps we are now living with is not enough to meet this moment, including for Interior. So as members talk about how we might increase investments to better meet our defense needs, I will not let us ignore our needs here at home as well, either.

We have to remember that our national strength is directly tied to having strong, vibrant and resilient ecosystems, and our safety is directly related to our response to threats like wildfires, to just give a few examples. As I said before, when it comes to considering additional resources, I am going to insist on parity for nondefense.

Secretary Haaland, the fiscal year 2025 budget request includes key funding increases to sustain programs. When we do not fully fund our programs there are real on the ground impacts, like at North Cascades National Park where cuts have meant that the park has had to cut back on staffing. Stehekin is going to offer

fewer services this year, and the Golden West Visitor Center is going to remain closed this summer. How is your Department managing staffing levels, particularly, by the way, in the face of rising housing costs?

STAFFING AT THE NATIONAL PARKS

Secretary HAALAND. Senator, thank you so much for the question. And yes, I know this is a constant issue across the National Park system, specifically with the rise of visitation. Unfortunately, parks will not be able to hire as many seasonal rangers for the peak visitation season. However, we are working hard to ensure that we can move the needle on that forward. 2024, yes, it was a terrible year. And it remains a priority for us given all the facts that you just mentioned to us.

Senator MURRAY. Well, I just think we all have to remember that the work we do here impacts people's ability to visit our amazing places across the country, and that is why I am so adamant about funding for that.

SALMON RECOVERY

Salmon are absolutely essential for tribes, the environment, and the economy of the Pacific Northwest, and salmon recovery is not easy. It requires working at it from every angle, like investing in our hatchery infrastructure, protecting and restoring our critical habitat, combating invasive species like the European green crab, and addressing emergent pollutants like 6-PPD.

Secretary Haaland, talk to us about how your fiscal year 2025 budget request will help with salmon recovery?

Secretary HAALAND. Thank you, Senator. The 2025 budget includes \$24 million in appropriated funding to support the Columbia River Basin Salmon Recovery efforts in Reclamation and in the Fish and Wildlife Service. This includes funding in the Bureau of Reclamation for the Columbia and Snake River Salmon Recovery Project for studies, habitat restoration, and mitigation to address the impacts of reclamation water projects on anadromous fish.

Also, this provides funding to evaluate the potential success of reintroducing those fish upstream of the Grand Coulee Dam. Funding in the Fish and Wildlife Service Partners for Fish and Wildlife, and Coastal programs, and hatchery operations will also support Partnership Salmon Recovery and Habitat Restoration efforts.

TRIBAL ENGAGEMENT OF OFFSHORE WIND LEASING

Senator MURRAY. Thank you. And finally, the Department of Interior plays, as you know, a crucial role in the energy transition, an effort I know that you strongly prioritize. That includes offshore wind leasing, like last week's proposed auction off the Coast of Oregon. I certainly support the Department's efforts. I have heard from tribes in my state that the Bureau of Ocean Energy Management is not doing enough to consult with them before making decisions. These tribes have fishing rights for Pacific salmon, with migratory ranges extending all the way to Southern California. Can you tell me what BOEM is doing to not only consult with the treaty

tribes but to incorporate their feedback when making offshore wind leasing decisions?

Secretary HAALAND. Thank you for that question as well, and of course, we listen and take tribal concerns very seriously. Tribal consultation is one of our top priorities. I know that BOEM engages with indigenous communities on all of these issues. They have made that a specific part of their leadership team, to ensure that there is a specific person that liaises with Tribes.

BOEM also works closely with tribal communities to support capacity building and meaningful engagement. We work with any of the wind companies that are working in the particular areas to create their own relationships with the Tribes. I know that there have been, recently, the industry has worked to create agreements with Tribes specifically for some of the issues that they are concerned about.

I can just tell you that I have traveled personally to meet with Tribes on offshore wind on many occasions, both on the East and the West Coasts and we are doing our best to ensure they are part of the conversation, and yes, that their concerns get incorporated.

Senator MURRAY. Okay. Well, we are hearing concerns from our tribes about being consulted, so if my staff could follow up with yours.

Secretary HAALAND. We will be happy to be in touch with them. [The information follows:]

OFFSHORE ENERGY

BOEM is committed to upholding its Tribal trust responsibilities and fostering working relationships with Tribes based on trust and meaningful consultation. BOEM engages and invites consultation regularly with Tribal Nations, including those in Washington State, at all phases of the renewable energy leasing process to incorporate Indigenous knowledge and Tribal perspectives. For example:

- In 2023, BOEM held 6 individual meetings (government-to-government and staff level, depending on preference of the Tribe) with coastal Washington Tribes to discuss two unsolicited offshore wind lease requests offshore Washington State.
- Tribal Nations are invited to join Intergovernmental Renewable Energy Task Forces with Federal, State, and local agencies, which help inform the process and timing of offshore renewable energy planning from the very beginning.
- BOEM sends letters to individual Tribes inviting them to consider becoming co-operating Tribal Nations in BOEM's environmental review processes. This invitation is included in BOEM's notice of intent to conduct an environmental review of offshore wind lease sales.
- BOEM partners with Tribal Nations on studies and research to inform offshore renewable energy development, including working with interested West Coast Tribal Nations to develop cultural landscape assessments near areas of potential offshore wind energy development.
- BOEM and NOAA collaborated with the Yurok Tribe of California, Grand Ronde Tribe of Oregon, and Makah Tribe of Washington to develop best practices for consultation through a cultural landscape approach in 2017.
- Recently, BOEM invited coastal Washington Tribes to participate in the Tribal Cultural Landscapes effort that is currently underway through the Udall Foundation.
- BOEM is also working through Oregon State University with the Quinault Indian Nation's Tribal Historic Preservation Office to study Ancient Landforms off the Washington Coast: Ancient Landforms off the Washington Coast (boem.gov).

BOEM is not engaged in any active planning for wind energy development offshore Washington at this time. However, coastal Washington Tribes have stated interest in wind energy activities offshore California and Oregon due to potential effects to migratory species and the California Current Ecosystem. Therefore, BOEM

regularly invites consultation and engagement with coastal Washington Tribes for any wind energy activities off the west coast.

For the five existing California offshore wind leases, BOEM informed lessees to include coastal Washington Tribes in their engagement efforts and outreach on their Native American Tribes Communications Plans. BOEM's decision to remove a portion along the bottom of the Brookings Wind Energy Area offshore Oregon from final leasing consideration was due, in part, to concerns expressed by coastal Washington Tribes through consultation.

Senator MURRAY. Okay. Thank you.

Secretary HAALAND. Thank you.

Senator MURRAY. Thank you very much, Mr. Chairman.

Senator MURKOWSKI. Thank you, Chair. Senator Van Hollen.

CHESAPEAKE BAY

Senator VAN HOLLEN. Thank you, Senator Murkowski. And welcome Madam Secretary. It is great to see you.

And I want to start by thanking you and your team at the National Park Service, especially Director "Chuck" Sams, and the head of your Chesapeake Bay Office, Wendy O'Sullivan, for the technical assistance that they provided to us as we worked on establishing a Chesapeake National Recreation Area.

We have had a long process of public feedback on how to highlight the cultural and ecological significance of the Chesapeake Bay, and increase of Public Access through the creation of a recreation area within the National Park Service. We will have a hearing. I am very excited we are going to have a hearing on this legislation to create CRNA (ph.) in the Energy and National Natural Resources Subcommittee on National Parks in just two weeks. And we have had a lot of excitement and support from around the state.

So my question to you is pretty simple and straightforward. I just ask for your continued commitment to work with us to get this bill passed, and make the Chesapeake Bay Recreation Area a reality?

Secretary HAALAND. Thank you. Yes, Senator.

Senator VAN HOLLEN. Thank you. I appreciate that. Let me turn to another program that is very important to protection of the Chesapeake Bay and its ecosystem. That is the Chesapeake Wild Program. This was a bipartisan initiative at the Fish and Wildlife Service launched by Senator Capito and I, a number of years ago. We got it passed, the authorizing bill, and Congress' provided funds on an ongoing and bipartisan basis.

It is to protect habitat and water quality around the Bay. It has been very successful. Just this last summer, I visited Waterloo Farm to see an example of this conservation program at work in coordination with the Eastern Shore Land Conservancy. The National Aquarium is also building a floating wetland in Baltimore Harbor. These are just some examples of the good uses to which these funds have been put.

You described this program, I think, in last year's testimony as I quote, "Wonderful program". It is not in the President's budget. I recognize that that, in addition to the Department of Interior, you have got OMB there. So my question to you, Madam Secretary is, I will work with this committee to do what we have done in the past to provide funding, and I just want, you know, your assurance

that you continue to be supportive of the Subcommittee's efforts with respect to this program.

Secretary HAALAND. Yes, of course, we will.

Senator VAN HOLLEN. Thank you.

Secretary HAALAND. We will be supportive of, yes.

Senator VAN HOLLEN. Thank you.

Secretary HAALAND. And Senator, I could just say that the budget does include \$38 million for work in the Chesapeake Bay through the USGS, the Fish and Wildlife Service, and the National Park Service.

Senator VAN HOLLEN. Yes.

Secretary HAALAND. I know it is not the same thing.

Senator VAN HOLLEN. No. I appreciate that. Look, the funding for the Bay comes through a number of different streams and agencies, all of it is important, and I do thank you for what you have in here, and for your commitment to work with us as we continue to move this important program forward.

OFFSHORE WIND ENERGY IN THE CENTRAL ATLANTIC

Turning to offshore wind, the administration, as you know, has a critical target of 30 gigawatts of offshore wind capacity by the year 2030. As of last month, the Department had approved eight offshore wind projects generating an anticipated 10 gigawatts of clean energy. A simple question again: Are you committed to staying on track to hit the 30 gigawatt target in the next five-and-a-half years?

Secretary HAALAND. Yes.

Senator VAN HOLLEN. And as you know, and BOEM has come up a couple times here, identifying and leasing suitable offshore wind areas requires a lot of coordination, and it requires coordination among Federal agencies. In my view, we need both BOEM, and frankly, also the White House, to play a stronger role in coordinating these efforts if we are going to achieve the administration's own goals, including Maryland's contribution to that. We also have a very ambitious offshore wind target, and during the recent process, we had a lot of issues with BOEM, and lack of coordination among Federal agencies.

As a result of that, we did get a statement from the Biden Administration to Senator Cardin, and myself, and others, where the administration says, and I quote, "The Administration has preliminarily identified acreage off of Maryland's offshore coast of a similar size and wind energy generation capacity to B-1." It goes on to pledge, "Coordination for inclusion in a subsequent offshore wind lease sale as early as 2025."

Madam Secretary, I just want to confirm that you, and your Agency, and the administration are committed to working with us to make that commitment a reality?

Secretary HAALAND. Yes, Senator. Yes. This summer BOEM will proceed with the proposed lease sale for the Central Atlantic, which does include Maryland.

Senator VAN HOLLEN. Right. Just there is—those are some leases in Maryland that are going forward. The area I am talking about, which is called B-1, actually is not part of that sale. There were issues that arose which is why we got this commitment from the

administration to work with us to make it available for leasing in 2025. And so my question is do we have your commitment to continue our work together on that?

Secretary HAALAND. Yes. Yes, we will continue to always work together with whoever we need to for our clean energy transition. Thank you.

Senator VAN HOLLEN. Thank you.

Secretary HAALAND. Thank you.

Senator VAN HOLLEN. Thank you.

Senator MURKOWSKI. Senator Britt.

Senator BRITT. Thank you, Madam Vice Chairwoman.

WARRIOR MET COAL

Thank you for being here today, Madam Secretary, I appreciate you testifying in front of this committee. Last year, we discussed how good stewardship of public lands includes using our resources effectively and sustainably. We discuss the pending lease application of Warrior Met Coal, one of the many of our Nation's companies who are working hard in conjunction with their community and the Federal Government to steward the Nation's resources effectively.

As I noted last year, Warrior Met is an important economic driver in the Great State of Alabama. They employ close to a thousand people in Alabama and are the largest customer for our Port of Mobile. In questioning last year, you noted that the Bureau of Land Management has made you aware of the importance of this lease to the State of Alabama, and the Department committed to working with me to free their application from the red tape it was stuck in.

Sadly, that progress has been slowed over the last year. After an initial conversation with my team, the Department resorted to what seemed to be slow-walking it, and so most of the calls and emails from my office seemed to have entirely been misplaced.

Madam Secretary, I expect and hope that this will not be the case in the coming months. As you know, the Department completed a draft EA and FONSI for Warrior Met Coal in 2019. With no other issues, the Department of Interior should have approved the lease application, but in June 2022, the Department informed Warrior Met Coal that all coal leases were, quote, "frozen" due to the Ninth Circuit Court decision, even though Met Coal was obviously not targeted by the decision.

Now, after years of unresponsiveness and unnecessary legal hurdles from the Agency, the company has agreed, at the Agency's request, to do a full environmental impact statement. In the Notice of Intent published in April, the Department included a time line of publishing a draft EIS this fall, the final EIS next summer, and a Record of Decision in early 2026.

Madam Secretary, it is my expectation that given the amount of work already put into this application, the Agency's requests to move through the full EIS, and the familiarity that the Department has with Warrior Met Coal, that the Department could easily move faster than this time line.

However, what I would like to have from you today is a commitment that to the very best of your ability, that you will at least hit the Agency's own published time line.

Secretary HAALAND. Thank you very much for the question, Senator. And yes, just to make sure that you know, we issued the Notice of Intent to prepare an EIS on April 30th. BLM will accept public comments through May 30th, so for the rest of this month. And we are absolutely aware of the interest in the timely completion of this review process. It will continue.

We don't have any plans to slow walk, or whatever, and I apologize if our staff hasn't been back in touch with your office, I will make sure that they are in touch with you when you call, and we are happy to keep you updated.

Senator BRITT. Thank you. I really appreciate it. And just so that I make sure that we are on the same page, that you just mentioned, obviously, the Notice of Intent that was published in April, you talked about the draft EIS this fall, I mentioned the final EIS next summer, and the Record of Decision in early 2026. So you are committed to maintaining that time line. I have that commitment from you today?

Secretary HAALAND. If that is the time line. I will make sure that is what my staff has put out, and we will be in touch with your office, certainly.

Senator BRITT. I greatly appreciate that, because currently, as you know, Warrior Met Mine is right next to a Federal coal, and they mine their land more than about 1,500 feet under the earth, and they will run into that Federal border that shifts that ownership to the U.S. Government, and the coal across that boundary is obviously the exact same coal. It is the same chemically. It is the same mine, and it leaves the ground the exact same way and goes to the same place.

So Warrior Met wants the opportunity to continue to do that, to do what they do, and to do it well. So I appreciate your commitment to maintaining that time line, and obviously, I am hopeful that it can be done even quicker than that. The process has clearly taken entirely too long, and it is really put a number of Alabama jobs, not to mention a \$1.2 billion revenue stream, at risk.

And so I am glad to hear the Agency has a time line. I look forward to working with your team. I appreciate your commitment to continue to be responsive, and I look forward to getting this resolved in a positive manner. Thank you, Madam Secretary.

KLAMATH FISH HATCHERY

Senator MERKLEY. Thank you very much, Senator Britt.

I want to turn to the Klamath "Gone Fishing" Hatchery. We had a situation on the Klamath Lake where two species of suckers, the c'waam and the koptu, which have been critical to the tribal culture and tribal nutrition in the Klamath Basin, were on the edge of extinction. And we set up a number of years ago I held a gathering to bring all the experts together, and out of that came this plan to have this hatchery. And actually, "hatchery" isn't quite accurate. It is more rearing ponds. The small fry are harvested after they hatch, and brought in.

We now have discovered that the younger fish die when they return to the lake because of the levels of toxins from algae blooms, but that the older fish have a chance of surviving, those 5 years or older. This process continues to build this so that we will save these two species, save that ecosystem. In February, Fish and Wildlife Service announced that it would send \$20 million in infrastructure funding to complete the hatchery. So this is good, and I use "hatchery" in quotes.

Do you have an update on the progress of that expansion? And the sooner we get this hatchery completed the sooner we will be able to say that this vital piece of restoration of the Klamath Basin has been achieved.

Secretary HAALAND. Thank you, Chairman, for your ongoing support on so many things. Construction of the hatchery maintenance buildings is started and is projected to be completed in spring or summer of 2025. Construction is underway for a 14 tier two ponds, with tentative completion in the summer of 2025. Effluent retention pond and six brood stock ponds are targeted for a summer 2025 completion, and the Fish and Wildlife Service expects all phases of construction will be completed no later than the first quarter of fiscal year 2027.

Senator MERKLEY. Well, it does seem like things are steadily progressing. My last visit, I was so impressed by how much had been built, and that how many, now, three-year-olds were there. And they said by age five, actually, the fish in the system will be able to start reproducing. So there is real hope that we are saving them from extinction.

WESTERN OREGON OPERATING PLAN

I want to turn to the Western Oregon Operating Plan, or WOOP. A few weeks ago, I led a letter, without objection I would like to enter it into the record, the letter dated April 22nd. And there was a parallel letter from the Douglas County Commissioner, Tim Freeman, on April 29th, without objection I enter both those into the record.

[The information follows:]

Congress of the United States
Washington, DC 20510

April 22, 2024

The Honorable Deb Haaland
Secretary
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Tracy Stone-Manning
Director
Bureau of Land Management
U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Secretary Haaland and Director Stone-Manning:

We write to urge you to renew the interagency agreement that underpins the Department of Interior's commitment to the Western Oregon Operation Plan (WOOP), the century-old, effective fire management system in western Oregon, for another five-year term.

As you know, the checkerboard ownership pattern of Bureau of Land Management (BLM) forest lands in western Oregon is unique and creates approximately 14,000 miles of jurisdictional boundaries between federal, tribal, state, county, and private timberlands. The complexity of managing fires throughout this area led to agreements to provide protection by the Oregon Department of Forestry (ODF) and non-profit Forest Protective Associations (FPAs) dating back to at least 1914.

This arrangement has been a model of success and continues to this day as the Western Oregon Operating Plan (WOOP) agreement. The current iteration of the WOOP is set to expire on June 30, 2024, and BLM, ODF, and the FPAs had been working to secure another agreement to continue their coordination and preparedness. The Fiscal Year 2024 Interior Appropriations bill provides clear direction to BLM to develop a new agreement that "maintains or enhances the current level of fire protection for western Oregon forestlands through the Western Oregon Operating Plan agreement."

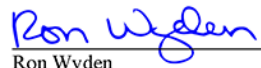
As our communities continue to deal with the impacts of fire seasons that are coming earlier, and fires that are burning more frequently and with catastrophic intensity, it is imperative that a new agreement provide a significant level of long-term stability for communities throughout western Oregon. These communities require reliable and consistent plans to carry out crucial long-term planning and operational tasks that will better prepare them for wildfire risks in the future. We previously applauded the Department's emphasis on interagency cooperation as part of its five-year Wildland Fire Strategy and believe that anything short of a full five-year extension will fail to meet the Department's own strategy and the needs of the communities in western Oregon that are nestled within some of the highest risk fire sheds in the country.


We thank you both for your attention to this matter and urge your teams to continue working with all interested parties to ensure communities in Western Oregon continue to have the tools they need to successfully address wildfire protection.

Sincerely,



 Jeffrey A. Merkley
 United States Senator

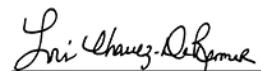

 Val Hoyle
 Member of Congress

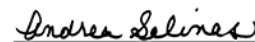

 Ron Wyden
 United States Senator


 Suzanne Bonamici
 Member of Congress


 Cliff Bentz
 Member of Congress


 Earl Blumenauer
 Member of Congress


 Lori Chavez-DeRemer
 Member of Congress


 Andrea Salinas
 Member of Congress



April 29, 2024

The Honorable Deb Haaland
Secretary, U.S. Department of the Interior
1849 C Street NW
Washington, D.C. 20240

The Honorable Tracy Stone-Manning
Director, Bureau of Land Management
US Department of the Interior
1849 C Street NW
Washington, D.C. 20240

Secretary Haaland & Director Stone-Manning:

On behalf of the Associations of O&C Counties (AOCC), I am writing to express our strong support for renewal of the Western Oregon Operation Plan (WOOP) that guides fire protection of BLM lands in Western Oregon.

The AOCC represents Counties in western Oregon that host 2.1 million acres of timberlands once privately owned that were returned to federal ownership in 1916. The AOCC has been active in all legislation and all administrative actions regarding the management of these lands for over 95 years – a testament to the importance of these lands to the health and well-being of our communities.

Wildfire poses an increasingly serious risk to all forestlands in western Oregon. The checkerboard ownership pattern therein creates 14,000 miles of boundaries between federal, state, county, tribal and private lands. For a hundred years, fire has successfully been managed across these jurisdictions through agreements between the BLM, the Oregon Department of Forestry, and non-profit Forest Protective Associations.

The current WOOP is set to expire on June 30, 2024, and BLM, ODF, and the FPAs had been working to secure another agreement to continue their coordination and preparedness. AOCC, along with local stakeholders and our Oregon congressional delegation support long-term stability of the interagency system of fire protection. We believe that anything short of a five-year extension at the current or greater level of protection places our forests and communities at significant risk.

Thank you for your consideration of the views of western Oregon Counties in this matter.

Sincerely,

Tim Freeman, AOCC President
Douglas County Commissioner

1224 NE Walnut St. #431 Roseburg, Oregon 97470 — 541 430 8952

Senator MERKLEY. The effort here is cooperation to be deeply engaged in wildfire preparation. One of the most important tools we have are firefighters, engines, equipment on the ground, ready to act. This agreement, the WOOP, has been a model for this sort of interagency collaboration.

I am very concerned that the negotiations have stalled out on this. I would like your commitment, Madam Secretary, to finish this negotiation before the current agreement expires, and to get a replacement five-year agreement in place. Can I have your support and commitment to get the WOOP negotiation completed?

Secretary HAALAND. Senator, yes, the BLM is committed to continue the interagency Wildland Fire Partnership with the Oregon Department of Forestry, and you have our ongoing commitment to

work together to meet the requirements of both partners for the financial oversight and accountability, firefighter, safety, and industry risk management.

Senator MERKLEY. Very highly important we get this done.

Secretary HAALAND. Yes. Thank you.

WILDLAND FIRE—HAZARDOUS FUELS

Senator MERKLEY. Thank you. Turning to hazardous fuels. We have increased hazardous fuels funding from less than 500 million 10 years ago to more than a billion today, so that is great. But we have to recognize that expansion is from one-time investments from the Bipartisan Infrastructure Bill. The amount of forest that we can treat, whether it is prescribed burns, or thinning, or mowing, is microscopic compared to the amount of forest we have.

Secretary HAALAND. Yes.

Senator MERKLEY. So I am I am trying to get focused on the highest risk fire sheds, Rogue Valley is one of those highest risk fire sheds, so I have been working with Director Stone-Manning and her team at BLM to get multiyear fuel treatments on the ground there in the Rogue Valley to reduce the potential for catastrophic wildfire.

At our fiscal year 2024 hearing, it seems like a long time ago now, you committed to make sure the Rogue Valley would receive hazardous fuels funding either through annual appropriations, or the Bipartisan Infrastructure Law. How is that going? Are we going to see that investment in the Rogue Valley?

Secretary HAALAND. Senator, what I can say is that fuels management is obviously incredibly important to us. For fiscal year 2023, nearly 1 million of fuels management work was completed by the BLM in Southern Oregon, and in fiscal year 2024 the BLM plans to conduct 1.5 million of fuels management work in Southern Oregon. Does that answer your question?

Senator MERKLEY. No. Not quite. No, because Rogue Valley is a specific part, and we have got a lot of fires in different parts of Oregon, a lot of forest, so can we simply agree to follow up on this and address Rogue Valley, specifically?

Secretary HAALAND. Yes, we will be back in touch with you. I apologize I don't have that specific information right now on Rogue Valley, but we will be in touch with your office.

[The information follows:]

FUELS MANAGEMENT—ROGUE VALLEY—JACKSON & JOSEPHINE COUNTIES

The info in the table below includes base and BIL funds planned and completed in fiscal year 2023 as well as work funded in fiscal year 2024. In fiscal year 2023, only the BLM funded work in both counties, but in fiscal year 2024 the BLM and the National Park Service are funding work in the counties.

Year Planned and Completed	BIL Funding	Annual Fuels Management Funding	Total Funding
2023—Planned	\$217,000	\$953,000	\$1,170,000
2023—Completed	\$217,000	\$953,000	\$1,170,000
2024 - Planned	\$1,974,000	\$0	\$1,974,000

Senator MERKLEY. Great. Thank you. Senator Hoeven.
 Senator HOEVEN. Thank you Mr. Chair.

TRIBAL LAW ENFORCEMENT PROGRAMS

Secretary Haaland, I know you are well aware of the very serious problem of missing and murdered indigenous women on reservations across the country, and you know, the challenges that we face in Indian Country with crime. Obviously there is an incredible need for more BIA law enforcement officers out there. For example in the Upper Great Plains, like where I live, I think we are at something like 50 percent of our staffing capacity for BIA law enforcement officers.

And I think perhaps the greatest solution that we can bring to help solve the problem of crime on the reservation, the problem of missing and murdered indigenous women and children, is to have more BIA law enforcement officers out there. So we worked to create the Advanced Training Center at Camp Grafton, which is our Army—our National Guard Base which is right near Spirit Lake, in North Dakota, and near the Spirit Lake Tribe—near Devils Lake, and near the Spirit Lake Tribe. To work along with Artesia, which is from your state, obviously, but you have got this issue of recruiting people to become BIA law enforcement officers, and it is hard to get folks from up in the North to go down to the South, and from South up, you know, vice versa.

And so now we actually have some balance there, in terms of where individuals can go to be trained as BIA law enforcement officers. Last year, there were 5,429 personnel that went through those programs, would it surprise you to know that 3,000 of those went through the Advanced Training Center at Camp Grafton. So about 5,500 roughly, and 3,000 went through our training center.

So I guess I would like to know, one, are you aware of what we are doing here? And two, how can you help us do more? Because we still have incredible vacancy rates in our BIA law enforcement officers, and we need to do more.

Secretary HAALAND. Thank you, Senator. And of course we all agree with you, we need more people out there, and I experienced that as a tribal administrator in New Mexico. So we would love to continue this conversation with you, if possible. I appreciate your efforts in that area, and want you to know that along with the training that you were talking about, we are working hard for things like pay parity, you know, the initiative to bring BIA law enforcement pay in line with other Federal law enforcement, we know that once you train these folks, you want them to stay put and not be lured away by higher pay in another agency.

So we appreciate that. We would love to have a further conversation with you about this particular training center, and would be happy to talk more about it.

Senator HOEVEN. So we have your commitment to do more with these training centers, to do more recruitment—to do more to recruit these—recruit people to be BIA law enforcement, and remember we also provide ongoing training as well.

Secretary HAALAND. Yes.

Senator HOEVEN. To get more of these personnel out on the reservation to combat crime. You are committed to working with us to do that?

Secretary HAALAND. Yes. And when I get back to my office I will ask Assistant Secretary Newland, to have someone reach out to your office.

Senator HOEVEN. Thank you, Secretary. I appreciate it.

Secretary HAALAND. Thank you very much. Thank you, sir.

CRATER LAKE

Senator MERKLEY. Thank you very much, Senator Hoeven. And I want to turn to Crater Lake. You and I had the chance to visit Crater Lake. In fact, it was there where the ranger came out and displayed the sign showing decade-by-decade how much the snowpack, average snowpack had reduced. And it was stunning for me to see that, 240 inches of average loss of snowpack over 90 years, roughly cutting the snowpack in half.

But on a different issue for Crater Lake, this last year the National Park Service terminated the concessions contract at Crater Lake; it was held by a subsidiary of Aramark. My understanding is that a new concessionaire has been contracted with, and the transition is underway. Will there be any interruption or decrease service over the summer, or will the transition be fully complete before then? And will the new concessionaire honor all reservations and deposits that visitors have made for visiting Crater Lake?

Secretary HAALAND. Chairman, thank you so much. The hospitality company, ExplorUS, has taken over the concession contract at Crater Lake. ExplorUS is optimistic they will be able to provide a full suite of visitor services at the park this summer. There is nothing that I have heard that they would not honor any and all existing reservations, but I will make sure that we check on that, and get back with you to confirm.

Senator MERKLEY. So smooth sailing in Crater Lake this summer?

Secretary HAALAND. All our fingers are crossed for smooth sailing, Chairman. Thank you.

Secretary HAALAND. Okay. Great.

Secretary HAALAND. And we hope that it will be a seamless transition.

Senator MERKLEY. It is one of the truly extraordinary places on Earth. And as I travel throughout Oregon people say one of biggest moments of my life was visiting.

Secretary HAALAND. Yes. It is. I will never forget my trip there. And thank you so much for showing me Crater Lake.

RECLASSIFICATION OF TRIBAL PAYMENTS

Senator MERKLEY. You are welcome. Let us visit it again. I want to turn to tribal sovereignty payments. The President's budget requests that we reclassify these tribal sovereignty payments, which are also known as contract support costs and 105(l) building leases, as mandatory funding. This is important. The twin Supreme Court decisions have affirmed that the Federal Government is required to pay tribes for these administrative overhead and leasing costs as the tribes exercise their rights to self-government. In fiscal year

2024, these ate up \$1.6 billion of the \$38.5 billion allocation, and had increased by 12 percent compared to the previous year. That is tripling since 2010.

And we have another pending Supreme Court case related to third-party bill with IHS, and in Health Service programs that could increase that cost further. These are mandatory payments required by the courts and that is why I am happy to see that you are proposing to reclassify them as mandatory payments, otherwise they just kind of eat up our efforts to fund every other program.

Can you confirm that these payments are required by law? And do you think BIA and BIE, Bureau of Indian Education, programs will suffer if they are forced to continue accommodating these ballooning costs.

Secretary HAALAND. Thank you, Chairman. Yes, recent court decisions have affirmed the Government is required to cover these costs, which are called for in the Indian Self-Determination Act. The funding covers the tribal costs associated with managing Federal programs on behalf of the Government. They are necessary and important for Tribes, and we will follow the law.

MONARCHS AND OTHER POLLINATORS

Senator MERKLEY. Great. Thank you. I want to turn to one feature of the impact on species in the last few decades. Our western monarchs are a treasured symbol, and almost anytime you see a butterfly on anything, it is often a monarch. And the population crashed a couple years ago to less than 1 percent of its historic numbers just 30 years ago. It was down to about 2,000 butterflies.

It has since rebounded. So that is good, but we are still somewhere around 95 percent decline. So one of the areas that we have been working on is to have this monarch and pollinator highway, to make road side tracks that are pollinator-friendly tracks. It was in the Bipartisan Infrastructure Law. Now, different groups can add to this. It is a Department of Transportation program, but the Act allows other Federal agencies to receive funding for these activities, such as the Department of Interior.

Given the large land area managed by DOI, countless roads across the landscape, is the Department aware of this opportunity? And is it planning to apply for funds to create and improve pollinator habitat on our Nation's roadways?

Secretary HAALAND. Thank you very much. Great idea, and yes, the Fish and Wildlife Service would like to partner with the Department of Transportation on this really innovative issue. And we will let them know about the current funding announcement.

Senator MERKLEY. Terrific, because this is an opportunity for various approaches, including clubs adopting a piece of highway and planting pollinator-friendly plants. And since that creates a lot of north-south corridors that are important to the monarchs, there are many other opportunities for other pollinators.

I promised not to ask a question after my time had expired, and my time has expired. So I am going to turn to Senator Murkowski.

Senator MURKOWSKI. Thank you, Mr. Chairman.

NATIONAL PETROLEUM RESERVE ALASKA

Madam Secretary, I want to ask about NPRA Rule. As I mentioned, you are closing off 13 million of our 23 million acre preserve. We absolutely believe that this conflicts with the law, which calls for expedited leasing and development. And what we are effectively looking at is something that is designed to cut off access across the reserve.

Now, I appreciated the issue that was raised by the Senator from Rhode Island, in noting that here in the United States we have seen increased oil production. I think it is great. I think it is fabulous for this country. I just wish Alaska were able to participate in it more, as other states are. Certainly, the State of New Mexico's oil production has increased by about 900,000 barrels per day in this administration. In Alaska, our production has been flat. It has even declined a little bit here, your production, the production in your home state, in New Mexico, literally four times ours on a daily basis.

And this is where I just don't get it. We are the ones that are the carbon bomb, so to speak. We are the ones that are targeted, in Alaska. It is only our lands that are being closed down, access denied. Somehow it seems like our emissions are a lot worse than anybody else's, in New Mexico or somewhere else.

So I have to keep coming back to this because it is such a double standard. And this is where Alaskans are like: We are part of the United States, and yet we are treated in a very, very, very different manner. When you announced the NPRA Rule, you stated that, quote, "The steps we are taking today are based on the best available science and in recognition of the indigenous knowledge of the original stewards of this area to safeguard our public lands for future generations."

But the question that I have for you is, how can you state that this rule is based on the best science, when Interior did not conduct a NEPA analysis, or any economic analysis, and made no attempt to understand how it would impact the subsistence, and the communities that, again, these are the original stewards of the land here? I have heard from them. The press has recounted time and time again, that eight times, eight separate occasions the Alaskan Native people who lived in the area asked to meet with you and your office to speak to this.

FINAL RULE ON THE NPR-A

You said earlier in a response to one of my colleagues here today, I think you were referring to the Avi Kwa Ame, I am probably mispronouncing it, I am sorry, but you said, and I wrote it down because it struck me, you said, "When tribes come to us to ask to conserve certain lands, we listen."

So the question is, when tribes want to come to you to ask to develop certain lands, do you also listen, because what they share with me is that you refuse them that opportunity. So I guess my question is, how can you claim the rule is based on the science, the best science when there is no NEPA analysis, there is no economic analysis, and the consultation with the people who live there, has failed?

Secretary HAALAND. Thank you, Senator, for the question. I just have to say, with respect to New Mexico, there is a lot of private land there that is developed that is not under the Federal Government's purview.

Senator MURKOWSKI. I understand.

Secretary HAALAND. And we don't have any, you know—

Senator MURKOWSKI. And we have less than 1 percent of private lands. But what we do have are public lands, we have public lands.

Secretary HAALAND. Yes. And we take those lands seriously. And I also do want to say how much we have been engaged with Alaska on so many things. The Gravel-To-Gravel Initiative, for example, salmon crashes in the Yukon-Kuskokwim River delta. We are listening, we are working on those issues. So I don't want to lose sight of the good things that we have done in Alaska.

Senator MURKOWSKI. No. And I don't lose sight of that. I don't lose sight of that. But what I am trying to understand from this administration is, it seems that the actions that are being taken from the administration when it comes to the opportunity for economic activity, for people to be able to make a living, for people to be able to stay in their region, for people to have better life expectancies, and health outcomes, and education, and public safety, when we ask for that it seems that if it is on public lands, it is a no-go. It is a no-go.

Can you give me your ironclad commitment that the Final Rule on the NPRA will have no impact on operators' ability to develop their existing leases, and not only on the leases themselves, but for the roads and the connective infrastructure as well, because this was the promise from the administration. This was the promise that we had, was that those existing leases would not be impacted. And I can tell you right now, the operators up there, are very, very, very concerned that they will be impacted, they will not be able to develop fully their leases, as the promise. Can you give me the commitment that they will be able to develop their existing leases?

Secretary HAALAND. Senator, the rule includes specific protections for valid existing rights.

Senator MURKOWSKI. Um-hum.

Secretary HAALAND. And we encourage people to call us. We are happy to have conversations with anyone, and we have engaged more—I know people like to say we didn't consult, we didn't do this, we really have had many, many conversations, over a 100,000 public comments were received during this period. So the rule does include specific protections for valid existing rights. If anyone in particular has a specific question to ask us, we are happy to engage in a conversation.

Senator MURKOWSKI. I don't think anybody wants more conversation. They want the valid existing leases to be respected, to be respected in full, and that includes not only the leases themselves but the roads and the connective infrastructure as well.

Mr. Chairman.

PESTICIDES ON WILDLIFE REFUGE AREAS

Senator MERKLEY. Thank you. I wanted to turn to wildlife refuges. We have a number of them in my home state, and often the wildlife refuges are farmed. And one of the issues that folks have

raised is that the pesticides that are used on the refuges have a big impact on the insect population, but also on the bird populations that are passing through and migrating.

I want to enter into the record a study published in 2020 in “Nature Sustainability”.

[The information follows:]

Neonicotinoids and decline in bird biodiversity in the United States

Neonicotinoids and decline in bird biodiversity in the United States

Nature Sustainability

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Body

Main

Bird biodiversity is declining at alarming rates, and it is estimated that the bird population in the United States has decreased by 29% since 1970 (refs. –). Among avian species, grassland birds have declined faster than any other guild in recent decades, with a 53% decrease since 1970 (refs.). These changes have been attributed to various factors, including the intensification of agricultural production with increasing use of pesticides, land-use changes at the extensive margin due to the continued conversion of grassland acres, and climate change.

Although overall pesticide use has been declining in the United States, the types of synthetic insecticides applied to agricultural land have shifted over the past two decades from predominantly organophosphorus and N-methyl carbamate pesticides to a mix dominated by neonicotinoids. Figure shows that the use of neonicotinoids has grown exponentially, while that of non-neonicotinoids has declined relative to the peak level in 1996. Although neonicotinoids are applied at lower rates per acre than non-neonicotinoids, they are considerably more toxic to insects and generally persist longer in the environment.

Trends in total pesticide use in the United States.

a, Total neonicotinoid use in the United States from 1994 to 2014. b, Total non-neonicotinoid pesticide use in the United States from 1994 to 2014.

Studies have raised concerns about the environmental risks of neonicotinoids for non-target species exposed to them,. Numerous laboratory and field studies have confirmed substantial negative impacts of neonicotinoid insecticides on honeybees, wild bees and butterflies,. Many studies have noted that the toxicity of neonicotinoids can affect other non-target species as well, including birds, aquatic invertebrates and mammals-. Birds that feed on crop seeds as well as aquatic and emergent insects are widely exposed to neonicotinoid application. The consumption of even one or two neonicotinoid-treated seeds by birds and mammals is likely to cause chronic risks for their reproduction and development-. In addition to directly affecting the birds that have direct exposure to them, these pesticides can have long-term effects on bird population and diversity by reducing the number of birds left to reproduce. These studies provide some support for a causal relationship between neonicotinoid use and the decrease in bird biodiversity according to the Bradford Hill criteria, as discussed further in the . However, there has been no large-scale, generalizable study quantifying the causal impact of neonicotinoids and their toxicity on bird biodiversity at the national scale in the United States.

Neonicotinoids and decline in bird biodiversity in the United States

The purpose of this Article is to examine the causal effects of neonicotinoid use and compare them with the effects of other pesticide use on four bird species groups: grassland birds, non-grassland birds, insectivorous birds and non-insectivorous birds in the United States. We analyse the static effect of neonicotinoids on bird populations as well as the dynamic and persistent effect caused by neonicotinoids reducing the sizes of bird populations and thus their reproductive capacity. Since the effects of exposure to pesticides are likely to differ across avian species, we analyse the effects on three measures of biodiversity: bird population, species richness and species diversity. These metrics have been widely used to study the factors that affect bird biodiversity; however, no previous study has used the same statistical framework to examine the effects of pesticides on all three measures. We compile a panel dataset from the North American Breeding Bird Survey (BBS) for 29 species of grassland birds, 637 species of non-grassland birds, 36 species of insectivorous birds and 631 species of non-insectivorous birds from 2,953 routes for the contiguous United States from 2008 to 2014 (see Supplementary Table for the list of grassland birds and insectivorous birds).

Results

The three measures of bird biodiversity used in this study are (1) bird population, measured by the number of birds observed; (2) species richness, measured by the number of bird species observed; and (3) species evenness, measured by the Shannon index of diversity, which takes the relative abundances of different species into account (see “). We examine the static and dynamic effects of neonicotinoid use while controlling for a number of other factors that are likely to influence bird species, including land use (cropland and urban land), use of non-neonicotinoid pesticides, breeding season and past winter monthly mean temperature and precipitation, and human population density, (see “ for details).

We undertake our analysis at the county level by aggregating route-level data over 2,448 counties in the United States to match the available data on pesticide use at the county level from the US Geological Survey (USGS) over the 2008–2014 period (see summary statistics of the data at the county level in Supplementary Table ; and see Supplementary Table for toxicity range of neonicotinoid pesticides). Our analysis is restricted to this period because land-use data from the Cropland Data Layer (CDL) provided by the National Agricultural Statistics Service (NASS) of the US Department of Agriculture (USDA) are available at the national scale from 2008 onwards, and data on neonicotinoid use from the USGS were discontinued after 2014 (ref.).

The causal effects of pesticide use and land use on bird biodiversity could be confounded by unobserved factors that may also affect bird biodiversity metrics, such as types of vegetation or land management practices. We conduct the Durbin-Wu-Hausman test for endogeneity of pesticide use, cropland acreage and developed land acreage. We find that we can reject the null hypothesis of exogeneity of pesticide use and cropland acreage but not of developed land acreage (Supplementary Tables and). We therefore analyse the effect of neonicotinoid use on bird biodiversity by estimating a fixed-effects panel data model with instrumental variables for pesticide use and cropland use (see for details). We estimate Moran's I statistic to test for spatial autocorrelation in the error term and reject the null hypothesis of no spatial autocorrelation (see Supplementary Tables and for the details). We therefore apply Conley spatial standard error models to control for spatial autocorrelation; these standard errors are reported together with the unadjusted standard errors in the regression results tables in the . Our results on the significance of parameter estimates are robust to the type of standard error used.

We test the robustness of our findings by estimating alternative specifications and regression models. Specifically, we consider different toxicities of the various neonicotinoid insecticides and analyse the effects of a toxicity-weighted measure of neonicotinoid use on bird biodiversity (Supplementary Tables and). To do so, we construct a toxicity-weighted sum of neonicotinoid use as the new explanatory variable, where the weights are based on the toxicity of each type of neonicotinoid ingredient relative to a benchmark toxicity (see Supplementary Table and 'Data' for details). The benchmark is set to be the toxicity of the most toxic ingredient, which is given a weight of 1; ingredients with lower toxicities have weights less than 1 (see the last column in Supplementary Table). Thus, one unit of toxicity-weighted neonicotinoid use is equivalent to one unit of the most toxic neonicotinoid.

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Since pesticide data at the county level can be noisy, we also undertake our analysis by aggregating the data to the crop reporting district level (see summary statistics of the data at the crop reporting district level in Supplementary Table and regression results in Supplementary Tables –). To account for the small-integer, non-negative nature of the data for species richness, we also estimate a fixed-effect instrumental variable Poisson model to test the robustness of our results (Supplementary Table).

Static effects of pesticide use

The upper panel of Table presents a summary of results on the static impact of neonicotinoid use on grassland birds and non-grassland birds obtained from regressions estimated at the county level and shown in Supplementary Tables and . The corresponding results for insectivorous and non-insectivorous birds are presented in the upper panel of Table , and the regression coefficients are shown in Supplementary Tables and . To facilitate the narrative, we convert the estimated coefficients into semi-elasticities with respect to pesticide use (evaluated at the sample mean) at the county level and report the percentage impact of a 100 kg increase in pesticide use per county on bird diversity measures in Tables and .

Impact of pesticide use on grassland bird and non-grassland bird biodiversity

% change in grassland bird diversity			% change in non-grassland bird diversity		
Population	Species richness	Shannon index	Population	Species richness	Shannon index
Using county-level data					
Due to 100kg increase per county in:					
Aggregate neonicotinoid use					
??2.2 ± 1.1%	?0.5 ± 0.3%	?0.4 ± 0.2%	?1.4 ± 0.6%	?0.5 ± 0.3%	?0.05 ± 0.07%
Aggregate non-neonicotinoid use					
??0.05 ± 0.03%	?0.01 ± 0.01%	?0.01 ± 0.01%	?0.03 ± 0.01%	?0.01 ± 0.01%	<0.01%
Aggregate pesticide use					
??0.05 ± 0.03%	?0.01 ± 0.00%	?0.01 ± 0.01%	?0.03 ± 0.01%	?0.01 ± 0.01%	<0.01%
Toxicity-weighted neonicotinoid use (normalized to the most toxic chemical)					
??5.1 ± 2.7%	?1.2 ± 0.8%	?1.0 ± 0.9%	?3.3 ± 1.4%	?1.1 ± 0.6%	?0.1 ± 0.2%
Using crop-reporting-district-level data					
Due to 100kg increase per county in:					
Aggregate neonicotinoid use					
??2.4 ± 1.4%	?0.03 ± 0.11%	?0.08 ± 0.07%	?2.0 ± 0.8%	?0.03 ± 0.05%	<0.01%

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% change in grassland bird diversity			% change in non-grassland bird diversity		
Population	Species richness	Shannon index	Population	Species richness	Shannon index
Aggregate non-neonicotinoid use					
$770.06 \pm 0.05\%$	<0.01%	<0.01%	$70.04 \pm 0.02\%$	<0.01%	<0.01%
Aggregate pesticide use					
$770.06 \pm 0.04\%$	<0.01%	<0.01%	$70.04 \pm 0.02\%$	<0.01%	<0.01%
Toxicity-weighted neonicotinoid use (normalized to the most toxic chemical)					
$775.9 \pm 3.6\%$	$70.06 \pm 0.27\%$	$70.2 \pm 0.2\%$	$74.8 \pm 1.9\%$	$70.1 \pm 0.1\%$	<0.01%

Numbers after \pm specify the 95% confidence intervals. For the crop reporting district results, we report the percentage changes using the county-level mean values of biodiversity measures for the convenience of comparison.

Impact of pesticide use on insectivorous bird and non-insectivorous bird biodiversity

% change in insectivorous bird diversity			% change in non-insectivorous bird diversity		
Population	Species richness	Shannon index	Population	Species richness	Shannon index
Using county-level data					
Due to 100kg increase per county in:					
Aggregate neonicotinoid use					
$771.6 \pm 0.9\%$	$70.08 \pm 0.4\%$	$70.1 \pm 0.2\%$	$71.5 \pm 0.6\%$	$70.5 \pm 0.3\%$	$70.07 \pm 0.07\%$
Aggregate non-neonicotinoid use					
$770.03 \pm 0.02\%$	<0.01%	<0.01%	$70.03 \pm 0.02\%$	$70.01 \pm 0.02\%$	<0.01%
Aggregate pesticide use					
$770.03 \pm 0.02\%$	<0.01%	<0.01%	$70.03 \pm 0.01\%$	$70.01 \pm 0.01\%$	<0.01%
Toxicity-weighted neonicotinoid use (normalized to the most toxic chemical)					
$773.8 \pm 2.2\%$	$70.2 \pm 0.9\%$	$70.2 \pm 0.5\%$	$73.5 \pm 1.4\%$	$71.1 \pm 0.6\%$	$70.2 \pm 0.2\%$
Using crop-reporting-district-level data					
Due to 100kg					

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% change in insectivorous bird diversity			% change in non-insectivorous bird diversity		
Population	Species richness	Shannon index	Population	Species richness	Shannon index
increase per county in:					
Aggregate neonicotinoid use					
72.3 ± 0.9%	70.03 ± 0.09%	70.01 ± 0.04%	72.0 ± 0.8%	70.08 ± 0.07%	<0.01%
Aggregate non-neonicotinoid use					
770.04 ± 0.02%	<0.01%	<0.01%	770.04 ± 0.02%	<0.01%	<0.01%
Aggregate pesticide use					
770.04 ± 0.02%	<0.01%	<0.01%	770.04 ± 0.02%	<0.01%	<0.01%
Toxicity-weighted neonicotinoid use (normalized to the most toxic chemical)					
775.5 ± 2.3%	70.08 ± 0.21%	70.02 ± 0.09%	74.9 ± 1.9%	70.2 ± 0.2%	<0.01%

Numbers after \pm specify the 95% confidence intervals. For the crop reporting district results, we report the percentage changes using the county-level mean values of biodiversity measures for the convenience of comparison.

We find that neonicotinoid use has a negative and statistically significant impact on the population of each of the four groups of birds (Tables 1 and 2). We estimate that, holding everything else constant, a 100 kg increase in neonicotinoid use per county (which represents a 12% increase on average) contributes to a 2.2% ($\pm 1.1\%$) decrease in the grassland bird population and a 1.4% ($\pm 0.6\%$) decrease in the non-grassland bird population; see the first row in the upper panel in Table 1 (the numbers after \pm in the parentheses specify the 95% confidence intervals). The increase in neonicotinoid use also leads to a decrease in the species richness and evenness of grassland birds. More specifically, a 100 kg increase in neonicotinoid use causes about a 0.5% ($\pm 0.3\%$) decrease in grassland and non-grassland species richness (roughly 0.02 species) and a 0.4% ($\pm 0.2\%$) decrease in grassland species evenness (measured by the Shannon index); the corresponding effect on the Shannon index for non-grassland species is not statistically significant. This negative impact on species evenness reflects heterogeneous impacts of neonicotinoids on different types of grassland species.

Neonicotinoid use also decreases insectivorous bird populations by 1.6% ($\pm 0.9\%$) and non-insectivorous bird populations by 1.5% ($\pm 0.6\%$) (see the first row in the upper panel in Table 1). In addition, a 100 kg increase in neonicotinoid use causes a 0.5% ($\pm 0.3\%$) decrease in non-insectivorous bird richness. The impacts of neonicotinoid use on insectivorous species richness and evenness and on non-insectivorous species evenness are negative but statistically insignificant.

We compare the effects of neonicotinoid use on bird biodiversity with those of non-neonicotinoid pesticide use (and similarly of aggregate pesticide use) by estimating separate specifications that include each of the latter (non-neonicotinoid pesticides or aggregate pesticides) as an explanatory variable (Supplementary Tables 3–5). Supplementary Tables 3 and 4 show that the signs and statistical significance of the coefficient of non-neonicotinoid pesticide use (or, separately, of aggregate pesticide use) on the four groups of birds are similar to those for neonicotinoid use, but the overall impact per 100 kg of use is substantially smaller (Tables 3 and 4). Since non-neonicotinoid constitutes nearly 99% of total pesticide use in terms of quantity in the United States over the studied period, these effects of non-neonicotinoid use on bird populations are similar to those of aggregate pesticide use (see the third row in the upper panel in Table 1). Specifically, a 100 kg increase in non-neonicotinoid pesticide use

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(which represents a 0.06% increase on average) in a county contributes to a 0.05% ($\pm 0.03\%$) decrease in the grassland bird population and a 0.03% decrease in bird populations for the other three groups in the county, holding everything else constant (see the second row in the upper panel of Tables and). Note that an increase by the same amount in neonicotinoid use has an effect more than 40 times larger than this (2.2% versus 0.05% and 1.4% versus 0.03%).

The impact of the toxicity-weighted neonicotinoid use is qualitatively similar in sign and significance to that of unweighted neonicotinoid use (Supplementary Tables and). However, the magnitudes of the effects are different. As shown in Table , an increase of 100 kg of the most toxic neonicotinoid leads to a 5.1% ($\pm 2.7\%$) reduction in the population of grassland birds and a 3.8% ($\pm 2.2\%$) decrease in the population of insectivorous birds (see the fourth row in the upper panel of Tables and). The corresponding negative effects on non-grassland and non-insectivorous birds were smaller at 3.3% ($\pm 1.4\%$) and 3.5% ($\pm 1.4\%$), respectively.

Impact of cropland expansion

We find that cropland expansion also has a negative effect on all four groups of birds (Supplementary Tables and). On average, the effect of a 1% increase in cropland acreage is a decrease in grassland bird population ranging from 1.4% to 3.5% across the various regressions estimated when evaluated at the sample means (see the elasticities in the final row of Supplementary Tables , and –). The corresponding negative effects on insectivorous birds range from 1.7% to 3.2%. The expansion of cropland also has negative and statistically significant impacts on the species richness of both grassland birds and insectivorous birds. On average, a 1% increase in cropland acreage decreases the species richness of grassland birds by about 0.7% to 1.2% and of insectivorous birds by 0.4% across the specifications estimated. Our finding of the effects of land cover on species richness is comparable to some previous results that also show that a 1% increase in high-input but low-diversity crops (corn and soybeans) in the Midwest contributes to a decline of 0.55% to 0.77% in total avian species richness. We also find that the species evenness of grassland birds decreases by 0.8% to 1.1% in response to a 1% increase in cropland. However, we do not find that insectivorous bird species evenness is responsive to cropland acreage. The negative effect of a 1% increase in cropland acreage on non-grassland bird population ranges from 0.8% to 2.1% on average across the various regressions estimated when evaluated at the sample means. The corresponding negative effects on non-insectivorous birds range from 0.6% to 2.1%. We do not find that non-grassland bird and non-insectivorous bird species richness and evenness are responsive to cropland acreage.

Crop-reporting-district-level analysis

We find that the effects of neonicotinoid use on the four groups of bird species are robust to aggregation of the data to the crop reporting district level (see the lower panels of Tables and and Supplementary Tables –). For comparability with the county-level results in the upper panels in Tables and , we again report the percentage impact of a 100 kg increase in pesticide use in a county on bird diversity measures in the county on the basis of regression results obtained from aggregated data at the crop reporting district level. We find that the sign and significance of the effect of neonicotinoids are the same as those obtained from regressions estimated using county-level data, and that the magnitude of the effect is also generally similar.

Dynamic effects of neonicotinoid use

Next, we estimate a dynamic panel data model using the generalized method of the moments-based Arellano–Bond estimator that includes a one-year lagged dependent variable as an explanatory variable. Since the inclusion of a lagged dependent variable as a regressor violates strict exogeneity, as the lagged dependent variable is necessarily correlated with the idiosyncratic error term, we use further lags of the dependent variable as instruments for the one-year lagged dependent variable. Tests for the identification of the instrumental variables are reported in Supplementary Table . We find that there is a positive and statistically significant coefficient of the lagged dependent variable in the specifications estimated. We also find a negative and statistically significant effect of neonicotinoids on populations and other biodiversity measures of all four groups of bird species. The presence of the lagged dependent variable implies that the reduction in bird populations due to neonicotinoid use in one year

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affects the populations of birds in the following years as well (although at a diminishing rate), as shown in Fig. . In the case of grassland birds, a 100 kg increase in neonicotinoid use per county in 2008 reduces the population of birds by almost 4% that year and cumulatively by 9.7% over the 2008–2014 period. The corresponding estimates for insectivorous birds are 2% and 4.2%, respectively. The effects on non-grassland and non-insectivorous birds are smaller, with a concurrent effect of 1% and a cumulative effect of 2%.

Dynamic effects on bird population due to a 100 kg increase of neonicotinoid use in 2008.

a, Changes in populations of grassland birds and non-grassland birds due to a 100 kg increase in neonicotinoid use in 2008. b, Changes in populations of insectivorous birds and non-insectivorous birds due to a 100 kg increase in neonicotinoid use in 2008. We use dynamic model results and assume a one-time 100 kg increase in neonicotinoid use in 2008.

Effects of neonicotinoid use from 2008 to 2014 across the United States

We use the estimated parameters from the static and the dynamic regression analyses to quantify the effects of neonicotinoid use on birds both temporally and spatially across the United States from 2008 to 2014. The sample data plotted in Fig. show that the populations of grassland birds, non-grassland birds, insectivorous birds and non-insectivorous birds have declined by 10%, 14%, 9% and 9%, respectively, over this period. The annual predicted values of the four groups obtained from the static model are very close to the observed data. Although the fit of the predicted values obtained from the Arellano–Bond estimator is not as good as that of the linear fixed-effect model, the divergence between the predicted and observed values is small (by 2–6% in 2011–2013 across the various groups of bird species); an exception to this is in the case of grassland birds, where the predicted values diverge from the observed data by 12–14% in 2011–2013.

Predicted changes in bird populations due to an increase in neonicotinoid use and the observed bird populations in the United States from 2008 to 2014.

a, Grassland birds. b, Insectivorous birds. c, Non-grassland birds. d, Non-insectivorous birds.

We find that on average the increase in neonicotinoid use over this period results in annual decreases of 4% and 3% in grassland bird and insectivorous bird populations, respectively, on the basis of the coefficients obtained in the static models reported in Supplementary Tables and . The corresponding estimates from the dynamic models are 12% and 5% for grassland bird and insectivorous bird populations, respectively. The average annual reduction in non-grassland and non-insectivorous bird populations due to neonicotinoid use is much smaller at about 2% and is the same in both the static and the dynamic models.

We find considerable spatial heterogeneity in the magnitude of the decreases in bird populations due to neonicotinoid use from 2008 to 2014. The adverse impacts on bird populations are concentrated in the Midwest, Southern California and the Northern Great Plains (Fig.). Among the 1,491 counties in our grassland bird sample, 55% of them have a decrease in bird population of more than 10% due to neonicotinoid use by 2014 compared with 2008. For insectivorous birds, 35% of the 1,739 sampled counties have a decrease in bird population of more than 10%. We do find a few counties in the northeastern and western United States where the use of neonicotinoids decreased over this period, leading to a small positive impact on bird populations.

Changes in bird populations due to neonicotinoid use from 2008 to 2014.

We use the following formula to calculate the change in bird population due to neonicotinoid use from 2008 to 2014 for county i : $(\text{neonicotinoid use}_{i,2014} - \text{neonicotinoid use}_{i,2008}) \times (\text{neonicotinoid use coefficient}) / (\text{bird population}_{i,2008}) \times 100\%$.

Discussion

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Bird biodiversity has undergone a substantial decline in the United States over the past four decades, with land use implicated as a major factor. Recent studies quantify the amount of the decline, but empirical evidence on reasons for the decline is limited and pre-dates the expansion of neonicotinoid use. Recent experimental evidence indicates that neonicotinoids impair the biological functions of various bird species. Epidemiological studies have used the Bradford Hill criteria to establish the cause–consequence relationships from experimental and observed information and make expert judgements on the verity of these relationships. While this approach can provide support for hypothesizing a cause–consequence relationship, gaps in the available experimental information can limit the extent to which these criteria can be used to conclude a causal effect and rule out circumstantial evidence, as in the case of the application of these criteria to conclude a causal effect of neonicotinoids on honeybees. Our study relies on a rich panel dataset on neonicotinoids and bird populations to statistically isolate the effects of neonicotinoid use on bird biodiversity while controlling for the effects of other observed and unobserved confounding factors.

We find a negative and statistically significant impact of neonicotinoid use on the four groups of bird species examined here, with the effect being relatively larger for grassland bird and insectivorous bird populations. The average impact of a 100 kg increase in neonicotinoid use per county from 2008 to 2014 on grassland bird populations from the static model was 4% and on insectivorous bird populations was 3%. We also find that neonicotinoid use decreased species richness and diversity. These effects are substantially larger when the persistent effects of neonicotinoids on bird populations are considered through their reducing the number of birds left to reproduce. After incorporating this dynamic effect, we find that the average annual effect of neonicotinoids on grassland birds is 12% and on insectivorous birds is 5%.

The present study provides considerable evidence of the ecological risks of neonicotinoid insecticides to bird biodiversity, with particularly large negative effects on grassland and insectivorous bird biodiversity. These adverse effects of neonicotinoids could emanate both directly from the consumption of coated crop seeds and indirectly from disruptions of the food supply for birds by affecting the insect populations on which they feed and by decimating the population of birds that can reproduce in the future. These indirect effects are difficult to identify via experiments. Therefore, by using a national-level dataset, the present study complements studies that employ a laboratory or field experiment approach to examine the impact of pesticides on biodiversity. This research provides compelling support for the re-evaluation of policies permitting the use of neonicotinoids by the US Environmental Protection Agency, particularly around bird habitats.

Methods

Our empirical analysis tests the hypothesis that neonicotinoid use leads to a reduction in bird biodiversity. In epidemiological studies, causality is established using nine criteria put forth by Bradford Hill. Numerous studies have provided evidence that several of these nine criteria are met when examining the causal relationship between neonicotinoid use and decreases in bird biodiversity. For instance, studies provided experimental evidence that neonicotinoids harm the migratory ability of white-crowned sparrow. Results from experiments show that neonicotinoids have detrimental impacts on the thyroid of red munia and hence negatively affect their breeding. These studies provide direct experimental evidence regarding the toxicity of neonicotinoids to birds, satisfying the experimental evidence criterion. In these experimental studies, the results show that larger doses of neonicotinoids cause more negative impacts, which supports the biological gradient criterion. Moreover, many studies show that neonicotinoids are toxic to non-targeted species. Therefore, the claim that neonicotinoids are toxic to birds does not contradict any existing knowledge, which meets the coherence criterion and supports the plausibility criterion. The analogy criterion is met by the existing findings that show that neonicotinoid use is associated with declines in insectivorous birds. On the basis of these studies, we specify the following regression models to estimate the causal effects of neonicotinoid use on bird biodiversity.

Empirical models

We first employ a fixed-effects panel data estimator to quantify the impact of pesticide use on birds. The reduced-form regression model for each bird biodiversity measure (that is, population, species richness and species evenness) is specified as follows: where y represents a biodiversity measure of grassland birds or insectivorous

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birds, p is pesticide use, k is the land-cover vector including cropland acreage and developed land acreage, c is a vector of other controls such as human population density and climate variables (including the monthly mean temperature and monthly precipitation over the breeding season (March to June) as well as the winter before the breeding season (January and the immediate past December)), s is the county fixed effects to control for time-invariant factors such as the geographical location and soil quality of a county, and u is the error term, which does not assume any specific distributional form. The subscript i stands for the county and t for the year.

We use cropland area as a measure of land cover that can affect bird biodiversity. While disturbance in land cover threatens the habitat suitability for grassland birds and negatively affects the bird population, cropland under hay and small grains can also provide nesting habitats for grassland birds or provide food sources for insectivorous birds. Therefore, the effect of cropland expansion on bird population and species is an empirical question. We also include developed land area in the regression models, since it may be another source of neonicotinoid contamination. Apart from the land-cover and pesticide-use variables, we include the monthly mean temperature and monthly precipitation from April to June because these three months are the breeding season for most of the grassland birds and insectivorous birds. The mean temperature in the breeding season is expected to be positively correlated with the abundance of grassland birds, while an increase in precipitation might disturb the breeding of grassland birds. In addition, since harsh winter conditions are likely to affect birds in various ways, we include precipitation and mean temperature in January and in the immediate past December. We also control for human population density in the regression analysis, because we expect that human population density is negatively correlated with bird biodiversity.

Two major statistical issues need to be addressed when estimating the model. The first is the endogeneity of pesticide use, because it might be correlated with unobserved factors (for example, plant–insect interactions) that may affect bird biodiversity. We employ the pesticide price index as an instrumental variable for pesticide use; this is a valid instrumental variable because it is correlated with pesticide use but does not directly affect bird abundance. A meta-analysis confirms negative and significant own-price elasticities of demand for pesticides. One might be concerned that the pesticide price index may influence birds via affecting farmer's crop choices, as crop rotation and mixing are common tools to manage insect pests. However, since pesticide expenditure accounts for only 5–15% of the total production costs, pesticide price should not be a major driver of changes in crop mix. After controlling for land use and county fixed effects, we do not anticipate any direct effect of the pesticide price index on unobserved and time-varying factors that affect bird populations. We therefore believe that the pesticide price index is a valid instrument.

The second statistical issue is that land-use changes and bird populations are likely to be affected by unobservable landscape changes and plant–insect interactions across counties, resulting in biased estimates of the regression coefficients. To address this issue, we use one-year lagged fertilizer price index as the instrumental variable to identify the effects of cropland acreage. Fertilizer is an important input for agricultural production, and fertilizer price can affect crop acreage decisions by affecting the net returns from crop production and the relative returns of various crops. The USDA agricultural commodity cost and return data show that fertilizer expenditure makes up about 29% of the total operating costs for all major field crops and 37% of corn operating costs in the United States. One concern is that fertilizer prices are likely to affect bird populations through fertilizer application, which is not controlled for in the regression, because fertilizer may affect birds via affecting plants and insects. However, there is no evidence of direct effects of fertilizer use on bird populations; in fact, researchers have found no substantial impact of fertilizer uses on grassland birds in central Hungary. It is therefore reasonable to believe that the fertilizer price index affects birds only through land coverage.

In the key models, we report the Cragg–Donald Wald F test statistic and the Kleibergen–Paap rk Wald F statistic for testing weak instruments for all the specifications using instrumental variables. We find that all the weak-instrument test statistics of the fixed-effect and instrumental-variable models are greater than the rule of thumb of ten, rejecting the null hypothesis that the excluded instruments are weakly correlated with the endogenous variables.

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As a robustness check for our key model in equation (1) for species richness, we also specify a fixed-effect Poisson regression model where y_{it} , conditional on the regressors, has a Poisson distribution. We did not employ negative binomial models because the negative binomial models cannot effectively control for fixed effects.

We also used the Arellano–Bond estimator for dynamic panel data models including lagged bird population, specified as follows:

The estimator then uses the level or difference of further lagged dependent variables as instruments of the lagged dependent variables. We use the same instrumental variables (pesticide price index and lagged fertilizer price index) for pesticide use and cropland acreage. For each bird group sample, we reject the first-order autocorrelation null hypothesis and cannot reject the second-order autocorrelation null hypothesis at 5%, indicating that the error term in equation (1) is not autocorrelated. Moreover, all four specifications passed the Hansen test of overidentification restrictions.

Data

All the data we use in the analysis are from publicly available sources, and the summary statistics are presented in Supplementary Table .

Bird data

We obtain the number of grassland birds by species from 2008 to 2014 from the BBS maintained by the Patuxent Wildlife Research Center of the USGS (ref.). We identified 29 grassland bird species and 36 insectivorous bird species, following previous studies, (Supplementary Table). The BBS is usually conducted in June, and participants skilled in avian identification collect bird population data along survey routes. See Supplementary Fig. for the geographical distribution of these survey routes in the contiguous United States. There are over 4,100 survey routes in the United States and Canada, and each survey route is about 24.5 miles long with stops at 0.5-mile intervals. At each stop, a participant conducts a three-minute count, recording all birds heard or seen within a 400-meter radius around the stop.

Bird population abundance is calculated by aggregating the bird count of a group of birds (for example, grassland birds) observed along a survey route. Species richness is measured by the total number of species observed around a route. Species evenness is measured using the Shannon index, which is calculated by $H' = -\sum_{j=1}^S a_j \ln a_j$, where a_j is the proportion of the j th species population over the total population of all the species within a species group. Note that the Shannon index is nonlinear in both bird population and number of species.

The county-level data were aggregated from all the survey routes in a county on the basis of the route geo-locations provided by the BBS (Supplementary Fig.). If a survey route spans two or more counties, we multiply the number of birds observed at each route by the share of the route length within a county to calculate the bird count from this route for the county. The panel is unbalanced because not all routes are surveyed each year. Note that this aggregation may cause measurement error in the county-level data because some routes might not be observed in some years. However, as long as the measurement error is independent of the bird count data, which is probably the case with the BBS data because the data collection largely relies on the (random) availability of volunteer bird observers, it will not bias the estimated coefficients.

Explanatory variables and instrumental variables

The county-level agricultural pesticide use data are obtained from the USGS Pesticide National Synthesis Project. The dataset reports the aggregate annual mass applied for each neonicotinoid active ingredient, including acetamiprid, clothianidin, imidacloprid, dinotefuran, thiacloprid and thiamethoxam. Since the USGS stopped reporting seed treatment applications of pesticide use in 2015 (ref.), we limit our sample up to 2014 for consistency. For every county (excluding those in California), the data include values of active ingredients under EPest-low and EPest-high, which differ in their ways of treating missing values in pesticide–crop combinations. Specifically, EPest-low treats the missing values as zero, while EPest-high extrapolates the values from

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neighbouring crop reporting districts. We use the EPest-high values in the main results because there are fewer missing observations. For counties in California, the EPest-low and EPest-high values are the same because the county total pesticide uses are directly obtained from the California Department of Pesticide Regulation's Pesticide Use Report database. For aggregate pesticide use and non-neonicotinoid pesticides, we aggregate all 423 and 417 types of pesticide uses, respectively, in each county in each year from 2008 to 2014.

Because not every neonicotinoid ingredient has the same toxicity, we construct the toxicity-weighted neonicotinoid use on the basis of the neonicotinoid bird toxicity range (LD50, or median lethal dose) from the University of Florida Institute of Food and Agricultural Sciences website. The median lethal dose is defined as the ratio of the weight of the neonicotinoid ingredient to the body weight of the dosed animal (mg kg⁻¹), for a 50% mortality rate. Since the toxicity is given in a range of lethal doses, we take the middle point of the range and normalize neonicotinoid use to the most toxic neonicotinoid ingredient equivalence quantity (see Supplementary Table for the detailed ranges and weights). We weight the county-level use using the inverse of the toxicity value for each neonicotinoid active ingredient.

The areas of cropland and developed land within each county from 2008 to 2014 are constructed from the CDL provided by the NASS of the USDA (ref.). We aggregate CDL land areas under the categories of row crops, vegetables and tree crops to the county level. Monthly precipitation and mean temperature data between 2008 and 2014 at the county level are obtained from the Parameter-Elevation Regression on Independent Slopes Model (PRISM) provided by Oregon State University. County-specific human population density data from 2008 to 2014 were obtained from the Population and Housing Unit Estimates Datasets of the US Census Bureau. The annual national-level fertilizer price index from 2008 to 2014 is obtained from the USDA Economic Research Service data service product. The annual pesticide price index is from the NASS of the USDA.

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Notes

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Senator MERKLEY. And it basically lays out how one particular pesticide, neonicotinoids, have affected a decline in bird diversity in the United States. When people hear “refuge”, they assume we are managing the refuge in a fashion that is good for the ecosystem on the refuge. But that is the issue that has been raised as a point of concern.

Are you aware of this point of concern? Is there any sort of dialogue underway in terms of trying to make sure that the refuges are indeed refuges and not poisoning the insects, the animals, and the birds?

Secretary HAALAND. Thank you very much, Chairman. And you might know that the Fish and Wildlife Service recently proposed

updated regulations for its Biological Integrity, Diversity, and Environmental Health Policy, we call it BIDEH. The proposal will strengthen the Refuge System's ability to achieve its conservation mission. It would give refuge managers a framework to evaluate and implement management actions to protect species, restore habitats, and increase climate resilience.

An example of how the framework would apply would be consideration of pesticide use on refuge lands. We completely understand what you are saying, and I hope that—if that doesn't answer your question, we are happy to engage with your office more specifically, if that would be helpful, and specifically for refuges in your state.

Senator MERKLEY. Yeah, I think it is worth continuing to examine the science around this, and since they are a public trust, and we do have a variety of farming practices that do not involve using these pesticides, so maybe they are not compatible with the ecosystem on the refuge. That is, I think it is worth wrestling with that question.

Secretary HAALAND. Yes.

ABANDONED MINE CLEANUP

Senator MERKLEY. I want to turn to a challenge we have had in the past, which is when coal mining occurs, and when oil drilling occurs, there is a process that sometimes results in the companies declaring bankruptcy and leaving the cleanup of those mines, or the cleanup of those drilling sites, the plugging of the wells if you will, to the public to pay for.

And the issue really is whether the bonding requirements to be set aside for cleaning up when one abandons a well or a mine, are sufficient. I know the administration has taken a recent action to try to address this. Could you describe that, and do we have confidence that the costs of cleaning up newly abandoned wells, will not continue to be foisted on to the American taxpayer?

Secretary HAALAND. Thank you so much, Senator. Yes, we understand that and agree that the taxpayers shouldn't have to foot the bill for someone else's mess. So yes, the rule addresses that serious problem. Let us see. Some of the benefits of the rule, the rule increases the 1960s minimum bonding amounts for Federal onshore oil and gas activities. Increase minimums will reduce the risk from future bankruptcies. Minimum lease bond amounts increase from 10,000 to 150,000. Minimum statewide bond amount increases from 25,000 to 500,000. Now bond amounts provide an incentive for companies to meet their reclamation obligations, or cover the actual cleanup costs in the event an operator goes out of business, or otherwise fails to complete required plugging and reclamation.

Senator MERKLEY. For some, what I would call irresponsible companies, it has almost become a business model: use bankruptcy to toss, if you will, your obligation to clean up, and then you reincorporate and continue with other sites. So I think that is important.

I know when I was developing housing, we had to have a bond to complete the project, and it was like, you start this project, it is going to get completed, and that bond cost us some money. But it was very important that half-constructed projects, that it not sit there in the public landscape. I think the same thing applies here.

That as one drills, or as one mines, you are fully responsible possible for cleaning up that mess.

There is a phrase that is sometimes used about: Privatize the profits, socialize the losses. And that is a phrase that refers to, well, we will kind of run up the profit, and then we will dump the expenses of cleaning it up onto the public taxpayer. So I think this is an important process and applaud that you are all wrestling with appropriate bonding to make sure that that doesn't continue to happen.

Let me turn to my colleague.

TRIBAL ENGAGEMENT ON THE NPRA RULE

Senator MURKOWSKI. Thank you, Mr. Chairman. Before I ran out of time with the last question, we were talking about the NPRA Rule, and you had started to detail the consultation that had gone on, the numerous meetings. The reason there is such frustration over this consultation process is because there were multiple individuals that were frustrated over this issue. So it required the subcommittee to, basically, call on Interior to conduct additional consultation with Alaskan Natives and the tribal entities on the slope.

It not only came here from the committee, it came from the Congressional Delegation, from the Legislature, and yet the Department announces the publication of the Final NPRA Rule on April 19. Not a single effort made to conduct additional consultation as we had requested.

Part of the back and forth in this that, again, leads to ongoing frustration, is our comments from your own team, the NPRA Working Group met to discuss this issue in August, and one of your Deputy Assistant Secretaries, Kathryn Kovacs, stated, she says, "I am happy to regale you with the ins and outs of the Congressional Review Act, but unfortunately, we are on a schedule with this one, that we don't have any control over. So we just don't have that kind of time for a rule. We are on a schedule on this one. We don't have any control over this."

And so you have got a situation where it has already been forecast to people; that look, we have got this clock ticking because we have got to—we want to avoid an effective veto under the under the CRA. How can this be considered meaningful consultation if your own Department is effectively sabotaging it before it even begins? I just—I can't believe that it is appropriate for somebody within the Department to, basically, say: This consultation is just kind of a check-the-box exercise that we have to get behind?

Secretary HAALAND. Senator, I will just say that following all of those meetings that you spoke about, they extended the comment period on November 13 for an additional 20 days.

Senator MURKOWSKI. Twenty days, yeah.

Secretary HAALAND. Also, I want to say that we also reaffirmed that nation-to-nation consultation is not restricted to a public comment period, and could occur any time, when tribal leaders request those consultations. I also would like to offer, a fact sheet, which lists for you all of the tribal engagements that we had detailing that engagement for the record if that would be helpful as well.

[The information follows:]

RULE ALASKA NATIVE TRIBES AND ANCSA CORPORATION ENGAGEMENT

- On March 13, 2023, the Administration previewed its intent to develop a draft rule to maximum protections for significant resource values on the more than 13 million acres of Special Areas in the western Arctic, while supporting subsistence uses and needs for Alaska Native communities.
- On August 25, 2023, in advance of the publication of the draft rule, the BLM mailed a formal offer for consultation to 45 Tribes and 30 Alaska Native Corporations to engage in consultation on the proposal. The BLM did not receive a response to these invitations from any of the Tribes or Alaska Native Corporations. On September 6, 2023, agency staff called state and local governments to ensure they were aware of the upcoming publication of the proposed rule and to offer opportunities to discuss the rule language.
- On September 6, 2023, the Department released the draft NPR–A rule and launched a 60- day comment period following publication in the Federal Register on September 8th. The BLM continued to offer consultation via phone, email, and in-person invitations to Tribes and Alaska Native Corporations that it determined would be most likely to have substantial direct effects from the rule, including the Native Village of Atkasuk; Atkasuk Corporation; Village of Wainwright; Olgoonik Corporation; Native Village of Nuiqsut; Kuupik Corporation; Native Village of Barrow; Ukpeaġevik Inupiat Corporation (UIC); Arctic Slope Regional Corporation (ASRC); and Inupiat Community of the Arctic Slope (ICAS).
- The BLM held three in-person meetings on the proposed rule in Anchorage (October 10, 2023), Nuiqsut (November 1, 2023), and Utqiagvik (November 2, 2023) to provide an overview of the proposed rule and answer questions from the public. The BLM also held one hybrid meeting in Wainwright on December 4, 2023. A court reporter was present at the Nuiqsut and Utqiagvik meetings to transcribe all comments and questions. The hybrid meeting in Wainwright was recorded via the Zoom platform, and those comments were collected by the BLM on behalf of the commenters and submitted as comments to the rulemaking docket on regulations.gov. For each meeting in Reserve communities, the BLM coordinated with local entities.
- Based on feedback our team heard in Alaska, the BLM extended the comment period on October 17, 2023, for 10 additional days.
- The BLM met with the Mayor of Atkasuk on October 31, 2023; the Native Village of Nuiqsut on November 1, 2023; ICAS on November 3, 2023, and February 6, 2024; Village of Wainwright on November 21, 2023; Olgoonik Corporation on December 19, 2023; ASRC on December 21, 2023; and Kuupik on February 1, 2024.
- In addition, the agency met with the NPR–A Working Group three times during the public comment period and three times since its close. The NPR–A Working Group is comprised of representatives from North Slope local governments, Alaska Native Corporations, and Tribal entities. It is intended to provide a forum for North Slope communities to provide input to management of the Reserve. ICAS, NSB, Voice of the Arctic Inupiat, and ASRC met with representatives of the BLM and the Department on September 21, 2023, in Washington DC.
- Representatives from ICAS, NSB, Voice of the Arctic Inupiat, ASRC, Olgoonik Corporation and Anaktuvuk Pass, along with their lobbying representation, met with Acting Deputy Secretary Laura Daniel-Davis and BLM leadership in Washington DC on November 8, 2023, in Washington DC, where they were joined by Representative Peltola.
- The Acting Deputy Secretary, BLM Director and BLM Principal Deputy Director also met with non-profit, Native Alaskan-led organizations who support the rule: Sovereign Inupiat for a Living Arctic and Grandmothers Growing Goodness.
- Following those meetings, the BLM again extended the comment period on November 13, 2023, for an additional 20 days, to ensure that anyone who wanted to participate had the opportunity. We also reaffirmed that nation-to-nation consultation is not restricted to a public comment period and could occur anytime Tribal leaders requested.

Senator MURKOWSKI. Is it not correct, though, that eight times you were asked by various leaders from the North Slope region for meetings, came all the way from Alaska to Washington, D.C., to

specifically meet with you, only to have their request asked. I know that that is a fact because our offices tried to get meetings for our constituents when they traveled 5,000 miles to come and see you.

Secretary HAALAND. Senator, I know that our Acting Deputy Secretary did meet along with Congresswoman Peltola.

Senator MURKOWSKI. Our Acting Deputy Secretary did meet?

Secretary HAALAND. Yes.

Senator MURKOWSKI. Our Secretary of the Interior making an extraordinarily consequential decision about lands that this group of Alaska Native leaders call home and subsist upon, were denied meetings eight times. Let me ask about the Department took an additional 18 days to publish the Final Rule in the Federal Register. I am not sure why. What I really want to know is whether or not there were any changes between the unofficial pre-publication version of the rule, and the final version?

Secretary HAALAND. I can't answer that for you at the moment. But I will absolutely go back to the office and ask the BLM to respond to that question.

Senator MURKOWSKI. I think it is kind of important because there is a notable gap there. Your staff had previously committed to providing red line of the Draft Rule and the Final Rule, so can you share with me as well, the red line of the unofficial publication version of the rule?

Secretary HAALAND. Senator, we will absolutely be in touch with your office as to those two specific questions.

Senator MURKOWSKI. Yeah. I would like to get—I would like to get that red line by the end of this next week if we can.

[The information follows:]

MANAGEMENT AND PROTECTION OF THE NATIONAL PETROLEUM RESERVE IN ALASKA

A red-line strikeout comparison of the draft and final rules provided to the Subcommittee previously, follows.

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DEPARTMENT OF THE INTERIOR**Bureau of Land Management****43 CFR Part 2360****[BLM_HQ_FRN_MO4500177994]****RIN 1004-AE95****Management and Protection of the National Petroleum Reserve in Alaska****AGENCY:** Bureau of Land Management, Interior.**ACTION:** Final rule.

SUMMARY: This rule governs the management of surface resources and Special Areas in the National Petroleum Reserve in Alaska (Reserve or NPR-A). The Bureau of Land Management (BLM) manages the NPR-A consistent with its duties under the Naval Petroleum Reserves Production Act, as amended (NPRPA), Federal Land Policy and Management Act, as amended, (FLPMA), and other authorities. The rule revises the framework for designating and assuring maximum protection of Special Areas' significant resource values and protects and enhances access for subsistence activities throughout the NPR-A. It also incorporates aspects of the NPR-A Integrated Activity Plan (IAP) approved in April 2022.

DATES: This rule is effective on [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

FOR FURTHER INFORMATION CONTACT: James Tichenor, Advisor - Office of the Director, at 202-573-0536 or jtichenor@blm.gov with a subject line of "RIN 1004-AE95." For questions relating to regulatory process issues, contact Faith Bremner at fbremner@blm.gov.

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Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. For a summary of the rule, please see the rule summary document in docket BLM-2023-0006 on www.regulations.gov.

SUPPLEMENTARY INFORMATION:

I. List of Acronyms and Abbreviations

II. Executive Summary

III. Background

IV. Section-by-Section Discussion

V. Procedural Matters

I. List of Acronyms and Abbreviations

To ease the reading of this preamble and for reference purposes, the following acronyms and abbreviations are used in the preamble:

ANILCA (Alaska National Interest Lands Conservation Act of 1980)

BLM (Bureau of Land Management)

ASRC (Arctic Slope Regional Corporation)

FLPMA (Federal Land Policy and Management Act of 1976)

IAP (Integrated Activity Plan)

ICAS (Iñupiat Community of the Arctic Slope)

NPR-A or Reserve (National Petroleum Reserve in Alaska)

NPRPA or the Act (Naval Petroleum Reserves Production Act of 1976)

UIC (Ukpeagvik Iñupiat Corporation)

II. Executive Summary

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The Naval Petroleum Reserves Production Act of 1976 (NPRPA) gives the BLM three overarching mandates for managing the Reserve: 1) conduct an oil and gas exploration, leasing, and production program; 2) protect environmental, fish and wildlife, historical, and scenic surface resources from the impacts of that program through mitigation of reasonably foreseeable and significantly adverse effects; and 3) assure maximum protection for significant surface values from the impacts of the oil and gas program, including subsistence use, within Special Areas. Through this rulemaking process, the BLM is developing a more cohesive framework for these three mandates by establishing requirements and procedures for protecting the surface values of the Reserve while conducting the oil and gas program.

The final rule implements the critical components of the statutory framework described above, establishing procedures for the BLM to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities on the surface resources of the Reserve and to provide maximum protection for surface values within Special Areas for proposed oil and gas activities. The BLM will continue to follow the part 3130 regulations for managing oil and gas leasing and production in the Reserve.

The rule updates the purpose of the subpart 2361 regulations to more accurately and completely reflect the scope of the regulations. The purpose of the updated regulations is to provide standards and procedures to implement 42 U.S.C. 6506a(b), which requires the Secretary to ensure that “[a]ctivities undertaken pursuant to this Act include or provide for such conditions, restrictions, and prohibitions as [she] deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [NPR-A],” and to provide standards and procedures to implement 42 U.S.C. 6504(a), under which any exploration in Special Areas “shall be conducted in a manner which will assure the maximum protection of such

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surface values to the extent consistent with the requirements of this Act for the exploration of the [NPR-A].”

The rule establishes new standards and procedures for managing and protecting surface resources in the Reserve from the reasonably foreseeable and significantly adverse effects of oil and gas activities. It requires the BLM, in each decision concerning oil and gas activity in the Reserve, to adopt measures to mitigate the reasonably foreseeable and significantly adverse effects on surface resources, taking particular care with surface resources that support subsistence. The rule requires the BLM to manage oil and gas activities in accordance with the IAP, enshrining longstanding BLM practice into regulations. In the BLM’s experience, the IAP provides an invaluable means of evaluating management options, engaging the public, and guiding decision-making, consistent with the BLM’s duties under NPRPA and the National Environmental Policy Act (NEPA).

The rule codifies the five existing Special Areas and their significant resource values and management as currently established in Secretarial decisions and the 2022 IAP, and it establishes a process for designating, amending, and de-designating Special Areas in the future. The rule sets forth standards and procedures for managing oil and gas activities within Special Areas, confirming that the management priority within Special Areas is to assure maximum protection of significant resource values consistent with the requirements of the NPRPA for exploration of and production from the Reserve. The procedures detail requirements for analyzing proposed oil and gas leasing, exploration, development, or new infrastructure in Special Areas, including providing opportunities for public participation and consulting with federally recognized Tribes and Alaska Native Claims Settlement Act (ANCSA) corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area.

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The BLM must evaluate potential adverse effects on significant resource values and consider measures to avoid, minimize, or otherwise mitigate adverse effects to achieve maximum protection of significant resource values.

The rule requires the BLM to manage Special Areas to protect and support fish and wildlife and their habitats and the associated subsistence use of those areas by rural residents, and it requires the BLM to provide reasonable access to and within Special Areas for subsistence purposes. The rule encourages the BLM to explore co-stewardship opportunities for Special Areas, including co-management, collaborative and cooperative management, and tribally led stewardship, fulfilling the special trust relationship that the Department of the Interior has with Tribes.

III. Background

A. The Need for the Rule

The BLM is promulgating this final rule because the regulatory framework governing the management and protection of environmental, fish and wildlife, other surface resources, and Special Areas in the Reserve needs updating. Conditions throughout the Arctic have changed dramatically since 1977, when the BLM issued the current regulations for management of surface resources and Special Areas in the Reserve. Rapidly changing conditions, including the intensifying impacts of climate change on the Reserve's natural environment and Native communities, make it necessary and appropriate for the BLM to develop new regulations that account for and respond to these changing conditions and that require the BLM to regularly address changing conditions.

In addition, the current regulations do not reflect the full management regime for the Reserve. This rule will provide a framework for management to protect Special Areas and surface resources in the Reserve, which requires a delicate balance between

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exploration for and development of oil and gas resources and protecting subsistence, recreational, fish and wildlife, historical, scenic, and other values. The applicable legal standards and procedures for management of the Reserve are currently scattered throughout several statutes and BLM regulations, plans, and guidance documents. For example, the existing regulations do not integrate with the BLM's development and use of IAPs, which have been used for more than two decades to guide management of lands within the Reserve. Although the BLM is not required to prepare a resource management plan for the Reserve under FLPMA, see 42 U.S.C. 6506a(c), it has chosen to produce and update the IAP through a public process and supported by analysis in an Environmental Impact Statement (EIS). The IAP allocates land uses in the Reserve and includes oil and gas lease stipulations and infrastructure restrictions that apply to BLM authorizations in Special Areas and other areas throughout the Reserve. The overlay of an updated regulatory regime to govern the Reserve, including the requirement to develop future IAPs to direct management of the lands and resources in the Reserve, will enhance consistency and certainty, particularly with respect to protection of surface resources and Special Areas.

Through the NPRPA, as amended, Congress has given the BLM three overarching mandates for managing the Reserve: 1) conduct an oil and gas exploration, leasing and production program; 2) protect environmental, fish and wildlife, historical, and scenic surface resources from the impacts of that program through mitigation of reasonably foreseeable adverse effects; and 3) assure maximum protection for significant surface values from the impacts of the oil and gas program, including subsistence use, within Special Areas. Through this rulemaking process, the BLM is developing a more cohesive framework for these three mandates by establishing requirements and

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procedures for protecting the surface values of the Reserve while conducting the oil and gas program, as discussed in more detail below.

1. Conduct an oil and gas leasing, exploration, and production program

The NPRPA directs the Secretary of the Interior to “conduct an expeditious program of competitive leasing of oil and gas in the Reserve in accordance with this Act.” In response to this mandate, in 1981 the BLM developed regulations establishing the procedures for administering a competitive leasing program for oil and gas within the Reserve. Those regulations are set forth in 43 CFR part 3130, and they are not being amended in this rulemaking process. Following promulgation of the part 3130 regulations, the BLM held two lease sales in the Reserve in 1982 and one each in 1983 and 1984.¹ After receiving no bids during the 1984 lease sale and determining that the oil and gas industry had “little interest in another lease sale,” the BLM discontinued sales in the Reserve for the next 15 years.² The BLM restarted lease sales in 1999 and, over the next 2 decades, held a total of 15 sales for the Reserve. These sales initially generated considerable bonus bid revenue for the Federal Government and the State of Alaska; however, bid revenue dropped off significantly as lands in the Reserve with the highest potential for development were leased. Between 1999 and 2019, the BLM offered nearly 60 million acres of leases in the Reserve but received bids on just 12 percent of that acreage.³

¹ U.S. Geological Survey, The NPR-A Data Archive 2 (Mar. 2001), available at <https://pubs.usgs.gov/of/19624a01/19624a01.pdf>.

² BLM, Northeast NPR-A Final IAP/EIS (Aug. 1998), available at https://web.archive.org/web/20001015022001/http://arora.ak.blm.gov/nprafinal/html/contents_y011.html.

³ BLM, NPR-A Sale Statistics 1999 to Present, available at https://www.blm.gov/sites/blm.gov/files/documents/files/03_Gsa_Alaska_NPR-A_LeaseSale_Statistics_1999toPresent.pdf.

The BLM continues to authorize oil and gas leasing and production in the Reserve. The most recent oil and gas lease sale in the Reserve occurred in 2019. Under the 2022 IAP, approximately 11.8 million acres of the Reserve's subsurface estate are available for oil and gas leasing. In March 2023, the BLM approved the Willow Master Development Plan Project for construction and operation of new infrastructure in the Bear Tooth Unit within the Reserve. The approved Willow project incorporates substantial resource protection measures, such as reducing the number of proposed drill sites, while authorizing the production and transportation to market of Federal oil and gas resources within the Reserve, consistent with the BLM's statutory directives.

2. Protect environmental, fish and wildlife, historical, and scenic values

Under the NPRPA, the Secretary of the Interior assumes all responsibilities for the protection of environmental, fish and wildlife, and historical or scenic values. The Act authorizes the Secretary to "promulgate such rules and regulations as [she] deems necessary and appropriate for the protection of such values within the reserve." 42 U.S.C. 6503(b). The BLM additionally has a responsibility to "provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects [of oil and gas activities] on the surface resources" throughout the Reserve. 42 U.S.C. 6506a(b). The current regulations, however, provide little detail on the standards and procedures the BLM should use to implement these important requirements. New and revised standards and procedures are needed to ensure that the BLM is fulfilling its statutory duties under the NPRPA, FLPMA, and other authorities to the best of its ability.

The many important surface resources of the Reserve are described in detail in the preamble to the proposed rule. These include extensive calving grounds for the Teshekpuk Caribou Herd and the Western Arctic Caribou Herd; threatened and sensitive

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bird species and the Qupluk Flyway Network Site; marine mammals including polar bears, six whale species, spotted seals, and walrus; and abundant fish species including Pacific salmon. Overall, the implications of climate change for wildlife in the Arctic are substantial, particularly for marine mammals that are threatened by continued Arctic warming and the resulting deterioration of sea ice. The final rule better supports the BLM's ability to manage impacts to surface resources resulting from climate change and to respond to changing conditions more rapidly.

3. Assure maximum protection for significant surface values, including subsistence use, within specially designated areas

The NPRPA requires the BLM to "assure the maximum protection of [significant subsistence, recreational, fish and wildlife, or historical or scenic] values" within Special Areas "to the extent consistent with the requirements of [the NPRPA] for the exploration of the reserve." 42 U.S.C. 6504(a). This requirement applies to the impacts of all oil and gas activities. 42 U.S.C. 6504(a); 6506a(n)(2). The final rule improves upon the standards and procedures that implement this requirement. For example, the current regulations identify specific measures the BLM may take to assure maximum protection but provide no further guidance on the evaluation and selection of such measures.

The final rule also maintains and enhances access for long-standing subsistence activities in the Reserve. The importance of subsistence harvesting to the Iñupiat people and residents of communities in and around the Reserve is discussed in depth in the preamble to the proposed rule. Impacts on subsistence are occurring on the North Slope with greater frequency as development expands across the region. Nuiqsut, the community closest to current oil and gas development on the North Slope, has experienced the most impacts. Effects on subsistence and concerns for ongoing subsistence activities have also been documented for Point Lay, Wainwright, Utqiagvik,

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Atkasuk, and Anaktuvuk Pass. Many of these effects are related to oil and gas exploration and development—including seismic activity and oil and gas-related research, pipelines, and traffic—on caribou and other terrestrial species. Provisions of the rule for management of subsistence uses within Special Areas and co-stewardship opportunities in management of Special Areas and subsistence fulfill the special trust relationship that the Department of the Interior has with Tribes.

In sum, this rule implements the critical components of the statutory framework described above, establishing procedures for the BLM to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities on the surface resources of the Reserve and to provide maximum protection for surface values within Special Areas for proposed oil and gas activities, consistent with the requirements of the Act related to conducting oil and gas exploration and production—all as explicitly required by the NPRPA. The BLM will continue to follow the part 3130 regulations for managing oil and gas leasing and production in the Reserve. The BLM will also continue to maintain an IAP for the Reserve per the final rule. The IAP addresses management of the Reserve more broadly than oil and gas activities, whereas this rule and the codification of the 2022 IAP in provisions of this rule apply only to oil and gas activities.

Public Comments on the Need for the Rule

During the public comment period, the BLM received approximately 89,000 comments on regulations.gov from Tribes, Alaska Native Corporations, State and local governments, organizations, businesses, and individuals. Among them were comments from the Arctic Slope Regional Corporation, Doyon Limited, Iñupiat Community of the Arctic Slope, Kuukpik, Native Village of Kotzebue, and Village of Wainwright.

This preamble responds to comments in the relevant part of the discussion. For example, the following addresses comments on the need for the rule.

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Comment: Commenters stated that the Reserve was set aside for the purposes of energy resource development and security in the United States and that they do not think that the BLM should promote any regulations that would slow, deter, or counter these purposes.

BLM Response: The rule implements express statutory direction in the NPRPA, which requires authorizations for oil and gas activities to “include or provide for such conditions, restrictions, and prohibitions...necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources” throughout the Reserve. The NPRPA also requires the BLM to ensure maximum protection of Special Areas’ significant resource values from oil and gas activities. Please see the Brief Administrative History of the Reserve discussion below for more details.

Comment: The BLM received comments requesting that it remove the climate change justification from the Need for the Rule discussion. The BLM also received comments that balancing oil and gas activities with the protection of surface resources is not enough to address the climate change concerns raised in [section 11\(E\)](#), Need for the Rule.

BLM Response: Intensifying impacts from climate change are particularly affecting North Slope Inupiaq communities and creating substantial uncertainty for managing surface resources in the Reserve. Changes in native plant communities, wildlife habitat, and migration corridors, particularly for caribou, are affecting the availability of and access to subsistence resources. Climate change is also affecting things like permafrost stability and creating engineering challenges for infrastructure. Promulgating this rule now provides industry with assurances regarding management of the Reserve and allows it to better plan for future exploration and development. Updating the regulatory framework will improve the BLM’s ability to respond to changing

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conditions in the Arctic while providing transparency in conservation and development decisions.

Comment: The BLM received comments espousing the position that there is not a need for additional rules to manage the Reserve because the IAP already provides stringent requirements for environmental protection and designates specific areas for oil and gas development.

BLM Response: The 2022 IAP Record of Decision (ROD) provides broad management direction for uses and activities allowed within the Reserve, including requirements for environmentally and socially responsible resource development. The BLM is seeking to codify the 2022 IAP development process and management framework for oil and gas activity into regulations, which currently are over 40 years old and outdated. Additionally, this final rule consolidates the provisions governing the BLM's management of oil and gas activity while mitigating adverse effects on surface resources and managing Special Areas for maximum protection of significant resource values in the Reserve.

Comment: Commenters requested that the BLM cite the need to protect wildlife species, including those with declining populations like the Arctic peregrine falcon and caribou, in the Need for the Rule.

BLM Response: The concerns raised in this comment are encompassed in the proposed and final rule with references to "protection and control of the environmental, fish and wildlife, and historical and scenic values of the National Petroleum Reserve in Alaska."

B. Brief Administrative History of the Reserve

Designated by President Warren G. Harding in 1923 as Naval Petroleum Reserve No. 4, ~~E.O. 3797-A~~, the Reserve is one of several naval petroleum reserves established

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on public land in the early part of the 20th Century to serve as an emergency oil reserve for the U.S. Navy. The Reserve extends from the north slope of the Brooks Range to the Arctic Coast and encompasses approximately 23 million acres of public land.

The U.S. Navy explored for oil and gas in the Reserve from 1944 to 1953, resulting in the discovery of two small oil fields (Simpson and Umia), one prospective oil field (Fish Creek), a gas field (South Barrow), and four prospective gas fields (Meade, Square Lake, Titaluk, and Wolf Creek). The Navy also pioneered numerous methods for oil exploration in the Arctic and collected a tremendous amount of scientific information concerning northern Alaska. By the 1970s, when Congress began debating the role of the naval petroleum reserves in the context of the nation's changing energy needs, the Reserve remained "largely unexplored and almost completely undeveloped." H.R. Rep. No. 94-156, at 3 (1975). In 1976, Congress passed the NPRPA, which transferred administrative jurisdiction over the Reserve from the Secretary of the Navy to the Secretary of the Interior and redesignated the "Naval Petroleum Reserve Numbered 4, Alaska" as the "National Petroleum Reserve in Alaska" in 1977. Pub. L. 94-258 (1976) (codified at 42 U.S.C. 6502). It also directed the President to prepare a study to "determine the best overall procedures" for exploring, developing, and transporting the reserve's oil and gas resources. *Id.* section 105(b)(1) (codified at 42 U.S.C. 6505(b)).

In the NPRPA, Congress sought to strike a balance between oil and gas exploration and "the protection of environmental, fish and wildlife, and historical or scenic values" in the Reserve. It did so by directing the Secretary to "promulgate such rules and regulations as he [or she] deems necessary and appropriate for the protection of such values within the reserve." 42 U.S.C. 6503(b). The Conference Report explained that the Act would immediately vest responsibility for protection of the Reserve's "natural, fish and wildlife, scenic and historical values . . . in the Secretary of the Interior

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... so that any activities which are or might be detrimental to such values will be carefully controlled." H.R. Conf. Rep. No. 94-942 (1976). The report stated the Conference Committee's expectation "that the Secretary will take every precaution to avoid unnecessary surface damage and to minimize ecological disturbances throughout the reserve." *Id.*

Congress further directed that "[a]ny exploration within the Unakok River, the Teshkpuk Lake areas, and other areas designated by the Secretary of the Interior containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value, shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve." 42 U.S.C. 6504(a). The Conference Report elaborated that the Act would "immediately authorize the Secretary to require that the exploration activities within these designated areas be conducted in a manner designed to minimize adverse impacts on the values which these areas contain." H.R. Conf. Rep. No. 94-942 (1976).

To implement the NPRPA, the BLM developed regulations in 1977 to govern management and protection of the Reserve. Those regulations, which have remained unchanged since their original promulgation, are set forth at 43 CFR [part 2360](#), subpart 2361. The regulations provide a purpose and objectives for the protection of the environmental, fish and wildlife, and historical or scenic values of the Reserve and require the BLM to take such action as is necessary to mitigate or avoid unnecessary surface damage and to minimize ecological disturbance throughout the Reserve to the extent consistent with the requirements of the NPRPA for the exploration of the Reserve. Among other provisions, the regulations identify examples of maximum protection

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measures that may be implemented to protect significant resource values and provide guidance for designating additional Special Areas within the Reserve.

Three years after the BLM developed regulations to govern management of the Reserve, the Department of the Interior Appropriations Act, Fiscal Year 1981, directed the Secretary to “conduct an expeditious program of competitive leasing of oil and gas” in the Reserve, while “provid[ing] for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on . . . surface resources” Pub. L. 96-514, 94 Stat. 2957 (1980). The BLM subsequently developed a new set of regulations to govern the oil and gas leasing program in the Reserve, which were promulgated in 1981 and are set forth at 43 CFR part 3130. The part 3130 regulations did not amend the subpart 2361 regulations, and, as a result, the BLM currently follows two sets of regulations located in different parts of the code governing management of the Reserve.

The Fiscal Year 1981 Appropriations Act also exempted the Reserve from the requirement to prepare land use plans under section 202 of FLPMA. However, the BLM has found that planning is beneficial to ensure compliance with the statutory and regulatory framework governing the Reserve and since 1998 has maintained an IAP for the Reserve. Because planning in the Reserve is exempted from FLPMA section 202, the IAP is not developed as a resource management plan and does not implement multiple use and sustained yield. Instead, the IAP focuses possible future BLM management practices on those uses that are allowable under the NPRPA for the Reserve, and consistent with NEPA regulations at 40 CFR parts 1500 through 1508, the IAP is developed through an EIS process.

The BLM first developed an IAP for the Northeast portion of the Reserve, which was finalized in 1998, and established initial surface protections relevant to the

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Teshkepkuk Lake and Colville River Special Areas. Upon signing the 1998 ROD, the Secretary approved the addition of “much of the Kikiakrenak and Kogosukruk Rivers and an area approximately two miles on either side of these rivers” to the Colville River Special Area, thus increasing its size to 2.44 million acres, and the addition of the Pik Dunes to the Teshkepkuk Lake Special Area. 64 FR 16747 (April 6, 1999). The 2003 Northwest NPR-A IAP proposed the new Kasagahuk Lagoon Special Area, which the Secretary approved in a ROD in 2004. See 70 FR 9096 (Feb. 24, 2005). The Kasagahuk Lagoon Special Area is located in the northwestern corner of the Reserve and includes important habitat for marine mammals, among other values.

The BLM developed the first IAP for the full Reserve in 2013. Through the 2013 IAP, the Secretary made several decisions concerning Special Areas. First, the Secretary designated a fifth Special Area: Peard Bay. The 107,000-acre area was designated to “protect haul-out areas and nearshore waters for marine mammals and a high use staging and migration area for shorebirds and waterbirds.” (BLM, NPR-A IAP ROD 4 (Feb. 2013), available at

https://eplanning.blm.gov/public_projects/nepa/5251/42462/45213/NPR-A_FD&L_ROD_2-21-13.pdf) Second, the Secretary expanded the Teshkepkuk Lake Special Area by 2 million acres “to encompass all the roughly 30-to-50-mile band of land valuable for bird and caribou habitat between Native-owned lands near Barrow and Native-owned lands near Nuiqsut” (*Id.* at 19.) Third, the Secretary expanded the Utukok River Uplands Special Area to 7.1 million acres “to more fully encompass prime calving and insect-relief habitat within the NPR-A” (*Id.* at 4.) Finally, the Secretary broadened the purpose of the Colville River Special Area to include the “protect[ion] of all raptors, rather than the original intent of protection for arctic peregrine falcons.” (*Id.*)

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The current IAP, adopted in April 2022, was informed by a Final EIS issued by the agency in 2020. The EIS evaluated a range of alternatives for managing oil and gas activities and resources in the Reserve. (BLM, NPR--A Final IAP/EIS (June 2020), available at <https://eplanning.blm.gov/eplanning-ut/project/117408/570>.) These alternatives were informed and shaped by extensive outreach efforts with the public and stakeholders, including:

- *Scoping*: During the scoping period from November 21, 2018, to February 15, 2019, the BLM held eight public meetings in Alaska and received approximately 56,000 comment submissions, including form letters.
- *Public Review of the Draft IAP/EIS*: During the comment period for the Draft IAP/EIS from November 25, 2019, through February 5, 2020, the BLM held eight public meetings in Alaska and received more than 82,000 comments, including form letters and signed petitions.
- *Comments received after the Final IAP/EIS was released and prior to the ROD*: In reaching the decision in the 2022 ROD, the BLM reviewed and fully considered comments received after distribution of the Final IAP/EIS on June 26, 2020. The comments did not identify any significant new circumstances or information related to environmental concerns bearing upon the proposed action or its impacts. Instead, they generally reflected concerns already raised by comments submitted during scoping and the public's review of the Draft IAP/EIS.

In addition to the above, the current IAP benefited from suggestions and careful review of the analysis in the IAP/EIS by several cooperating agencies: the Bureau of Ocean Energy Management, Inupiat Community of the Arctic Slope, National Park Service, North Slope Borough, State of Alaska, and U.S. Fish and Wildlife Service.

During the IAP/EIS process, the BLM consulted with:

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- Tribes as required by a Presidential Executive Memorandum dated April 29, 1994;
- Communities, Tribal organizations, and Native corporations on the North Slope;
- The U.S. Fish and Wildlife Service and the National Oceanic and Atmospheric Administration—Fisheries pursuant to the Endangered Species Act; and
- Alaska's State Historic Preservation Office pursuant to the National Historic Preservation Act.

Pursuant to Alaska National Interest Lands Conservation Act (ANILCA) section 810(a)(1) and (2), the BLM also conducted hearings in North Slope communities to gather comments regarding potential impacts to subsistence use resulting from the alternatives considered in the IAP/EIS. Section 3.6 of the 2022 IAP details the BLM's process for evaluating impacts to subsistence use and findings based on that evaluation.

The 2022 IAP makes approximately 11.8 million acres (52 percent) of the Reserve's subsurface estate available for oil and gas leasing. The remaining approximately 11 million acres (48 percent) of the Reserve, including the majority of lands within Special Areas and much of the coastal area of the Reserve along the Beaufort Sea, are closed to oil and gas leasing to protect and conserve important surface resources and uses in these areas. The majority of the area closed to oil and gas leasing was determined to be medium or low potential for discovery or development of oil and gas resources in the Reasonably Foreseeable Development Scenario in the 2020 NPR-A Final IAP/EIS (BLM, NPR-A Final IAP/EIS at B-1 (June 2020), available at https://eplanning.blm.gov/public_projects/117408/200284263/20020421/250026625/VOLUME%20Appendices%20B-Y.pdf) The IAP makes lands available for application for oil and gas infrastructure, including pipelines and other infrastructure necessary for owners of any offshore leases in the State or Federal waters of the Chukchi and Beaufort Seas to bring oil and gas across the Reserve to the Trans-Alaska Pipeline System, while

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also prohibiting new infrastructure on lands containing habitat of special importance to nesting, breeding, and molting waterfowl as well as those with critical calving and insect relief areas for the Teshekpuk Lake and Western Arctic Caribou Herds. (BLM, NPR-A IAP ROD 1-2 (Apr. 2022))

C. Statutory Authority

The NPRPA is the primary source of management authority for the Reserve. Under the NPRPA, the Secretary must “assume all responsibilities” for “any activities related to the protection of environmental, fish and wildlife, and historical or scenic values” and “promulgate such rules and regulations as he [or she] deems necessary and appropriate for the protection of such values within the reserve.” 42 U.S.C. 6503(b).

Congress has also directed the Secretary to “conduct an expeditious program of competitive leasing of oil and gas” in the NPR-A. *Id.* However, the NPRPA also requires the Secretary to ensure all oil and gas activities within the Reserve “include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources” throughout the NPR-A. *Id.* at 6506a(b).

The NPRPA also authorizes the Secretary to designate Special Areas to protect “significant subsistence, recreational, fish and wildlife, or historical or scenic value[s]” in the NPR-A and provides that any “exploration” in Special Areas “shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve.” *Id.* at 6504(a).

Other authorities that guide management of the NPR-A include FLPMA and the Alaska National Interest Lands Conservation Act of 1980 (ANILCA). Although Congress in 1980 exempted the NPR-A from FLPMA’s land use planning and wilderness study

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BLM Response: The BLM disagrees with commenters' assertions that the rule conflicts with the NPRPA or FLPMA. This rule appropriately implements the statutory framework in the NPRPA, as amended, to provide for oil and gas exploration and development in the Reserve while ensuring the protection of environmental, fish and wildlife, and historical or scenic values across the Reserve; and specifically within Special Areas to ensure that any oil and gas activity is undertaken in a manner that provides for the maximum protection of surface values to the extent consistent with the requirements of the NPRPA.

Similarly, this rule appropriately implements the applicable provisions of FLPMA to the management of the Reserve. The Department of the Interior and Related Agencies' Fiscal Year (FY) 1981 Appropriations Act (Pub. L. 96-514) exempted management of the Reserve from only two sections of FLPMA: section 202 (43 U.S.C. 1712), which requires the BLM to prepare resource management plans to guide management of public lands; and section 603 (43 U.S.C. 1782), which required the BLM to complete wilderness reviews and describes the procedures for managing any lands recommended to Congress for wilderness designation pending ~~congressional~~ action. The BLM is otherwise obligated to manage public lands within the Reserve pursuant to FLPMA, where consistent with the NPRPA, as amended. Under FLPMA, the BLM has broad authority to regulate the use, occupancy, and development of public lands within the Reserve and must take action "to prevent unnecessary or undue degradation of the lands" (43 U.S.C. 1732(b)).

Comments: Other comments suggested that the BLM add a specific reference to ANILCA in § 2361.3.

BLM Response: The BLM agrees with this suggestion and has added a discussion of ANILCA to that section of the final rule.

D. Public Engagement

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The BLM published the proposed rule in the *Federal Register* on September 8, 2023 (88 FR 62025), for a 60-day comment period ending on November 7, 2023. In response to public requests for an extension, the BLM extended the comment period for 10 days (88 FR 72985) and then again for 20 days (88 FR 80237). The resulting 90-day comment period closed on December 7, 2023.

During the comment period, the BLM hosted a variety of public outreach activities. The BLM held two virtual public meetings on October 6 and November 6, 2023. Presentation slides and video recordings of the virtual meetings were made available on the BLM website for the rulemaking (<https://www.blm.gov/about/laws-and-regulations/NPR-A-Rule>). The BLM held three in-person meetings in Anchorage (October 10, 2023), Nuiqsut (November 1, 2023), and Utqiagvik (November 2, 2023) to provide an overview of the proposed rule and answer questions from the public. The BLM also held one hybrid meeting in Wainwright on December 4, 2023. A court reporter was present at the Nuiqsut and Utqiagvik meetings to transcribe all comments and questions. The hybrid meeting in Wainwright was recorded via the Zoom platform, and those comments were collected by the BLM on behalf of the commenters and submitted as comments to the rulemaking docket on [regulations.gov](https://www.regulations.gov/docket/BLM-2023-0006) (<https://www.regulations.gov/docket/BLM-2023-0006>). Additionally, the BLM posted transcripts from the meetings as supporting and related materials to the rulemaking docket on [regulations.gov](https://www.regulations.gov).

The BLM also posted a fact sheet, a frequently-asked-questions document, a side-by-side comparison of the proposed rule with the existing regulation, and other background information on the BLM website to further public understanding of the proposed rule (<https://www.blm.gov/about/laws-and-regulations/NPR-A-Rule>).

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In addition, during the comment period, the BLM conducted external outreach and participated in meetings to discuss the content of the proposed rule, including congressional briefings, meetings with the State of Alaska, and meetings with industry and other stakeholder interest groups.

Public Comments on Public Engagement

Comments on scope of outreach:

Commenters noted their perception that the BLM did not seek the input of those likely to be affected by the rulemaking prior to issuing the Notice of Intent in the *Federal Register*, as they stated is required by Executive Order (E.O.) 13563. Specifically, commenters stated their position that the BLM did not conduct outreach or engagement with the eight active lessees in the Reserve, State and national trade associations (American Petroleum Institute and Alaska Oil and Gas Association), and numerous Tribal and local government entities including the North Slope Borough, to “seek their views on the scope or merits of the contemplated proposed rulemaking.”

Commenters also provided input on outreach methods. Commenters suggested that the BLM utilize KBRW as local residents often listen to that station for important announcements including meetings. Commenters also suggested that the BLM reach out to local search and rescue offices in villages because those volunteers directly interact with subsistence users. Comments emphasized that many Tribes and allotment owners do not have cell phones, utilize social media, or own computers; many do not have Internet access, and if they do, it is limited and unreliable.

BLM Response: The BLM’s intention to initiate this rulemaking was announced in March 2023. On August 25, 2023, the BLM mailed a formal offer for consultation to 45 Tribes and 30 Alaska Native Corporations to engage in consultation on the proposed rule. The BLM did not receive a response to these invitations from any of the Tribes or

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Alaska Native Corporations. Since the announcement of the proposed rule on September 8, 2023, the BLM has continued to offer consultation via phone, email, and in-person invitations to Tribes and Alaska Native Corporations that it determined would be most likely to have substantial direct effects from the rule, including the Native Village of Atkasuk; Atkasuk Corporation; Village of Wainwright; Olgoonik Corporation; Native Village of Nuiqsut; Kuupik Corporation; Native Village of Barrow; Ukepaqvik Inupiat Corporation (UIC); Arctic Slope Regional Corporation (ASRC); and Inupiat Community of the Arctic Slope (ICAS). On September 6th, 2023, agency staff called State and local governments to ensure they were aware of the upcoming publication of the proposed rule and to offer opportunities to discuss the rule language.

For some proposed rules, the BLM chose to engage with stakeholders about the broader topic earlier in the rulemaking process. In this instance, however, we believed it would be more productive to engage in more in-depth discussion regarding the content of the proposed changes to the rule with the benefit of the actual proposal for review and discussion.

The BLM worked with communities within the Reserve to host in-person public comment meetings, including posting meeting flyers, amplifying meetings on social media, and announcing the meetings on local CB radios. We always appreciate suggestions on outreach methods and how we might better reach audiences. We note the commenters' specific outreach suggestions for future efforts in the North Slope region.

Comments on timing:

Commenters expressed their concerns that the timeline for review of the rule directly conflicted with hunting and fall subsistence whaling activities. Commenters also noted their perception that the BLM is ignoring local circumstances such as the North Slope Borough's mayoral elections, which they stated prevented meaningful input on the

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proposed rule from North Slope communities. Comments expressed the opinion that the public comment timeline was inadequate, noting that 60 days was insufficient, and that the additional 30 days of extensions still did not allow North Slope organizations to diligently prepare comments on the rule and to weigh-in to the fullest extent possible. Commenters requested additional time to allow the public to have meaningful opportunity to review the necessary information and provide substantive comments.

Commenters expressed concern that the comment period for the rule overlapped with the comment period for the Coastal Plain Oil and Gas Leasing Program Supplemental EIS comment period.

Commenters emphasized the importance of working with the NPR-A Working Group, as the group consists of important local leaders and provides a forum for discussion of the rule including recommendations. Commenters suggested that certain group members (specifically Utqiagvik) did not receive notification of the meetings and that they should be involved in the discussion.

Commenters noted their opinion that the schedule for in-person and virtual public meetings for the rule did not provide sufficient notice to allow the public to meaningfully participate, nor the opportunity to adjust schedules so as to attend in person. Commenters also noted their opinion that the meetings were hastily scheduled, with only a few days' notice, and that meetings were canceled with little or no notice and often not rescheduled. Commenters requested additional public meetings and requested that those additional meetings be adequately noticed to facilitate public participation and local engagement.

Commenters noted that there is no reason the proposed rule should have substantially less public participation than other, less significant actions that have dictated management of the Reserve as both have been subject to the Administrative Procedure

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Act (APA). Commenters noted that the APA ensures that BLM rulemaking is a transparent and regular process.

BLM Response: BLM agrees that the timing for the public comment period was difficult and not ideal. Whaling is an incredibly important subsistence activity for North Slope communities, and fall is one of two key times to harvest. While the comment period for the proposed rule was during the fall whaling season, the BLM took steps to ensure that North Slope communities were given the opportunity to provide comments on the proposed rule and engage in the process in a meaningful way. First, the BLM conducted extensive outreach to Reserve communities, holding in-person public meetings in Nuiqsut, Utqiagvik, and Wainwright. Further, we recognize that submitting public comments online or through the mail might pose a challenge to these communities. To facilitate greater participation, we offered opportunities for community members at these sessions to submit their comments for the record through comment cards or through a court reporter. In addition, the agency met with the NPR-A Working Group three times during the public comment period. The NPR-A Working Group is comprised of representatives from North Slope local governments, Alaska Native Corporations, and tribal entities. It is intended to provide a forum for North Slope communities to provide input to management of the Reserve (https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about/alaska/NPR-A/npr-a_working_group). For each meeting in Reserve communities, the BLM coordinated meeting dates, times, and locations with local entities, although some changes still resulted due to unforeseen events or weather. Regarding the comment received specially addressing the November 2 meeting in Utqiagvik, meeting details were finalized in mid-October 2023 and advertised to the community via social media and flyers, in addition to notification to the NPR-A Working Group and posting on the project website.

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The BLM received requests to extend the public comment period for the proposed rule; specifically, we were asked to extend the comment period for an additional 90 days, which would have made for a 150-day (5-month) comment period. A 5-month comment period far exceeds the typical duration for rulemaking comment periods. While we were unable to grant the requested extension, the BLM did extend the comment period for 30 days, resulting in a 90-day comment period for the proposed rule. While the comment period for the proposed rule overlapped with the comment period on the Draft Supplemental EIS for the Coastal Plain, the Coastal Plain comment period was 60-days and ended one month before the close of the comment period on the proposed rule.⁴ Throughout the comment period and since, the BLM has continued to engage with Reserve region Tribes and Alaska Native Corporations on the rule.

Comments on meeting format:

Commenters provided input on the format of both the in-person and virtual meetings. Commenters noted that public comment and testimony was not part of the meetings, which, in their opinion, confirmed the BLM's "limited intention to actually gather knowledge or data, or to collaborate." Commenters also noted their perception that the BLM limited questions from the public and only answered select written questions submitted in English and then did not read them verbatim but instead paraphrased them. Some commenters stated concern over the format of the virtual meetings and noted that they did not think the meetings were long enough in duration and that they prefer a townhall format over the webinar format that was utilized. Commenters further noted that they would have liked to interact with each other and/or the BLM. Commenters

⁴ The Coastal Plain of the Arctic National Wildlife Refuge is approximately 50 miles east of the NPR-A. The 2017 Tax Act (Pub. L. 115-97) directed the BLM to conduct two sales in the Coastal Plain offering at least 400,000 acres of high-potential hydrocarbon lands for bid by 2024. More information on the supplemental environmental impact statement for the Coastal Plain Oil and Gas Leasing Program can be found on that project's website at <https://eplanning.blm.gov/eplanning-ui/project/2015144/570>.

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expressed their opinion that the BLM's comment process does not provide special considerations that account for Indigenous groups' understanding of Western institutional public processes, which makes the process less transparent to Indigenous peoples.

Some commenters noted that, in their opinion, the BLM should "reset the process to allow more public engagement and to receive the benefit of comment from informed stakeholders who can contribute to a better and more durable final rule."

BLM Response: All members of the public were invited to submit comments to the BLM electronically at Regulations.gov or by mail, personal delivery, or messenger delivery. The BLM uploaded comments received by mail, personal delivery, or messenger delivery to Regulations.gov. As the official repository of comments, Regulations.gov is available to the public, allows the agency to better track and make more effective use of comments, and allows the public to review submissions from other commenters. For public meetings, the agency hosted virtual and in-person informational sessions along with in-person public comment meetings for communities located within the Reserve.

The informational sessions were designed to help the interested public understand the proposed rule and provide a forum to answer questions. The BLM communicated with attendees that comments would not be collected at the informational sessions due to the logistical feasibility of accurately and comprehensively recording comments in those venues. Participants were given both the Regulations.gov website and the mailing address for comment submission, and BLM representatives were available to answer questions about how to submit comments. The agency did not receive any questions during information sessions that were not written in English.

The BLM worked with communities within the Reserve to host in-person public comment meetings. We have heard on numerous occasions through other project

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outreach efforts that submitting public comments online or through the mail often poses a challenge to these communities. To facilitate greater participation, we offered opportunities for community members at these meetings to submit their comments to the record through comment cards or orally through a transcriber.

Comments on public engagement for the 2022 IAP:

Commenters expressed their opinion that the BLM incorrectly relied on the public comment process that informed the 2020 IAP ROD and noted that the BLM should have conducted NEPA review for ~~the~~ proposed rule. Commenters noted their opinion that the BLM streamlined the public involvement process and the actual impacts of the rule by claiming that it is administrative in nature, thus dismissing the need for additional stakeholder input. Commenters also noted their opinion that the rule vastly alters major Federal planning processes and land management standards that were developed using robust public input and that if the BLM wants to move forward with a rule that alters existing Federal land management, then the agency must acknowledge the public involvement process requirements at a minimum.

The BLM received comments stating that “The State [of Alaska] strongly opposes and finds it disingenuous for BLM to consider and describe stakeholder engagement during the NPR-A IAP relevant stakeholder engagement and as justification for the need of the proposed rule.”

BLM Response: The BLM did not rely on the IAP public comment process as the public comment for this rule. Rather, the BLM provided for public comment on the proposed rule as required by the APA. With respect to NEPA compliance for this rulemaking, it is relevant that the current IAP was supported by an extensive NEPA analysis – including preparation of an EIS. The final rule does not alter any current on-the-ground management, and it meets the criteria set forth at 43 CFR 46.210(i) for a

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Departmental categorical exclusion in that this rule is “of an administrative, financial, legal, technical, or procedural nature.” Additionally, the final rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would preclude the application of the categorical exclusion. As such, the BLM has complied with NEPA by relying on this categorical exclusion.

E. Tribal Consultation

On August 25, 2023, the BLM invited via mail 45 Tribes and 30 Alaska Native Corporations to engage in consultation regarding the proposed NPR-A rule. Since the announcement of the proposed rule, we have continued to offer consultation to Native Village of Atkasuk, Atkasuk Corporation, Village of Wainwright, Olgoonik Corporation, Native Village of Nuiqsut, Kuupik Corporation, Native Village of Barrow, UIC, ICAS, and ASRC. We met with the Mayor of Atkasuk on October 31, Native Village of Nuiqsut on November 1, ICAS on November 3 and February 6, Village of Wainwright on November 21, Olgoonik Corporation on December 19, ASRC on December 21, and Kuupik on February 1. In addition, staff met and discussed the proposed rule with the NPR-A Working Group (consisting of representatives from North Slope local governments, Native corporations, and Tribal entities, https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about/alaska/NPR-A/npr-a_working_group) on September 26, October 17, and December 1. We also held in-person public meetings in Nuiqsut, Utqiagvik and Wainwright where verbal comment was recorded, along with three informational sessions – one in Anchorage and two virtual. The BLM will continue to engage in consultation with Tribes and Alaska Native Corporations after the final rule is published.

Public Comments on Tribal Consultation:

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Commenters expressed their opinion that the Alaska Native Corporations and the federally Recognized Tribes of Alaska were not properly consulted during the rulemaking process. Commenters expressed their opinion that the BLM did not comply with E.O. 13175, Secretary's Order 3043, President Biden's "Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships" and "Memorandum on Uniform Standards for Tribal Consultation," and the DOI Policy Manual 512 DM 4 and 5. Comments stated that the BLM letter to Alaska Tribes and Alaska Native Corporations was sent 7 business days before proposed rule's publication which "fails to meet the numerous consultation requirements detailed at length" in the Executive order and Memoranda listed above.

Commenters expressed that because the rule was published during fall whaling season, "What little consultation or public meeting process did occur was hastily convened with little to no opportunity for local communities to receive timely notice."

Commenters requested that the BLM engage in meaningful communication and consultation with local villages and Tribes to ensure the new regulations meet the needs and concerns of the communities who rely on the Reserve. Comments requested that the BLM consultation be more inclusive than just the federally recognized Tribes and ANSCA corporations. One commenter stated: "Also, the rule seems to treat ANSCA corporations the same as Tribes which needs further clarification."

Another commenter stated: "BLM's efforts to avoid working with local stakeholders of the NPR-A is almost impressive in its breadth. Not only has the State been excluded, but also leaders from impacted NPR-A Alaska Native communities, the North Slope Borough, the BLM-created NPR-A Working Group, the ~~congressionally~~ established ASRC, the tribal representatives from the ICAS, the Voice of the Arctic Imupiat (VOICE), and the general public of Alaska and residents of the NPR-A. These

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process deficiencies are especially stark after so many prior NPR-A-focused planning and permitting efforts featured comprehensive consultation and process. Conversely, this may be the North Slope's most disconnected and disingenuous public process in the modern era."

BLM Response: Please see our response to similar comments in the discussion of Public Engagement above. We understand that some commenters found the public comment period dissatisfying. We received very helpful input and our outreach complied fully with applicable law and policy.

In addition, 512 DM 6 (<https://doi.gov/sites/doi.gov/files/clips/documents/512-dm-6.pdf>) outlines requirements for consultation between appropriate ANCSA Corporation officials and Department officials. While not considered government-to-government consultation, it is the policy of the Department to recognize and fulfill its legal obligations to consult with ANCSA Corporations on the same basis as Alaska Native Tribes. To the extent that concerns expressed by a federally recognized Tribe and an ANCSA Corporation substantively differ, officials shall give due consideration to the rights of sovereignty and self-government of the Tribe, and to the unique legal status and rights of the ANCSA Corporation.

In its many years of engaging with North Slope communities, the BLM has gained a deep understanding of the connection those communities have with the NPR-A. For example, for the Iñupiat of the North Slope, "cultural resources are not merely places or things but also provide a link between North Slope history, Iñupiat culture and values, subsistence activities, and the biological and physical environment. These resources have spiritual and cultural importance to residents of the North Slope, and their protection is of

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utmost importance to the Iñupiat.”⁶ Contemporary Iñupiaq values, including respect for nature, hunting traditions, and family and kinship, are “inextricably linked with all facets of Iñupiaq life,” but “none more so than subsistence hunting and harvesting traditions. Maintaining and passing down cultural values, including knowledge of subsistence hunting and harvesting methods, traditions, and places, is of utmost importance to North Slope residents.”⁷ “The Iñupiaq people’s relationship to the land is characterized by ... subsistence traditions...; thus, to the Iñupiat, protecting traditional lands and waters and the wild resources that inhabit them is essential to maintaining cultural traditions, knowledge, and identity. Today, the Iñupiat are continuously adapting and responding to various forces of change that challenge their ability to protect these lands and waters and that contribute to social stress within communities.”⁸ Among those forces of change is oil and gas development. “Given the historical and unique nature of the economic, social, and cultural value Alaska Natives place on subsistence resources in the planning area and the importance of these resources to the nutritional health and food security of Alaska Natives,” the adverse impacts of oil and gas development are predominately borne by Alaska Natives residing in communities that utilize subsistence resources from the NPR-A.⁹

F. General Public Comments

General comments about the rule

Comments: Commenters expressed support that the proposed rule would provide enhanced protection for natural resources for future generations, including wildlife and

⁶ BLM, NPR-A Final IAP/EIS (June 2020), [section 3.4.2, available at https://eplanning.blm.gov/public_projects/117408/200284263/20020342/250026546/Volume%20I_ExecSummary_Ch1-3_References_Glossary.pdf](https://eplanning.blm.gov/public_projects/117408/200284263/20020342/250026546/Volume%20I_ExecSummary_Ch1-3_References_Glossary.pdf).
⁷ *Id.* [section 3.4.4](#).
⁸ *Id.*
⁹ *Id.* [section 3.4.5](#).

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biodiversity, fragile Arctic environments, and Alaska's unique ecosystem. Commenters believed that the proposed rule would help the BLM address changing conditions, including climate change, improve upon standards and procedures to protect surface values and significant resource values, promote transparency and inclusivity, and would overall result in a more comprehensive plan to manage the Reserve.

BLM Response: We appreciate the recognition of these goals of the proposed rule, and we agree the proposed rule would advance these outcomes. The BLM made changes in the final rule to strengthen resource protection measures and clarify standards and procedures for implementing the rule with transparency and community engagement.

Comments: The BLM received comments expressing concerns that the proposed rule would restrict oil and gas development and could harm local economies that are reliant on oil and gas revenue. Commenters expressed concern that the proposed rule may be contrary to ~~congressional~~ direction set forth in the NPRPA and may not fulfill the purposes of the Reserve. We appreciate commenters raising these concerns through the rulemaking process, and the final rule incorporates changes to clarify the BLM's statutory mandate under the NPRPA for managing the Reserve.

BLM Response: As detailed in discussion and comment responses throughout this preamble to the final rule, the BLM believes managing oil and gas leasing and production under this regulatory framework will best enable the BLM to meet its requirements to ensure protection of environmental, fish and wildlife, historical, and scenic values in the Reserve and will benefit local communities. This rule balances all aspects of the BLM's statutory mandate for managing the NPR-A.

Comments: The BLM also received comments generally addressing recreation in the Reserve and requesting more discussion on how recreation activities and experiences would be affected by the rule.

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BLM Response: We did not address recreation directly under the framework of the rule because the rule only addresses management of oil and gas activities in the Reserve. As the BLM implements the rule, there may be indirect effects on recreation activities in the Reserve, such as fewer impacts on recreation experiences associated with oil and gas production due to decisions that minimize and mitigate those impacts on surface resources in the Reserve.

Comments about climate change

Comments: The BLM received comments discussing the impacts of climate change already being realized in the Reserve, such as impacts to wildlife habitat and permafrost and the potential loss of associated subsistence food sources. Commenters urged the development of a comprehensive analysis of the climate impacts of Western Arctic oil and gas production. Commenters recommended that an updated climate analysis should incorporate adaptive management practices, which would allow the BLM to manage the Reserve for improved climate resiliency.

Commenters requested that the BLM ensure decisions are consistent with [Council on Environmental Quality \(CEQ\)](#) guidance, [Environmental Protection Agency \(EPA\)](#) guidance, and Secretarial Order 3399 regarding addressing climate impacts. In particular, commenters recommended that the BLM include a requirement in the rule to analyze the social cost of carbon, consider the reasonably foreseeable effects of climate change on infrastructure, and model greenhouse gas emissions. Commenters proposed various frameworks and approaches for incorporating climate analysis and emissions management into the rule.

BLM Response: This rule is focused on impacts to surface values of the Reserve and implementing the BLM's statutory obligation to protect those values when authorizing oil and gas leasing and production. Thus, the BLM is not analyzing or

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specifically considering the climate impacts of oil and gas development as part of the rulemaking process. We recognize that the changing conditions of surface values in the Reserve are being driven in a significant way by climate change and that changes due to climate change are occurring at an accelerated rate in the Arctic compared to other parts of the planet. Because of the dynamic nature of these impacts on surface resources, however, the BLM must consider and address climate impacts during the implementation of the rule. For example, the BLM will analyze the condition of surface resources, including changing conditions caused by climate impacts, when determining when to update the LAP. We further note that the BLM must analyze and consider greenhouse gas emissions, and climate impacts in general, when conducting NEPA analysis for oil and gas leasing and production activities.

Comments: Some commenters argued that the NPRPA creates an obligation for the BLM to limit greenhouse gas emissions from activities in the Reserve and expressed concern that the proposed rule fails to “mitigate reasonably foreseeable and significantly adverse effects on the surface resources” by not addressing emissions from recently approved oil and gas leases.

BLM Response: The BLM agrees that the provisions of the NPRPA that require the BLM to mitigate reasonably foreseeable and significantly adverse effects on surface resources and to assure maximum protection for significant resource values in Special Areas require the BLM to analyze and consider greenhouse gas emissions when it is considering new oil and gas activity in the Reserve. As described above, such analysis and consideration will occur as part of the NEPA process both for any changes to the LAP and for project-level approvals.

Comments about wildlife

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Comments: Commenters provided detailed information about fish and wildlife habitats in the Reserve and the impacts of oil and gas production on specific species and their habitats. In particular, comments documented information about caribou in the Utukok Uplands and their behavioral responses to oil and gas development, as well as polar bear populations within the Reserve and the impacts of oil and gas activities on the species. Commenters recommended the rule include additional protections to build resilient habitats for plants and wildlife, such as establishing connectivity zones between Special Areas. Comments expressed concern that existing mitigation measures do not ensure maximum protection for subsistence of the Teshekpuk Caribou Herd.

BLM Response: The BLM appreciates the wealth of information provided by commenters about wildlife species and habitats in the Reserve and impacts occurring from oil and gas activities. While analyzing specific habitat areas or mitigation measures is outside the scope of this rulemaking process, the BLM believes the final rule strengthens provisions that will support the BLM's management of important wildlife habitat and other surface resources in the Reserve. For example, the final rule requires that all Special Area designation and amendment processes will rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and resources within the Reserve. The final rule also details procedures for the BLM to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas.

Comments about oil and gas production

Comments: The BLM received comments stating that the proposed rule disregards congressional intent that the BLM manage the Reserve for oil and gas production, including the NPRPA's requirement that the BLM conduct an expeditious program of competitive leasing of oil and gas in the Reserve. Commenters cited the U.S. Court of

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Appeals for the Ninth Circuit, which commenters assert has held that the NPRPA did not give the Secretary the discretion not to lease, but rather that the Secretary is given the discretion to provide rules and regulations under which leasing would be conducted.

BLM Response: We believe the final rule appropriately reflects the BLM's mandates in the NPRPA to conduct an oil and gas leasing and production program in the Reserve while protecting environmental, fish and wildlife, and historical and scenic values within the Reserve. In the same section that establishes an oil and gas leasing program in the Reserve, the NPRPA explicitly directs the BLM to "provide for such conditions, restrictions, and prohibitions as... necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources" of the Reserve when conducting the oil and gas program (42 U.S.C. 6506a(b)). Further the BLM updated § 2361.40 in the final rule to specifically reference the BLM's mandate under the NPRPA to assure maximum protection of significant resource values in Special Areas "consistent with the requirements of the NPRPA for exploration and production of the Reserve." This is consistent with *Northern Alaska Environmental Center v. Kempthorne*, 457 F.3d 969 (9th Cir. 2006), which states only that the government could not forbid *all* oil and gas leasing throughout the Reserve, not that it lacks discretion not to lease in some areas. Indeed, in that case, the court upheld an LAP that deferred leasing in a significant portion of the NPR-A.

Comments: The BLM received comments discussing the maximum protection requirements in the proposed rule and the context of the statutory language. Commenters stated that the maximum protection requirement in the NPRPA was not intended to create a presumption against oil and gas activities, but rather to ensure that exploration operations would be conducted to minimize adverse impacts on the environment. Commenters argued that the maximum protection provisions in the proposed rule are

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contrary to the plain language of the NPRPA, ~~congressional~~ intent and the 1981 Appropriations Act.

BLM Response: The NPRPA requires the BLM to conduct oil and gas activities in Special Areas “in a manner which will assure the maximum protection of [any significant subsistence, recreational, fish and wildlife, or historical or scenic] values to the extent consistent with the requirements of this Act.” The Conference Report on the NPRPA elaborated that the Act would “immediately authorize the Secretary to require that the exploration activities within these designated areas be conducted in a manner designed to minimize adverse impacts on the values which these areas contain.” H.R. Conf. Rep. No. 94-942 (1976). The provisions of the rule implementing this requirement enable the agency to fulfill its statutory duty to protect Special Areas. We note that maximum protection measures are not an objective standard but rather are established in the context of resource needs and other uses, including valid existing rights and ongoing oil and gas production in the Reserve. As established in the existing regulation and carried forward to the final rule, maximum protection measures can include limiting types of vehicles and aircraft, requiring use of alternative routes, and rescheduling activities. They can also include restrictions on oil and gas infrastructure or closures to certain oil and gas activities, consistent with prescriptions for the Special Areas and existing leases. Maximum protection measures are and will continue to be developed through public processes with opportunities for public input and consultation with Tribes, ANCSA corporations, and local governments.

Comments: Commenters requested a more detailed explanation of how the rule would apply to and affect existing leases, operations, and activities. Commenters expressed concerns that the rule would adversely affect future proposals for development activities and impermissibly conflict with existing leases, by which the BLM has granted

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a right to build infrastructure and produce oil. Commenters acknowledged existing leases can be subject to reasonable regulations but argued that the proposed rule is not a reasonable restriction because it would create uncertainty about permit approval. Commenters suggested that leases may expire while the BLM delays action to document uncertainty or denies a permit on the grounds that the proposed infrastructure is not practicable or essential. Other comments discussed that the BLM has authority to take actions it determines are necessary to protect the environment in the Reserve, including through regulatory actions, and that this is acknowledged in the standard language in BLM leases.

BLM Response: The rule includes specific protections for valid existing rights. For example, the final rule allows for new permanent infrastructure on lands within Special Areas that are allocated as unavailable to new infrastructure if necessary to comport with the terms of a valid existing lease. The final rule similarly makes clear that the presumption against new oil and gas activities in Special Areas would be overcome by the need to comport with the terms of a valid existing lease.

At the same time, we note that, while the terms of an existing lease and approved development project or permit will not be affected by the rule, a valid lease does not entitle the leaseholder the unfettered right to drill wherever it chooses or categorically preclude the BLM from considering alternative development scenarios within leased areas, nor does it give the leaseholder the right to produce all economically recoverable oil and gas on the lease. Further, the BLM can condition permits for drilling on implementation of environmentally protective measures and could even deny a specific application altogether if it were to propose development in a particularly sensitive area, and where mitigation measures would not be effective. Future development of an existing lease, by its terms, could be subject to additional terms and conditions. For

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example, the standard lease for activities in the Reserve states, “An oil and gas lease does not in itself authorize any on-the-ground activity” and notes that more restrictive stipulations may be added. Similarly, a standard lease stipulation entitled “Conservation of Surface Values for NPR-A Planning Area Land” provides: “Operational procedures designed to protect resource values will be developed during Surface Use Plan preparation, and additional protective measures may be required beyond the general and special stipulations identified in the above-referenced documents.”

Comments: The BLM received comments expressing concern that oil and gas activities in the Reserve cause negative effects on the environment and wildlife, such as land degradation, air pollution, and threats to ecosystems, all of which affect biodiversity and human health. Commenters recommended the BLM develop a comprehensive cumulative effects analysis and whole Arctic conservation strategy, referencing a 2003 National Research Council report on cumulative effects of oil and gas activities on Alaska’s North Slope. Commenters requested that the BLM implement consistent monitoring practices to ensure it has comprehensive data to use in decision-making, which would enable more effective management of oil and gas activities in the Reserve.

BLM Response: The BLM believes the final rule supports decision-making that will provide meaningful protections for environmental and wildlife values in the Reserve from the impacts of oil and gas exploration and production, consistent with the agency’s statutory obligation to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the Reserve. In doing so, the rule will support the BLM’s ability to manage for ecosystem services, and particularly their contributions to subsistence use, as the agency makes management decisions under the framework of the rule. (See, e.g., *Guidance For Assessing Changes In Environmental And Ecosystem Services In Benefit-Cost Analysis*, Office of Management and Budget (Feb. 2024),

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available at <https://www.whitehouse.gov/wp-content/uploads/2024/02/ESGuidance.pdf>)

The final rule establishes that in managing both the significant resource values of Special Areas and the surface resources of the Reserve broadly, the BLM will adopt conditions, restrictions, or prohibitions that may involve conditioning, delaying action on, or denying some or all aspects of future and proposed oil and gas activities. For example, the BLM might condition or deny development if an operator proposes infrastructure along the Colville River if it is feasible to locate the infrastructure outside of the area closed to protect wildlife and subsistence activities, even if the operator would prefer the location closer to the river. It is not within the scope of this rulemaking process to develop a cumulative effects analysis or establish monitoring protocols, which are better suited to an IAP amendment process.

G. Summary of Changes in the Final Rule

The following paragraphs summarize changes the BLM made from the proposed rule to the final rule. More detailed explanations for the changes are found in the responses to comments and the description of the final rule in [section IV](#) of this preamble to the final rule.

Section 2361.3 Authority.

The BLM added references to FLPMA and ANILCA in the Authorities section in the final rule, including the caveat that the land use planning and wilderness study requirements of FLPMA do not apply to lands within the Reserve, pursuant to 42 U.S.C. 6506a(c).

Section 2361.5 Definitions.

The BLM revised the definition of “infrastructure” in the final rule to clarify that the term means, “a permanent or semi-permanent structure or improvement that is built to support commercial oil and gas activities on BLM-administered lands within the Reserve,

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such as pipelines, gravel drilling pads, man camps, and other structures or improvements.” The revised definition further clarifies that “infrastructure” does not include structures or improvements that will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve.

The BLM clarified in the final rule that the term “significant resource values” refers to surface values that the BLM identifies as significant, in order to ensure consistency with the language in the NPRPA. Similarly, the BLM made minor clarifications in the definition of the term “Special Areas” to ensure consistency with the language in the NPRPA. The final rule defines “Special Areas” as: “areas within the Reserve identified by the Secretary or by statute as having significant resource values and that are managed to assure maximum protection of such surface values, to the extent consistent with the requirements of the Act for the exploration and production of the Reserve.”

The final rule incorporates the definition for the term “co-stewardship” that is used in BLM Permanent Instruction Memorandum No. 2022-011 (Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary’s Order 3403).

Section 2361.10 Protection of surface resources.

The BLM added “oil and gas” before the word “activities” throughout the section to clarify that the requirements of this rule only apply to oil and gas activities. The final rule replaces “Bureau” with “authorized officer” to provide clarity about the BLM official responsible for implementing requirements in the rule.

The BLM removed proposed paragraph (b)(3) from the final rule because it is duplicative of environmental analysis requirements under NEPA. The paragraph had ~~provided that, in~~ assessing effects of a decision concerning proposed activity in the

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Reserve, the Bureau ~~would~~ identify and evaluate any reasonably foreseeable effects of its decision, including effects later in time or farther removed in distance, and effects that result from the incremental effects of the proposed activities when added to the effects of other past, present, and reasonably foreseeable actions.

Section 2361.20 Existing Special Areas.

The BLM did not amend the final rule in response to specific comments regarding the significant resource values, boundaries, or management of existing Special Areas. The rule merely codifies the existing Special Areas and their significant resource values and management as currently established in Secretarial decisions and the 2022 IAP. The final rule establishes a process in § 2361.30 for designating, amending, and de-designating Special Areas that will be followed to make changes to Special Areas.

Section 2361.30 Special Areas designation and amendment process.

The BLM reorganized § 2361.30 in the final rule, with a new paragraph (a) that outlines requirements applicable to all processes that will designate, de-designate, or otherwise change boundaries or management of Special Areas. These provisions require that the BLM: 1) rely on the best available scientific information, including Indigenous Knowledge; 2) provide the public and interested stakeholders with meaningful opportunities to participate in the evaluation process; 3) consult with any federally recognized Tribes and ANCSA corporations that use the affected Special Area for subsistence purposes or have historic, cultural or economic ties to the Special Area; and 4) base decisions solely on the presence or absence of significant resource values. This new paragraph will provide more consistency to all decision-making processes for Special Areas.

The final rule changes the Special Area evaluation period from 5 to 10 years, while specifying that the BLM may conduct the evaluation sooner if the authorized

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officer determines that changing conditions warrant earlier review. For example, the BLM may decide to conduct an evaluation in less than 10 years upon receiving nominations or recommendations for Special Area changes. The BLM believes this change addresses concerns about agency and community capacity while ensuring regular reviews occur to maintain an inventory of resource conditions and make management changes as appropriate. The final rule specifies that as part of the evaluation, the BLM will determine whether to require additional measures or strengthen existing measures to assure maximum protection of significant resource values within existing Special Areas.

The BLM also revised the final rule to provide more clarity and certainty around the interim measures provision. The final rule clarifies that interim measures may be implemented at any time after BLM receives a recommendation to designate or modify a Special Area. The final rule also clarifies that any interim measures must be consistent with the governing management prescriptions in the IAP, and the BLM is required to provide public notice that interim measures are in place and reassess such measures to determine if they are still needed if they remain in place for more than 5 years.

Section 2361.40 Management of oil and gas activities in Special Areas.

Section 2361.40 is revised in the final rule to state the management priority within Special Areas is to assure maximum protection of significant resource values, "consistent with the requirements of the NPRPA for exploration [and production] of the Reserve." The BLM believes this clarification addresses public comments requesting additional consistency with the language of the NPRPA and reflects the BLM's statutory mandate for managing the Reserve.

The final rule clarifies that the BLM will identify and adopt maximum protection measures for each significant resource value that is present in a Special Area when Special Areas are designated. The BLM will also update maximum protection measures

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as appropriate thereafter, including in the LAP, lease terms, and permits to conduct oil and gas activities. The final rule also includes maximum protection measures that are identified in the existing regulation but had been eliminated in the proposed rule, as well as additional examples of categories of measures.

On lands within Special Areas that are allocated as closed to leasing or unavailable to new infrastructure, the final rule allows for the BLM to approve new permanent infrastructure related to existing oil and gas leases only if such infrastructure is necessary to comport with the terms of a valid existing lease. This provision removes language in the proposed rule that further specified that the infrastructure must be essential for exploration or development activities and no practicable alternatives exist which will have less adverse impact on significant resource values of the Special Area.

The final rule provides clarity around how the presumption against new leasing and new infrastructure on lands within Special Areas that are allocated as open for those activities will be addressed through the environmental review process. The rule provides that as part of the environmental analysis, the BLM will document a justification for overcoming the presumption, such as if the proposed infrastructure is necessary to comport with the terms of a valid existing lease, or if it will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve, and the proposal has been conditioned to avoid, minimize, or otherwise mitigate adverse effects. The public will have an opportunity to review and comment on any justification for overcoming the presumption.

The BLM reorganized § 2361.40 to clarify the requirements for preparing an environmental analysis of proposed leasing, exploration, development, or new infrastructure in Special Areas, and reaching a final decision. These procedures are set forth in a revised § 2361.40(g). The BLM must provide meaningful opportunities for

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public participation, including responding to comments, and consult with federally recognized Tribes and ANCSA corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area. The BLM must evaluate potential adverse effects on significant resource values and consider measures to avoid, minimize, or otherwise mitigate adverse effects to achieve maximum protection of significant resource values. The BLM must also document and consider uncertainty about potential adverse effects on significant resource values, and account for any uncertainty when taking actions taken to avoid, minimize, or mitigate adverse effects.

If the BLM determines through the environmental analysis that the proposal cannot avoid adverse effects on significant resource values in a Special Area, then the BLM must prepare a Statement of Adverse Effect. The requirement to prepare a Statement of Adverse Effect was included in the proposed rule, but the final rule provides more clarity around how it fits within the environmental review process. The Statement of Adverse Effect will be incorporated into the environmental analysis and provided to the public for review and comment.

Lastly, the BLM updated the maps for the final rule so that they show the boundaries of the existing Special Areas on the maps from the 2022 IAP showing the current allocations for oil and gas leasing and infrastructure. The maps depict the exact data from the IAP ROD, and do not change any designations or allocations from the 2022 IAP.

Section 2361.50 Management of subsistence uses within Special Areas.

The final rule removes the phrase “to the extent consistent with assuring maximum protection of all significant resource values that are found in such areas” from this section, so paragraph (b) now simply reads: “The Bureau will provide reasonable access to and within Special Areas for subsistence purposes.” This phrase was causing

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confusion and was unnecessary because § 2361.30 requires the BLM to adopt measures to assure maximum protection of significant resource values when designating Special Areas.

The BLM also revised the language in this section to refer to “reasonable access” instead of “appropriate access” for consistency with the language in section 811 of ANILCA.

Section 2361.60 Co-stewardship opportunities in management of Special Areas and subsistence.

In the final rule, the title of this section is revised from “Co-stewardship opportunities in Special Areas.” The first sentence is also revised to add “and subsistence resources throughout the Reserve.” Those revisions reflect that the BLM will seek co-stewardship opportunities not just in managing Special Areas, but also in managing subsistence resources more broadly.

The first sentence is also revised to add “federally recognized” to clarify that the BLM engages in co-stewardship only with federally recognized Tribes. Separately, the Bureau may partner with Alaska Native Claims Settlement Act corporations, local governments, or organizations as provided by law, which will not be co-stewardship arrangements but a different type of partnership. The text of the rule has been revised to make this distinction clearer.

IV. Section-by-Section Discussion and Response to Comments on Individual Provisions

Section 2361.1 – Purpose.

Existing and Proposed Regulations

Existing § 2361.0–1 is redesignated to § 2361.1 in the final rule. The existing provision states that the purpose of the regulations is “to provide procedures for the

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protection and control of environmental, fish and wildlife, and historical or scenic values” in the Reserve. The BLM proposed to revise § 2361.1 to establish a two-part purpose for the rule to more accurately and completely reflect the scope of the regulations. The first purpose was to provide standards and procedures to implement 42 U.S.C. 6506a(b), which requires the Secretary to ensure that “[a]ctivities undertaken pursuant to this Act include or provide for such conditions, restrictions, and prohibitions as [she] deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [Reserve].”

The second purpose outlined in the proposed rule was to provide standards and procedures to implement 42 U.S.C. 6504(a), under which any exploration in Special Areas “shall be conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve.” The standards and procedures to implement these two provisions will also fulfill the BLM’s mandate to take action necessary to prevent unnecessary or undue degradation under FLPMA, 43 U.S.C. 1732(b).

Public Comments on § 2361.1

Commenters expressed support for the proposed revisions to § 2361.1 to provide needed clarity, purpose, and priority for the protection and management of Special Areas. We agree that the changes will help.

Commenters recommended that the BLM include oil and gas leasing and production as a purpose of the regulations. We decline this suggestion. Regulations for oil and gas leasing and production within the Reserve are covered in 43 CFR part 3130.

Commenters requested that the BLM revert to the purpose in the original version of § 2361.1. We decline this request. The existing regulations do not reflect the full scope

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of the BLM's statutory obligations or the scope of this rule. Proposed § 2361.1 accurately and completely reflected that scope.

Commenters requested that the Purpose section include language that is in the current version of 42 U.S.C. 2361.0-2, which recites that the objective of the regulations is to provide environmental protection "to the extent consistent with the requirements of the Act." We believe that is unnecessary. The proposed rule ~~included~~ language in the Purpose section which ~~stated~~ that the regulation ~~was~~ "pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*)"

The BLM received comments requesting that the rule explicitly state that the purpose of the regulations is to provide standards and procedures to cease any new oil and gas activities in the Reserve and execute a phase down of all existing oil and gas extraction. The comments suggest that including this language would allow the BLM to meet its statutory requirement to ensure mitigation of reasonably foreseeable and significantly adverse effects and prevent unnecessary or undue degradation. This comment's recommendation would not be consistent with the NPRPA, which directs the Secretary to implement an oil and gas leasing program in the Reserve.

Description of the Final Rule

The BLM did not change this section of the proposed rule in the final rule. The final rule states the purpose of the regulations is to ~~provide~~ procedures for protection and control of the environmental, fish and wildlife, and historical and scenic values of the National Petroleum Reserve in Alaska, including mitigating the significantly adverse effects of oil and gas activities on the surface resources of the Reserve and assuring maximum protection of significant resource values in Special Areas pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976

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(90 Stat. 303; 42 U.S.C. 6501 *et seq.*), Alaska National Interest Lands Conservation Act (94 Stat. 2371, 16 U.S.C. 3101 *et seq.*), and other applicable authorities.

Section 2361.0-2 – Objectives.

Existing and Proposed Regulations

The existing § 2361.0-2 states the objectives of the regulations. The BLM proposed to remove this section because the proposed revision of § 2361.1 would make it redundant.

Public Comments on existing § 2361.0-2

The BLM received comments requesting that it not amend the Objectives section because the original Objectives section clarified that environmental protections are designed to control exploration and production activities. Commenters expressed the opinion that the existing provision appropriately states the objective of the NPRPA and implements regulations based on Congress's intent to provide for the protection of the environmental and other surface values consistent with the exploration and development of oil and gas resources within the Reserve. Commenters suggested the proposed changes to the Objectives section disregard the BLM's primary purpose under the NPRPA of expeditious leasing, exploration, and development of the Reserve. Commenters recommended the Objectives include the clause: "...maximum protection of such surface values to the extent consistent with the requirements of this Act for the exploration of the reserve" in accordance with the BLM's obligations under the NPRPA and associated law.

BLM Response: We did not make changes in response to these comments. The existing § 2361.0-2 was removed because the proposed rule's revision of § 2361.1 made it redundant. The proposed rule included language in the Purpose section stating that the regulation is "pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*)."

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Description of the Final Rule

The BLM did not change this section of the proposed rule in the final rule. The final rule removes § 2361.0-2 from the regulations.

Section 2361.3 – Authority.

Existing and Proposed Regulations

Existing § 2361.0-3 is redesignated to § 2361.3 in the final rule. The existing rule identifies the NPRPA as the only statutory authority for the regulations. In the proposed rule, the BLM included the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), which amended the NPRPA and instructed the Secretary to mitigate reasonably foreseeable and significantly adverse effects on the surface resources in the Reserve (codified at 43 U.S.C. 6506a).

Public Comments on § 2361.3

Commenters recommended the rule include ANILCA as an authority for the rule, in part because section 810 of ANILCA governs subsistence use on public lands in Alaska. Commenters also pointed out that FLPMA generally applies to public land management in Alaska, rather than section 202. We agree that referring to ANILCA is helpful. Other than the land use planning provisions of section 202 and the wilderness inventory requirements in section 603, FLPMA applies to lands within the Reserve.

Description of the Final Rule

The BLM changed the final rule in response to comments, adding references to FLPMA and ANILCA in the Authorities section in the final rule, including the caveat that the land use planning and wilderness study requirements of FLPMA do not apply to lands within the Reserve, pursuant to 42 U.S.C. 6506a(c).

Section 2361.4 – Responsibility.

Existing and Proposed Regulations

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Existing § 2361.0-4 is redesignated to § 2361.4 in the final rule.

The BLM proposed to modify the statement in the existing regulations that, under the NPRPA, the BLM is responsible for managing surface resources in the Reserve to add that BLM is also responsible for managing the subsurface mineral resources in the Reserve. The proposed rule also added that the BLM is responsible for assuring maximum protection of Special Areas' significant resource values. The proposed rule deleted paragraph (b) because the U.S. Geological Survey is no longer responsible for managing exploration in the Reserve. Secretarial Order 3071, 47 FR 4751 (Feb. 2, 1982); Secretarial Order 3087, 48 FR 8982-83 (Mar. 2, 1983).

Public Comments on § 2361.4

Comment: The BLM received a comment stating that the BLM is responsible for managing subsurface resources, and therefore the commenter requested that the rule include a plan for periodic mineral surveys of the Reserve so the BLM can more effectively govern subsurface resources beyond just oil, gas, and coal.

BLM Response: We decline this suggestion because it goes beyond the scope of this rule. In addition, even if mineral surveys were within the scope of BLM's typical activities, they would be inappropriate here. The NPRPA withdrew the Reserve from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, with the only exception being certain gravel sales. The 1981 Appropriations Act amended the NPRPA to allow for the oil and gas leasing program (42 U.S.C. 6502).

Comment: Commenters recommended removing the term "environmental degradation" from the section but did not provide an explanation for the change.

BLM Response: The BLM declines to make this change. The current regulation at § 2361.0-4 uses the term "environmental degradation," and the use of this term in §

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2361.0-4 is consistent with the BLM's duties and obligations under applicable laws, including the NPRPA, FLPMA, and ANILCA.

Comment: Commenters recommended that because the proposed changes to the section discuss the BLM's responsibility for assuring maximum protection of Special Areas' significant resource values, then the section should also discuss the need to balance resource protection with the responsibility to develop the Reserve's oil and natural gas resources.

BLM Response: While the BLM must "conduct an expeditious program of competitive leasing of oil and gas" in the Reserve, oil and gas leasing within the Reserve is addressed in 43 CFR part 3130. Hence, it is not necessary to include that in the Responsibility section for this rule.

Description of the Final Rule

The BLM did not change this section of the proposed rule in the final rule. Section 2361.4 in the final rule states that the BLM is responsible for the surface and subsurface management of the Reserve, including protecting surface resources from environmental degradation and assuring maximum protection of significant resource values in Special Areas.

Section 2361.5 – Definitions.

Existing and Proposed Regulations

Existing § 2361.0-5 is redesignated to § 2361.5 in the final rule.

The BLM proposed to update the definition for "exploration" to ensure consistency with NPRPA's definition of "petroleum" (42 U.S.C. 6501); update the definition of "Special Areas" for consistency with other proposed changes to the regulations; and incorporate a definition for "Indigenous Knowledge," consistent with the guidance set forth in the Memorandum issued by CEQ and the Office of Science and

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Technology Policy (OSTP) on November 30, 2022. The BLM also proposed to add new definitions for “Integrated Activity Plan,” “infrastructure,” and “significant resource value.”

Public Comments on § 2361.5

Comment: Commenters provided a general statement of support for § 2361.6 and the new definition for “Indigenous Knowledge,” consistent with the guidance set forth in the Memorandum issued by CEQ and OSTP on November 30, 2022.

BLM Response: We agree that the new definition will provide useful direction for the BLM in taking into account Indigenous Knowledge and add consistency in implementing CEQ and OSTP guidance.

Comment: Comments included a recommendation that the proposed processes for collecting and utilizing Indigenous Knowledge properly includes Alaska Native Corporations. Commenters stated that Alaska Native Corporations have a unique congressional mandate to manage Alaska Native lands for the benefit of their Alaska Native owners and Alaska Native Corporations regularly utilize Indigenous Knowledge to manage Indigenous-owned lands in Alaska. Furthermore, Alaska Native Corporations employ Indigenous Knowledge holders who understand the unique aspects of managing these traditional lands.

BLM Response: We decline this suggestion because the proposed rule’s definition of Indigenous Knowledge already encompasses all Alaska Native peoples, including Alaska Native Corporations and other Alaska Native entities, by specifying that it “is developed by Indigenous Peoples including, but not limited to, Tribal Nations, American Indians, and Alaska Natives.” Consistent with Departmental policy found in 512 DM 6, the BLM recognizes and respects the distinct, unique, and individual cultural traditions

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and values of Alaska Native peoples and the statutory relationship between Alaska Native Corporations and the Federal Government.

Comment: Commenters recommended that the BLM consider the following definition of Indigenous Knowledge: "Indigenous Knowledge means a body of observations, oral and written knowledge, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, spiritual, and cultural systems. Indigenous Knowledge can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact and long-term contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation and acquired through multigenerational observations, lessons, and skills over time. Indigenous Knowledge is developed by Indigenous Peoples including, but not limited to, Tribal Nations, American Indians, and Alaska Natives".

BLM Response: We decline this edit as it does not meaningfully change or improve the definition and would not be consistent with the definition being used by other Federal agencies.

Comment: Commenters requested the BLM clarify the definition of "Indigenous Knowledge" or how Indigenous Knowledge would be used in the Reserve. Commenters stated that the proposed definition could be interpreted to mean that any person or entity simply deemed "Indigenous" would have a claim to have Indigenous Knowledge and that this proposed definition diminishes the knowledge of those who actually live in the area as opposed to those who do not.

BLM Response: We decline this suggestion. The proposed rule's definition of Indigenous Knowledge encompasses all Alaska Native peoples, including members of

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Alaska Native Corporations and other Alaska Native entities, by specifying that it “is developed by Indigenous Peoples including, but not limited to, Tribal Nations, American Indians, and Alaska Natives.” In the final rule, Indigenous Knowledge, as well as best available information on subsistence resources and uses, will be considered in designating, de-designating and modifying boundaries or management of Special Areas. As a result, the Indigenous Knowledge will need to be specific to the areas and uses at issue, which will necessarily be focused on those informed about resources and uses on the ground, i.e., members of local communities and Tribes.

Comment: Commenters requested the BLM clarify in the proposed rule how traditional knowledge will be used in conjunction with recognized scientific practices and standards of the North Slope Borough and the State of Alaska, particularly as those standards relate to the development in the Arctic and the Reserve.

BLM Response: We decline this suggestion. As the proposed rule states in § 2361.30, Indigenous Knowledge is included as a part of best available scientific information.

Comment: Commenters expressed general support for the reasoning stated for the proposed definition of “infrastructure.”

BLM Response: The BLM appreciates public support for the proposed approach.

Comment: Commenters recommended amending the definition of “infrastructure” by omitting clauses: “and that is not ephemeral, such as snow or ice roads” and “but it does not include exploratory wells that are drilled in a single season.” The commenter thought these revisions would strengthen the definition.

BLM Response: We decline this suggestion. This definition is based on the framework set out in the IAP to identify which types of new infrastructure are subject to prohibitions within certain areas of the Reserve. Section 1.2 of the 2022 IAP excludes

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single season snow and ice infrastructure as well as exploratory wells that are drilled in a single season. Based on comments received, the BLM clarified the definition to provide additional detail about what qualifies as infrastructure and what types of structures or improvements are not considered infrastructure for the purposes of this rule.

Comment: Some commenters stated their opinion that the definition of “infrastructure” may violate valid existing lease rights where a new oil and gas location for commercial development would be infrastructure and is restricted in multiple provisions, but exploratory wells drilled in a single season would not be infrastructure nor under the same restrictions.

BLM Response: The BLM disagrees with commenters’ assertion. The rule is incorporating the allocations for infrastructure from the IAP and using a similar definition that focuses on permanent or semi-permanent structures. Further, the final rule makes clear that new infrastructure will not be restricted if the location of the proposed structures or improvements is necessary to comport with the terms of a valid existing lease.

Comment: Commenters stated that the proposed definition of “infrastructure” creates an arbitrary division between types of infrastructure. Commenters noted that infrastructure built to support science and public safety could have the same characteristics and features as infrastructure built to support commercial oil and gas activities and could support oil and gas activities, or vice versa. In addition, commenters stated that infrastructure associated with oil and gas development often includes new roads and local facilities that benefit the community. On the North Slope, access to subsistence areas and connectivity provided by roads is considered a benefit by many residents. For example, roads associated with industrial development near the Native

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villages of Utqiagvik and Nuiqsut have improved the ability of residents to pursue subsistence opportunities.

BLM Response: The definition of infrastructure in the final rule applies to permanent or semi-permanent structures or improvements that support oil and gas activities, and does not apply to other, non-oil and gas structures or improvements, because that term is used specifically to implement the Special Area provision of the NPRPA, 42 U.S.C. 6504(a) (as amended), which by its terms applies only to oil and gas exploration and production activities. Although the general mitigation provision of this rule (§ 2361.10) applies only to oil and gas activities, it is not the only tool available to the BLM for requiring mitigation in the Reserve. The BLM has explicit and ample authority under the NPRPA to apply mitigation requirements within the reserve, as well as under NEPA to evaluate potential mitigation measures as part of the analysis for proposed actions. Mitigation for other types of activities, such as siting and construction of infrastructure for scientific research or public safety, may be addressed through other means, such as implementing requirements of the IAP for non-oil and gas infrastructure or as determined through the analysis in project-specific decisions. With regard to infrastructure that benefits communities within the Reserve, § 2361.10 of the final rule provides that, when identifying conditions, restrictions, and prohibitions necessary or appropriate to mitigate the reasonably foreseeable and significantly adverse effects of proposed oil and gas activities in the portions of the Reserve outside Special Areas, the Bureau will fully consider community access and other infrastructure needs. Additionally, in response to comments, the BLM revised the restrictions on new infrastructure in § 2361.40 of the final rule to clarify that within Special Areas, infrastructure that will primarily be used by and provide a benefit to communities located

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within or in close proximity to the Reserve may be allowed provided that appropriate measures are adopted to assure maximum protection of significant resource values.

Comment: Commenters stated that the definition of “infrastructure” would allow for the authorization of temporary infrastructure for exploration, but would delay or prevent the BLM from authorizing infrastructure to support commercial development on existing leases. Comments further stated that this definition may result in a regulatory “taking” claim.

BLM Response: The final rule expressly allows for the authorization of new infrastructure, as defined in § 2361.5, that is necessary to honor the terms of a valid existing lease. The final rule will therefore not deprive a leaseholder of its rights under an existing lease.

Comment: Commenters expressed the opinion that defining “infrastructure” as “essentially limited to structures or improvements in support of commercial oil and gas activities” raises concerns about what types of infrastructure could be allowed within Special Areas and other sensitive regions. For example, “Lease Stipulation K-1 does not apply to intercommunity roads or other permanent roads constructed with public funds for general transportation purposes. While the presence and use of such roads would have an effect on caribou and other significant resource values, it is not clear to what extent such infrastructure would fall within the proposed definition and thus come under the purview of maximum protection provisions.” Commenters also stated that additional clarity is needed on “where access and infrastructure could be allowed and how maximum protection will be assured in such areas.”

BLM Response: The BLM revised the definition of “infrastructure” in the final rule to clarify what structures or improvements are regulated by this rule. The final rule defines the term as, “a permanent or semi-permanent structure or improvement that is

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built to support commercial oil and gas activities on BLM-administered lands within the Reserve, such as pipelines, gravel drilling pads, man camps, and other structures or improvements.” The revised definition further clarifies that “infrastructure” does not include structures or improvements that will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve. In addition, the rule is incorporating the IAP’s prescriptions on infrastructure, and is not prescribing specific new measures for management of Special Areas.

Comment: Commenters recommended that defining the term “Integrated Activity Plan” is not necessary, as the requirement under section 202 of the FLPMA to prepare land use plans does not apply to the Reserve and, therefore, the IAP should not be defined as a land management plan. Commenters suggested the IAP is unique to the Reserve and it should remain that way.

BLM Response: The BLM agrees that it does not develop IAPs to comply with section 202 of FLPMA, though it prepares IAPs to provide a framework for managing the Reserve. The BLM believes that the final rule should define the term “IAP” to accurately describe the relationship the requirements in the rule and IAPs and to assist the BLM when preparing future IAPs.

Comment: Commenters suggested that the BLM revise its proposed new definition of “significant resource value” to be consistent with 42 U.S.C. 6504(a) and state “any significant subsistence, recreational, fish and wildlife, historical, or scenic value identified by the BLM as supporting the designation of a Special Area.” Commenters noted that omitting the word “significant” in the definition in the proposed rule is outside of BLM statutory authority and “incorrectly lowers the requirements for designation of Special Areas” to have significant resource values.

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BLM Response: The BLM believes that including the word “significant” in the definition of “significant resource value” is redundant and circular. The definition makes clear that the value supports designation of a Special Area, which makes it significant. This definition is consistent with the NPRPA. To provide additional clarity and consistency with the NPRPA, the final rule specifies that the term “significant resource values” refers to surface values.

Comment: Commenters requested a more precise definition of “significant resource value” given that “the creation and expansion of Special Areas that would subsequently preclude or severely limit oil and gas exploration and development is based on the presence of a significant resource value.” The comment stated that “this is an inadequate and circular definition.”

BLM Response: The BLM declines this request. The significant resource values that BLM is required to assure maximum protection for are specifically listed in section 104(b) the NPRPA (42 U.S.C. 6504), and this rule is implementing the NPRPA.

Comment: Commenters suggested the BLM revise the definition of “significant resource value” because the proposed definition is “vague and would allow BLM to designate lands as having surface resources to support a special area designation if there are any subsistence, recreational, fish and wildlife, historical, or scenic values contained in the near vicinity.”

BLM Response: The BLM declines this request. The definition comes from the plain language of the NPRPA.

Comment: Commenters believe that the proposed definition of “significant resource value” is contrary to statutory authority and should be revised since it is “contrary to the requirements that Congress established for the designation of Special Areas.” The comment states that when the definitions for “Special Areas” and

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“significant resource value” are considered collectively, the proposed rule could be interpreted to remove the statutory requirement that “restricts the designation of Special Areas to those areas containing certain significant values.”

BLM Response: The BLM disagrees with the comment’s interpretation of the two definitions. The definition of “significant resource value” recites the specific surface values listed in the NPRPA that may warrant designation and management of a Special Area by the Secretary of the Interior. The definition of “Special Area” makes clear those areas must have significant resource values. These definitions, and the rest of the regulation, do not provide for or imply that the BLM would designate Special Areas in the absence of significant resource values.

Comment: A commenter suggested adopting the definition of “Areas of Critical Environmental Concern” as a substitute for the definition of “Special Areas.”

BLM Response: We decline that suggestion. The NPRPA provides a specific definition of what would be considered a Special Area, which differs from the definition of an Area of Critical Environmental Concern as defined in FLPMA.

Comment: Commenters requested the BLM include oil and gas resources as a “significant resource value” given that the economic opportunity and revenue generated by oil and gas production provides significant value to the residents of the North Slope in the form of health and emergency services and other basic needs.

BLM Response: We decline that suggestion. Section 104(b) of the NPRPA (42 U.S.C. 6504) specifically lists the surface resource values that should be considered — “containing any significant subsistence, recreational, fish and wildlife, or historical or scenic value” — and oil and gas is not one of them.

Comment: Commenters opined that the revised definition of “significant resource value” exceeds statutory authority in providing that such designated areas would be

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protected to a maximum standard. Commenters suggested the definition implies that Special Areas are held to a higher standard and that reasonable impacts associated with oil and gas development are not allowed. Commenters also opined that the proposed rule expands the definition of “Special Areas” beyond the scope of law. The definition would “impede development of a competitive leasing and development program” in the Reserve, as intended by Congress.

BLM Response: We disagree. The definition in the proposed rule is consistent with the NPRPA, which explicitly states, “to assure the maximum protection of such surface values to the extent consistent with the requirements of this Act.”

Comment: Commenters recommended the definition of “significant resource value” explicitly exclude future oil and gas leasing, exploration, and development. Commenters believe that allowing leasing, exploration, and development within Special Areas is “contrary to the goal of establishing Special Areas.”

BLM Response: The BLM does not agree with this comment. Allowing some leasing, exploration, and development in Special Areas is not automatically inconsistent with the goal of Special Areas, which Congress specifically provided should be given maximum protection for their significant resource values consistent with the requirements of the Act for the exploration and production of oil and gas in the Reserve. This rule does not close areas to any activities beyond the closures already adopted by the IAP and leaves additional protective measures for area-specific analysis, subject to the processes described in this rule.

Comment: The BLM requested comments on whether to include the definition of “permanent oil and gas facilities” as defined in the 2022 IAP ROD. Commenters recommended removing the exclusions in the IAP definition because exploration wellheads and seasonal facilities such as ice roads and ice pads can be designed for use in

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successive winters and therefore should not be excluded. Commenters recommended that the BLM expand this definition to clearly encompass all permanent oil and gas facilities at any stage, including exploration and delineation, development, production, transportation, and decommissioning. Commenters encouraged the addition of water reservoirs and trenching done at any stage to be added to the definitions because these activities have long lasting effects on multiple resources. Commenters suggested that the definition include any development that permanently alters the surface resources or ecological values. Commenters recommended removing "materials sites such as sand and gravel" from the definition as they are not necessarily oil and gas related and they can be reclaimed.

BLM Response: Based on the feedback received, the BLM is not including a definition for "permanent facilities" in the final rule. We believe that the revised definition of "infrastructure" in the final rule adequately encompasses this subject by clarifying that for the purposes of this rule "infrastructure" includes permanent and semi-permanent structures and improvements, and by providing explanation and examples of those structures and improvements.

Comment: The BLM requested comments on whether to incorporate a proposed definition of "essential" that resembles provisions of Lease Stipulation K-12 from the 2022 IAP ROD. In response to this request, some commenters stated that defining "essential" would provide clarity, and that the language of "no other feasible and prudent option is available" is good as a constraining description. Commenters suggested making the definition prioritize resource protection over production. Other commenters opined that the definition of "essential" as written in the proposed rule is sufficient and is in line with the purpose of providing maximum protection to Special Areas.

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Commenters pointed out that they believe the definition of “essential” in the 2022 IAP ROD differs slightly from the definition of essential in § 2361.40(d)(3).

BLM Response: The BLM is not including a definition for “essential” in the final rule. After assessing public comment and the structure of the rule, the BLM instead eliminated the provision in the proposed rule that limited new permanent infrastructure related to existing oil and gas leases to that which is “essential for exploration or development activities and no practicable alternatives exist...” on lands within Special Areas that are allocated as unavailable to new infrastructure. Therefore, the term “essential” does not appear in the final rule. The provisions in the IAP, including the definition of the word “essential” in the stipulations, will apply.

Comment: Commenters recommended defining the terms “reasonably foreseeable” and “significantly adverse effects.” Commenters also recommended defining the term “effects” to clarify that effects include effects on environmental, fish and wildlife, and historical or scenic values.

BLM Response: We decline this request. These terms have standard accepted meanings and have been further clarified through their use in NEPA. The term “effects” is used throughout this rule in reference to environmental analysis that will occur and be documented under NEPA, and so defining the term separately here would create confusion.

Comment: Commenters recommended that since “rural resident” is not defined in 50 CFR 100.4 but is defined in ANILCA Title VIII, the proposed rule should not reference 50 CFR 100.4.

BLM Response: The regulations in 50 CFR part 100 implement the Federal Subsistence Management Program on public lands within the State of Alaska pursuant to the authority in Title VIII of ANILCA. While the term “rural resident” is used throughout

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ANILCA, it is not specifically defined; however, 50 CFR 100.4 defines the term “rural” and the term “resident” and then uses those terms in the definition of “subsistence uses.” The BLM will retain this citation.

Comment: Commenters recommending defining the term “ecological integrity” in the rule because protecting surface resources requires maintaining the ecological integrity of surface resources. The scientific meaning of “ecological integrity” is the capability of supporting and maintaining a balanced, integrated, adaptive community of organisms having a species composition and functional organization comparable to that of the natural habitat of the region.

BLM Response: The BLM did not include the term “ecological integrity” in the final rule, and therefore it is not defined in this section of the final rule.

Comment: The BLM received a comment that the phrase “minimize the disruption of natural flow patterns and changes to water quality” should be replaced with “maintain natural flow regimes and the ecological integrity of lotic and lentic ecosystems.” “Natural flow regime” could be defined as the magnitude, frequency, duration, timing, and rate of change of flow events that characterize the hydrology of a natural river environment.

BLM Response: This phrase is used in the 2022 IAP to describe the objectives of restrictions that the IAP applies to new oil and gas leases and infrastructure. The proposed rule and final rule incorporate the phrase to explain restrictions in the 2022 IAP that are codified by the rule. Because the rule is using language that is used in the 2022 IAP, the BLM declines to change the wording here, which would create confusion.

Comment: Commenters recommended defining the following terms in the regulation:

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• *Financial readiness* means the lessee's financial capability to honor its contractual obligations.

• *U.S. energy needs* means the projected energy consumption of the United States of America in a given year, which comes from different sources such as nuclear power, natural gas, petroleum, renewable energy, and coal.

• *Financial projection* means the lessee's financial planning to estimate expected revenues, expenses, and cash flows which are normally used to build a company budget.

• *Financial stress* means a financial method designed to simulate the lessee's finances under adversarial situations.

• *Financial balances* means all the financial statements prepared by the lessee for cooperative reasons or to report to other U.S. agencies.

BLM Response: These terms do not appear in the rule text and thus need not be defined in this rule.

Comment: Some commenters recommending eliminating the new definitions for Indigenous Knowledge, Integrated Activity Plan, infrastructure, and significant resource values.

BLM Response: We decline those suggestions. These definitions are needed to ensure clarity and consistency in the implementation of the proposed rule.

Description of the Final Rule

In response to comments, the BLM revised the definition of "infrastructure" in the final rule to clarify that the term means, "a permanent or semi-permanent structure or improvement that is built to support commercial oil and gas activities on BLM-administered lands within the Reserve, such as pipelines, gravel drilling pads, man camps, and other structures or improvements." The revised definition further clarifies that "infrastructure" does not include structures or improvements that will primarily be used

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by and provide a benefit to communities located within or in close proximity to the Reserve.

The BLM also clarified in the final rule that the term “significant resource values” refers to surface values, in order to ensure consistency with the language in the NPRPA. Similarly, the BLM made minor clarifications in the definition of the term “Special Areas” to ensure consistency with the language in the NPRPA. The final rule defines “Special Areas” as: “areas within the Reserve identified by the Secretary or by statute as having significant resource values and that are managed to assure maximum protection of such surface values, to the extent consistent with the requirements of the Act for the exploration and production of the Reserve.”

The final rule incorporates the definition for the term “co-stewardship” that is used in BLM Permanent Instruction Memorandum No. 2022-011 (Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary’s Order 3403). This definition was added in response to comments on § 2361.60.

All other definitions included in the proposed rule are carried forward to the final rule without change.

Section 2361.6 – Effect of law.

Existing and Proposed Regulations

Existing § 2361.0–7 is redesignated to § 2361.6 in the final rule. The BLM proposed to update this section to conform to existing legal authorities, including adding provisions to implement the Department of the Interior Appropriations Act, Fiscal Year 1981, Pub. L. 96–514 (Dec. 12, 1980), 94 Stat. 2957, 2964, in revised paragraph (a), and the Barrow Gas Field Transfer Act of 1984, Pub. L. 98–366 (July 17, 1984), 98 Stat. 468, 470, in new paragraph (b)(4).

Public Comments on § 2361.6

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Many of the provisions simply update the regulations to bring them more into line with the BLM's statutory duties. Those updates would function independently of the rest of the rule. The procedural requirements in § 2361.10(b) for protecting surface resources in the Reserve also would stand alone, as would the codification of existing Special Areas in § 2361.20, the procedural requirements in § 2361.30, the specific requirements for new infrastructure in § 2361.40, and other provisions.

Further, the paragraphs within specific sections may also function independently of each other. For example, the final rule's provisions pertaining to the management of oil and gas activities in Special Areas in § 2361.40 describe how the authorized officer will assure maximum protection for significant resource values while allowing for exploration and production within the Reserve. Within that section, each paragraph serves a separate function, such as requiring the authorized officer to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas; directing the authorized officer to identify, adopt, and update maximum protection measures; prescribing requirements for considering the authorization of new leases or infrastructure proposed in areas allocated as closed to leasing or unavailable to new infrastructure; prescribing different requirements for considering the authorization of new leases or infrastructure proposed in areas allocated as available for future oil and gas leasing or new infrastructure; and providing the framework for considering new oil and gas activities through a NEPA process. Hence, if a court prevents any provision of one part of this rule from taking effect, that should not affect the other parts of the rule. The remaining provisions would remain in force.

Description of the Final Rule

The BLM did not change this section of the proposed rule in the final rule.

Section 2361.10 — Protection of surface resources.

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Existing and Proposed Regulations

Existing § 2361.1 is redesignated to § 2361.10 in the final rule, and the title is changed from “protection of the environment” to “protection of surface resources” to more closely track with the BLM’s statutory authority under 42 U.S.C. 6506a(b), which directs the BLM to “provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [Reserve].”

The BLM proposed to establish new standards and procedures for managing and protecting surface resources in the Reserve from the reasonably foreseeable and significantly adverse effects of oil and gas activities. In 1980, Congress authorized the Secretary to mitigate those effects through “necessary or appropriate” “conditions, restrictions, and prohibitions.” 42 U.S.C. 6506a(b). Existing paragraph (a) requires the authorized officer to take action “to mitigate or avoid unnecessary surface damage and to minimize ecological disturbance throughout the reserve to the extent consistent with the requirements of the Act for the exploration of the reserve.” The BLM proposed to amend paragraph (a) to mirror the statutory language. As amended, paragraph (a) also provided further clarification by recognizing that, in some circumstances, the BLM may delay or deny proposed activities that would cause reasonably foreseeable and significantly adverse effects on surface resources.

The proposed rule deleted existing paragraph (b). It concerns coordination between the BLM and the U.S. Geological Survey, which is no longer relevant because the Geological Survey is no longer responsible for managing exploration in the Reserve. Paragraph (b) in the proposed rule spelled out new procedures for protecting surface resources in the Reserve. As explained above, Congress assigned the BLM the duty to protect the surface resources in the Reserve, but BLM regulations do not fully explain the

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scope of that duty. The proposed rule was drafted to provide direction to the agency and the public in complying with Congress's mandate.

In paragraph (b)(1), the proposed rule directed the BLM to manage oil and gas activities in accordance with the IAP. In doing so, the proposed rule enshrined longstanding BLM practice into regulations. As explained above, in the 1980 Amendments to the NPRPA Congress chose to exempt the Reserve from FLPMA's planning requirements (42 U.S.C. 6506a(c)). Nonetheless, since 1998, the BLM has prepared several IAPs to primarily govern oil and gas activities in the Reserve. The IAP is a form of land use plan that "addresses a narrower range of multiple use management than a resource management plan." 2013 NPR-A IAP ROD at 17. In the BLM's experience, the IAP provides an invaluable means of evaluating management options, engaging the public, and guiding decision-making, consistent with the BLM's responsibilities under applicable Federal laws, including NPRPA and NEPA. Accordingly, the proposed rule required the BLM to maintain an IAP, which would provide predictability to industry and North Slope communities and help guide BLM use authorizations in the Reserve but would give way to the regulations in the event of a conflict.

Paragraph (b)(2) of the proposed rule required the BLM, in each decision concerning oil and gas activity in the Reserve, to adopt measures to mitigate the reasonably foreseeable and significantly adverse effects on surface resources, taking particular care with surface resources that support subsistence. The BLM would do so by documenting for each decision its consideration of effects and how those effects informed the choice of mitigation measures. Paragraphs (b)(3) and (4) specified that the BLM's effects analysis would include any reasonably foreseeable effects, including indirect effects (those that are "later in time or farther removed in distance"), cumulative effects

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(those “that result from the incremental effects of proposed activities when added to the effects of other past, present, and reasonably foreseeable actions”), and “any uncertainty concerning the nature, scope, and duration of potential effects.” For example, if the BLM determined that a proposed lease sale’s effects on subsistence resources—when added to the effects of other past, present, and reasonably foreseeable actions—could be significantly adverse, then under this proposed section, the BLM would need to adopt measures to mitigate those effects.

The proposed rule deleted existing paragraphs (c) and (d). Existing paragraph (c) requires the BLM to take maximum protection measures on all actions within Special Areas and identify the boundaries of Special Areas on maps. It also describes some requirements that may constitute “maximum protection measures.” Existing paragraph (d) concerns designation of new Special Areas. The proposed rule moved this content to §§ 2361.20, 2361.30, and 2361.40, as most appropriate. Moving this material to those new sections would provide clarification by focusing § 2361.10 on protection of surface resources throughout the Reserve.

Proposed new paragraph (c) clarified that for surface resources in Special Areas, the BLM also would have to comply with the provisions governing Special Areas in §§ 2361.20 through 2361.60. Moving the provisions concerning Special Areas to different sections makes that cross-reference necessary.

Proposed new paragraph (d) required the BLM to include in each oil- and gas-related decision or authorization, “such terms and conditions that provide the Bureau with sufficient authority to fully implement the requirements of this subpart.” That provision would ensure that the BLM incorporates into decision documents whatever language is necessary to enable it to implement any final rule.

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Existing paragraph (e)(1) provides that “the authorized officer may limit, restrict, or prohibit use of and access to lands within the Reserve, including special areas.” The existing rule conditions that authority by requiring it to be exercised “consistent with the requirements of the Act and after consultation with appropriate Federal, State, and local agencies and Native organizations.” The proposed rule specified that the authorized officer has that authority “regardless of any existing authorization.” That added language would clarify that existing authorizations would not prevent the BLM from limiting, restricting, or prohibiting access to the Reserve consistent with the requirements of the Act. The proposed rule retained the condition that exercises of that authority must be consistent with the NPRPA, and it added “and applicable law” to clarify that the authorized officer cannot contradict other legal requirements. Instead of requiring the authorized officer to consult with “Native organizations,” the proposed rule provided more specificity by requiring consultation with federally recognized Tribes and Alaska Native Claims Settlement Act corporations. Consistent with the BLM’s duty under NPRPA and ANILCA, the proposed rule also amended paragraph (e)(1) to allow the authorized officer to limit, restrict, or prohibit use of and access to the Reserve to protect subsistence uses and resources.

The proposed rule amended existing paragraph (f) to recognize the breadth of Federal laws that apply to the management and protection of historical, cultural, and paleontological resources in the Reserve.

Public Comments on § 2361.10

Comment: Commenters supported “protection of surface resources” and establishing new standards and procedures for managing and protecting surface resources in the Reserve from the foreseeable and significantly adverse effects of oil and gas activities.

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BLM Response: The BLM appreciates commenters acknowledging the intention of the regulations.

Comment: Commenters recommended changing the title of this section to “Protection of environmental values, including surface resources,” to reflect the NPRPA which speaks to “protection of environmental . . . values” broadly. 42 U.S.C. 6503(b).

BLM Response: The reference to surface resources is consistent with the NPRPA, which provides: “Activities undertaken pursuant to this Act shall include or provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the National Petroleum Reserve in Alaska.” 43 U.S.C. 6506a(b). The BLM did not change the title of this section in the final rule.

Comment: Commenters recommended revising proposed § 2361.10 to emphasize the overarching purpose of the Reserve for oil and gas production by clarifying that the NPRPA requires resource protection “to the extent consistent with the requirements of this Act for the exploration of the reserve.” Other commenters recommended revising proposed § 2361.10 to emphasize the overarching purpose of the Reserve for environmental protection by clarifying that the NPRPA requires protection of environmental values, including, but not limited to, surface resources.

BLM Response: The BLM believes § 2361.10 appropriately reflects the mandates in the NPRPA to conduct an oil and gas leasing and production program in the Reserve while protecting environmental, fish and wildlife, and historical and scenic values within the Reserve. The NPRPA specifically directs the BLM to mitigate adverse effects on the surface resources of the Reserve when conducting the oil and gas program. The BLM added the phrase “oil and gas” to modify “activities” throughout this section of the final

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rule to clarify that these regulations are specific to the BLM's implementation of its oil and gas program in the Reserve.

We also note that the final rule in § 2361.40 references the BLM's mandate under the NPRPA to assure maximum protection of significant resource values in Special Areas "consistent with the requirements of the NPRPA for exploration and production of the Reserve."

Comment: Commenters recommended that the BLM develop and explain the criteria it will use to determine the scope of effects that are both "reasonably foreseeable" and "significantly adverse" to provide transparency and promote regulatory certainty.

BLM Response: We decline that suggestion. These terms have a generally accepted meaning, including as a part of any NEPA analysis, and are also covered in the NEPA regulations in 40 CFR part 1500. Providing additional definitions in the rule would not add more clarity.

Comment: Commenters recommended the rule should articulate that continued oil and gas activities at any scale in the Reserve will cause reasonably foreseeable and significantly adverse effects on surface resources in the Reserve and prohibit new leasing and production throughout the Reserve, as well as require delaying or denying proposed activities that would hinder the protection of surface resources.

BLM Response: The BLM does not accept these recommendations. The requirements of the rule are consistent with the plain language of the NPRPA that requires all oil and gas activities in the Reserve be subject to "such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects." Further, § 2361.10(a) specifically provides for the BLM to condition, delay, or deny some or all proposed activities as may be necessary to fulfill these requirements.

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Comment: The BLM received comments stating that, while the preamble states that the Reserve's standards related to the protection of surface values would also fulfill the BLM's mandate to take action necessary to prevent unnecessary or undue degradation, there is no mention of this obligation in the proposed rule. Commenters requested that the BLM add provisions that expressly reference and incorporate unnecessary or undue degradation standards or include cross references to those standards in §§ 2361.10 and 2361.40.

BLM Response: The BLM declines the request to expressly reference FLPMA's unnecessary or undue degradation provision in the rule. FLPMA requires the BLM to prevent unnecessary or undue degradation on all BLM-managed public land. This mandate applies to a broader range of uses within the Reserve than are being addressed in this rule and the BLM will prevent unnecessary and undue environmental degradation within the Reserve whether or not it is specifically identified in §§ 2361.10 and 2361.40. Nevertheless, the BLM did add FLPMA to the Authorities section of the rule.

Comment: The BLM received comments stating that the NPRPA requires mitigation, but commenters expressed concern that the rule focuses on prevention.

BLM Response: The BLM follows a mitigation hierarchy that generally includes avoidance as the first step in mitigating adverse effects on public land resources and values, consistent with the CEQ regulations implementing NEPA, particularly 40 CFR 1508.1(s). In pursuit of the BLM's mandate under the NPRPA to "provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [Reserve]", the rule draws on all steps of the mitigation hierarchy, including preventing impacts entirely through avoidance where appropriate. For example, § 2361.10(a) requires the Bureau to protect surface resources by adopting

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appropriate measures to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities; § 2361.10(b)(2) requires the authorized officer to adopt measures to mitigate reasonably foreseeable and significantly adverse effects on surface resources, particularly with regard to those resources that support subsistence use and needs; and § 2361.40(g) requires the authorized officer to evaluate and require mitigation measures to address adverse effects on significant resource values when considering authorizing oil and gas leasing or new infrastructure in a Special Area.

Comment: The BLM received comments concerning the phrase, “delaying action on, or denying some or all aspects of proposed activities” in proposed § 2361.10(a). Some commenters suggested that the BLM lacks the statutory authority to delay or deny activities in the Reserve. Other commenters supported the provision in the proposed rule and recommended the BLM describe circumstances that would warrant denying proposed activities. Commenters recommended this provision should discuss mitigating reasonably foreseeable and significantly adverse effects to the climate. Commenters requested the final rule specifically provide that if differences in caribou behavior, distribution, or harvests are detected, BLM will prohibit additional development.

BLM Response: The NPRPA provides the BLM with the authority to “provide for such conditions, restrictions, and prohibitions as the Secretary deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects on the surface resources of the [Reserve].” Additionally, the BLM’s oil and gas lease forms for leases issued in the Reserve include terms that enable the BLM to require measures deemed necessary to minimize adverse impacts to the land, air, and water; to cultural, biological, visual, and other resources; and to other land uses or users. Examples of how the BLM might exercise this authority would be to reduce the number of drill pads or density of roads in a development proposal to protect caribou calving, restrict timing on

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drilling activities to protect subsistence activities, or phase project components to limit the amount of habitat being impacted at a given time.

Analyzing climate impacts of oil and gas development is not part of this rule, which is focused on impacts to surface values of special areas and surface resources broadly. Climate change impacts the surface values that the BLM is required to protect, including subsistence resources, fish and wildlife habitat, and recreation opportunities, and those impacts will be analyzed and addressed through NEPA processes when evaluating potential projects. Similarly, the BLM is not addressing specific resource values such as caribou in the rule; however, caribou habitat will be considered as a significant resource value where appropriate as the BLM implements the rule.

Comment: Commenters stated concerns that proposed § 2361.10(a) will result in violations of valid existing lease rights, and that the BLM should provide clear assurance that the government will not withhold approval for reasonable proposals for infrastructure, such as roads and pipelines, necessary to bring valid existing leases into production.

BLM Response: We do not agree with these assertions. The BLM will implement § 2361.10(a) consistent with valid existing lease rights. As discussed in more detail in [section III\(E\)](#) above, while the rule will not affect the terms of an existing lease or approved development project or permit, future development of an existing lease may be subject to additional terms and conditions if necessary to ensure that the BLM's decision is consistent with its statutory responsibility to mitigate reasonably foreseeable adverse effects of oil and gas activity on the surface resources as required by the NPRPA. For example, the Willow Master Development Plan includes numerous lease stipulations, required operating procedures, and mitigation measures intended to avoid, minimize, or otherwise mitigate the effects of oil and gas production on surface resources.

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Comment: The BLM received comments stating that the proposed rule is not adaptive as it only requires future leases to comply with lease stipulations and “by exempting all the currently authorized activities, the BLM constrains its ability to adapt its resource management strategy in response to climate change.” The BLM also received comments stating that “concerns about breach-of-contract claims against the Federal Government are ill-founded as BLM has reserved the right—in the lease itself—to set the rate of production.” The commenters state that the BLM can use the authority granted in the lease language to create regulations that deny or prohibit additional oil and gas exploration and development as well as suspend operations and production of current drilling. Comments express that the NPRPA gives BLM authority to restrict or suspend activities in the Reserve and state that the BLM “can do so ‘in the interest of conservation of natural resources’ or to ‘mitigate reasonably foreseeable and significantly adverse effects on surface resources.’”

BLM Response: The rule will apply to existing leases to the extent it is compatible with the terms of those leases. The BLM is not exempting all currently authorized activities but is constrained by valid existing rights.

Comment: Commenters recommended that the BLM state that its ability to impose mitigation is only related to activities specifically undertaken pursuant to the NPRPA, and that for mitigation to apply, the NPRPA activity must cause effects ‘on the surface resources’ of the Reserve.

Commenters requested that the BLM make commitments related to mitigation measures for the ecosystems and species affected by oil and gas development, as well as design and adopt a comprehensive mitigation plan for impacts to threatened or endangered species in the Reserve. The BLM received comments requesting the BLM supplement its 2022 IAP with additional mitigation measures that address the impacts of

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all permitted activities in the Reserve as well as the cumulative impacts of actions outside of agency control.

BLM Response: As discussed above, the BLM has authority to require mitigation of impacts to public lands resources from authorizations and other Federal actions in the Reserve, consistent with the NPRPA and FLPMA. For example, the NPRPA requires that oil and gas authorizations include provisions to mitigate reasonably foreseeable and significantly adverse effects on surface resources. The rule is clear that the mitigation requirements in § 2361.10(b)(2) apply to adverse effects on surface resources of the Reserve, and the final rule specifies in paragraph (b) that the requirements in the section apply to proposed oil and gas activities. The BLM further notes that although this rule would only apply to oil and gas activities, protection of surface resources from other actions may be addressed through other means, such as the IAP and site-specific authorizations. The BLM is not developing mitigation plans or supplementing the 2022 IAP as part of this rulemaking process.

Comment: Commenters recommended adding evaluation procedures before proposed § 2361.10(b)(1) that would require the BLM to evaluate the condition of surface resources within the Reserve at least every 5 years, including a climate impacts assessment.

Commenters recommended adding a new section requiring a commitment to survey and monitor significant surface resources on an on-going basis and to rigorously study changes in and impacts to those resources.

Commenters recommended that the regulations require the BLM to establish baseline data for resources in the Reserve, including specifically caribou distribution and movement, subsistence food contamination, and air quality data.

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BLM Response: The BLM does not currently have the resources to conduct a full evaluation of all surface resources in the Reserve every 5 years. Under § 2361.30, the BLM will evaluate the Reserve for significant resource values every 10 years, which will provide important resource inventory and monitoring information at regular intervals and enable the BLM to study changes to those resources over time, including the impacts from a changing climate. Additionally, under § 2361.10(b)(1), the BLM will maintain an IAP addressing management of all BLM-administered lands and minerals throughout the Reserve. The IAP amendment process will provide opportunities for the BLM to evaluate all surface resources within the Reserve on a regular basis and update baseline data for those resources.

Comment: Commenters stated that the BLM must ensure an appropriate framework for IAP development that is consistent with Federal law and follows NEPA's process for public participation. The BLM received a comment requesting that the language in the proposed rule requiring the BLM to maintain an IAP for the Reserve be removed from the rule as it could prematurely restrict the BLM's ability to make informed decisions with respect to future IAPs.

BLM Response: The BLM has been preparing IAPs since 1998 through a NEPA process and is incorporating this requirement into the rule to ensure ongoing, robust public participation in preparation of these management plans. Merely requiring the BLM to maintain an IAP for the Reserve does not restrict decision-making space for future IAP amendments.

Comment: Commenters discussed integrating the 2022 IAP into the rule; some commenters were concerned that the IAP would not address long-term impacts from resource extraction and asked the BLM to perform a comprehensive review of the plan. Other comments requested the BLM support and align with the IAP as it is a system that

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already works and is “highly protective of surface resources in the NPR-A, but it does not preclude oil and gas development.”

BLM Response: The 2022 IAP was based on a previous, multi-year environmental analysis and public engagement process. The BLM is not reviewing the plan at this time. The rule aligns with the 2022 IAP and codifies portions of it related to Special Area designation and management.

Comment: Commenters recommended the rule require measures to mitigate reasonably foreseeable and significantly adverse effects on carbon storage, an ecosystem service that is currently provided by boreal peatlands and permafrost. Commenters recommended the rule require measures to mitigate reasonably foreseeable and significantly adverse effects on caribou and their habitat.

BLM Response: The NPRPA requires that oil and gas authorizations including provisions to mitigate reasonably foreseeable and significantly adverse effects on surface resources. The rule is clear that the mitigation requirements in § 2361.10(b)(2) apply to adverse effects on surface resources of the Reserve, and the final rule specifies in paragraph (b) that the requirements in the section apply to proposed oil and gas activities. In addition, the BLM has authority to mitigate impacts to public lands resources from authorizations and other Federal actions in the Reserve, consistent with the NPRPA and FLPMA. The BLM is not developing mitigation measures for specific resources as part of this rulemaking process.

Comment: Commenters suggested that the requirement in proposed § 2361.10(b)(3) to consider any reasonably foreseeable effects, including indirect effects and cumulative effects, unnecessarily duplicates the BLM’s existing obligations under NEPA. Other commenters recommended that the BLM clarify in proposed § 2361.10(b)(3) that reasonably foreseeable effects include effects from activities that have

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not yet been proposed but that are induced by the proposed activity. The BLM received comments stating that the NPRPA does not authorize the BLM to consider incremental effects of proposed activities when authorizing activities in the NPRPA nor does it allow the BLM to condition, restrict, or prohibit activities because of potential effects from activities outside of the Reserve.

BLM Response: The BLM removed § 2361.10(b)(3) from the final rule because it was duplicative of the agency's obligations under NEPA and potentially confusing to restate in the rule. We note that NEPA obligates the BLM to analyze direct, indirect, and cumulative impacts, including to consideration of the impacts of reasonably foreseeable future actions, when making decisions about authorizing activities.

Comment: The BLM received comments regarding proposed § 2361.10(b)(4), specifically the use, meaning, and implication of the phrase "any uncertainty concerning the nature, scope, and duration of potential effects" in the proposed rule. Some commenters suggested that the BLM lacks the statutory authority to consider "any uncertainty" in potential effects and then implement restrictions on proposed activities that "account for and reflect such uncertainty" for any impacts. Other commenters supported the requirement in the proposed rule for the BLM to account for uncertainty regarding potential impacts of proposed development and recommended the final rule include more specificity about what qualifies as uncertainty and how it can be considered in decisions.

BLM Response: We decline these suggestions. Considering uncertainty is a standard practice for any Federal agency that completes NEPA analysis. Agencies are required to use high quality information and science and data when conducting their analysis. To the extent there are uncertainties, current regulations in 40 CFR 1502.21(a) address incomplete or unavailable information in analysis and state that "When an agency

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is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement, and there is incomplete or unavailable information, the agency shall make clear that such information is lacking.” The text in the regulation builds on the language in the NEPA regulations to require more specific discussion of how the BLM is taking uncertainties into account in making decisions, which is within the BLM’s authority and beneficial in light of the rapidly changing conditions in the Arctic.

Comment: Commenters recommended § 2361.10(b)(4) explicitly state that the BLM must base its decisions on the best available science and will not rely solely on the lack of scientific certainty when declining to impose any conditions, restrictions, or prohibitions.

BLM Response: The BLM declines this request. Including this language would be duplicative of the requirements of the NEPA process and other aspects of the regulation.

Comment: Commenters recommended adding a new § 2361.10(b)(5) that states: In assessing effects of a decision concerning proposed activity in the Reserve, the Bureau will identify and evaluate any significantly adverse effects of its decision, including any effects on environmental, fish and wildlife, and historical or scenic values that are individually or collectively significant and any impacts associated with greenhouse gas emissions.

BLM Response: The BLM declines this request. The first part of the proposed requirement is duplicative with the BLM’s NEPA process and the requirement in the NPRPA to mitigate significantly adverse effects. Further, analyzing the climate impacts of oil and gas development is not part of this rule, which is focused on addressing impacts to significant resource values of Special Areas and surface resources in the

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Reserve. The BLM analyzes climate impacts as part of NEPA analysis when evaluating potential projects, including leasing and development decisions.

Comment: Commenters expressed concern with limiting consultation in paragraph (e)(1) to federally recognized Tribes and ANCSA corporations and requested that BLM consultation be more inclusive than just those two groups. Commenters requested the BLM add a requirement to engage in meaningful communication and consultation with local villages and Tribes to ensure the new regulations meet the needs and concerns of the communities who rely on the Reserve.

BLM Response: The BLM did not consider a broader approach to consultation in the proposed rule, and so the final rule does not adopt such an approach. The BLM works closely with local communities when making management decisions for the Reserve and will continue to engage and communicate with local communities in implementing the rule, independent of formal consultation efforts.

While not considered government-to-government consultation, per 512 DM 6, it is the policy of the Department to recognize and fulfill its legal obligations to consult with ANCSA Corporations on the same basis as Alaska Native Tribes. Native organizations are always invited to participate in the public-involvement periods of NEPA projects and lend their voices to management actions within the Reserve or on any BLM-managed public lands.

Comment: Commenters recommended the BLM define the role of the North Slope Science Initiative (NSSI) with respect to surveys and monitoring, the evaluation of effects, recommendations for modified protections and restrictions, and mitigation measures.

BLM Response: The NSSI is an advisory body that is intended to coordinate inventories, monitoring, and research for a better understanding of terrestrial, aquatic, and

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marine ecosystems of the North Slope of Alaska, and was established by the Secretary pursuant to section 348 of the Energy Policy Act of 2005, Pub. L. 109-58, 119 Stat. 594, 708 (2005) (codified at 42 U.S.C. 15906). While the NSSI provides valuable information, the BLM does not believe it is appropriate for these regulations that apply only to BLM-managed public lands in the Reserve to define NSSI's role. The NSSI is a body that coordinates scientific efforts between agencies and provides guidance and recommendations to the Secretary, the BLM, and other agencies within the Department.

Comment: Commenters recommended the BLM include a presumption against all oil and gas activities in § 2361.10 similar to the presumption proposed in § 2361.40(c) to ensure protection against significantly adverse effects.

BLM Response: A presumption against all oil and gas activities in the Reserve would not be consistent with the NPRPA, which requires the BLM to conduct an oil and gas leasing program in the Reserve. The NPRPA imposes special requirements on the BLM to protect significant resource values within Special Areas, which is why the presumption is only included in § 2361.40. We note the final rule provides opportunities for the BLM to avoid and mitigate adverse impacts on surface resources generally. For example, § 2361.10(a) requires the BLM to protect surface resources by adopting whatever conditions, restrictions, and prohibitions it deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities, including conditioning, delaying action on, or denying some or all aspects of proposed oil and gas activities.

Comment: Commenters recommended the final rule stipulate that the BLM will not waive lease stipulations or mitigation provided by Required Operating Procedures (ROPs) unless the threats to the resources that supported the ROPs no longer exist.

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BLM Response: We decline that suggestion. ROPs are a standard practice across the BLM and describe the protective measures that the BLM will impose on applicants during the permitting process. Similar to lease stipulations, the objective of a ROP must be met in order for exceptions, modifications, or waivers to be granted under the 2022 IAP. At the permitting stage, the BLM authorized officer will not include those ROPs that, because of their location or other inapplicability, are not relevant to a specific permit application. We also note that at the permit stage, the BLM may establish additional requirements as warranted to protect the land, resources, and uses in accordance with the BLM's responsibilities under relevant laws and regulations.

Comment: Commenters recommended the rule require the BLM to consider and adopt as necessary measures to specify the rates of development and production in the public interest. Commenters recommended the rule include a provision that the BLM may specify the rate of production and limit or suspend activity on leases. Commenters also requested that the rule update the pricing of bonds or schemes that standardize financial health requirements for lessees (such as those found in the Surface Mining Control and Reclamation Act) and reflect the true cost of development and the increased risk of abandonment for oil and gas projects in the Reserve.

BLM Response: The BLM declines this request. Regulations for oil and gas leasing and production within the Reserve are covered in 43 CFR part 3130, which the BLM is not revising in this rule. The standard lease terms and conditions also provide for the BLM to provide conditions on production.

Comment: Commenters recommended the BLM recognize and enforce water quality standards identified by Native landowners near Utqiagvik and Nuiqsut to protect watersheds that extend beyond Special Areas.

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BLM Response: We decline that suggestion. While the BLM requires compliance with applicable laws, this addition would be outside the scope of this rulemaking.

Comment: Commenters asked for clarification in § 2361.10 about subsistence use under ANILCA section 811, and recreational shooting under the Dingell Act.

BLM Response: We decline that suggestion. The proposed rule addresses oil and gas activities and does not limit subsistence use access or preclude recreational shooting.

Comment: Commenters requested increased protections for vegetation, as regeneration of vegetation is dependent on environmental conditions.

BLM Response: We decline this suggestion. Vegetation is included because it is encompassed by “the environmental, fish and wildlife, and historical and scenic values of the National Petroleum Reserve in Alaska.”

Comment: Commenters expressed concern about the ability to challenge the BLM’s oil and gas related decisions.

BLM Response: The regulation does not change procedural requirements for public participation in the BLM’s decision-making processes.

Comment: Commenters asked the BLM to include burying pipelines in lease requirements.

BLM Response: This issue is addressed at the project level, as a mitigation measure or design feature associated with a specific development proposal. The BLM declines to include this requirement in this regulation.

Comment: Commenters expressed support for the BLM’s integration of the IAP into the proposed rule, including in sections pertaining to protection of surface resources and designation and management of Special Areas, regarding the obligation that the BLM must consult specifically with “federally recognized Tribes” not “Native organizations.”

BLM Response: We appreciate the support.

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Comment: Commenters requested that the BLM analyze future development on a case-by-case basis prioritizing consultation and coordination with those people who are directly impacted.

BLM Response: The BLM analyzes specific development proposals on a case-by-case basis through the NEPA process, and that process is unchanged by this regulation. The BLM will continue to consult with appropriate Federal, State, and local agencies, and with federally recognized Tribes, and Alaska Native Claims Settlement Act corporations as required by laws, regulations, and policies governing government-to-government consultation. The BLM also made minor edits to the language of this section for clarity. The BLM will also continue to engage stakeholders, local communities, and the general public in decision-making processes for development projects.

Description of the Final Rule

In response to comments, the BLM removed paragraph (b)(3) from the final rule because it is duplicative of environmental analysis requirements under NEPA. The BLM also added “oil and gas” before the word “activities” throughout the section to clarify that the requirements of this rule only apply to oil and gas activities. The final rule clarifies that new use authorizations must conform to any designation or modifications of Special Areas that have occurred outside of the IAP.

The final rule replaces “Bureau” with “authorized officer” to provide clarity about the BLM official responsible for implementing requirements in the rule. The final rule defines authorized officer as “any employee of the Bureau of Land Management who has been delegated the authority to perform the duties of this subpart.” This term refers to an employee that carries out duties that are carefully circumscribed by this rule, other relevant regulations, and Bureau policy, such as the BLM delegation of authority manual. This employee’s duties are also subject to the control or direction of other executives

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including the BLM Director, the Assistant Secretary for Land and Minerals Management, the Deputy Secretary, and the Secretary, all of whom are officers of the United States, appointed by the President and confirmed by the Senate. The remainder of the section is unchanged from the proposed rule.

Section 2361.20 – Existing Special Areas

Existing and Proposed Regulations

The existing regulations only identify the Colville River, Teshekpuk Lake, and Utukok River Uplands Special Areas by name (§ 2361.1(c)); they do not account for the Kasaglutuk Lagoon and Peard Bay Special Areas. Further, the current regulations do not identify or describe the significant resource values associated with each Special Area. Under the NPRPA, the BLM must assure maximum protection of each of these values consistent with exploration of the Reserve. In pursuit of that obligation, the proposed rule established new § 2361.20 to incorporate all five of the existing Special Areas into part 2360 and identify the significant subsistence, recreational, fish and wildlife, historical, and scenic values that are associated with each of them.

The proposed rule required any lands designated as a Special Area to continue to be managed as such for the already-identified values and any additional values identified through the process set forth in new § 2361.30. The existing regulations (§ 2361.1(c)) require the boundaries of the Special Areas to be depicted on maps available for public inspection in the BLM's Fairbanks District Office. Proposed § 2361.20 specified that a map of each Special Area would be available at the Arctic District Office, which is now the BLM office that oversees the Reserve. The BLM would also publish and maintain copies of these maps on its website.

Public Comments on § 2361.20

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Comment: The BLM received comments expressing support of the existing Special Areas section, stating appreciation for proposing to recognize all five of the existing Special Areas and their significant resource values in regulations. Commenters believe that this establishes management priorities against which development proposals can be evaluated and mitigated.

BLM Response: We agree recognizing all existing Special Areas in the regulation will provide increased transparency and clarity for managing these areas and their significant resource values.

Comment: Commenters recommended changes to management of existing Special Areas, such as by closing them to oil and gas leasing and development and strengthening prohibitions against oil and gas infrastructure or development impacts.

BLM Response: The BLM is not changing the specific management prescriptions for existing Special Areas as part of this rulemaking process, as those decisions were most recently identified in the 2022 IAP. The rule codifies the existing Special Areas and their significant resource values as currently established in Secretarial decisions. The final rule establishes a process in § 2361.30 for designating, amending, and redesignating Special Areas. Changes to management of existing Special Areas will follow that process.

Comment: Commenters recommended changes to the boundaries of existing Special Areas and specified additional values associated with existing Special Areas and recommended the BLM add those values to the final rule. Comments specific to the Teshekpuk Lake Special Area include:

- Polar bears have begun inhabiting the Teshekpuk Lake area due to the receding sea ice and should be identified as a significant resource value;

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- Pit Dunes has unique geologic character, insect-relief habitat for caribou, rare endemic plant populations, use by various water and shorebirds, and scenic and recreational value, and should be closed to fluid mineral leasing, new infrastructure, and other activities including sand and gravel mining;

- The Special Area should be expanded to include the area between the Teshekpuk Lake Special Area western boundary and the village of Atkasuk, which has high density of Yellow-billed loons, Redthroated Loons, King Eider, raptor nests, and caribou calving sites;

- The Qupluk Flyway Network Site be reviewed to ensure that it is not available for leasing or infrastructure; and

- The Special Area is unnecessarily large, and the BLM should re-analyze the Teshekpuk Lake Special Area boundaries before finalizing the rule.

Comments specific to the Colville River Special Area include:

- The final rule should be updated to reflect the following special resource values are present in the Special Area: caribou summer range, winter range, and migratory connectivity; suitable Wild and Scenic Rivers; Yellow-billed loons; raptors; and moose;

- The Colville River Delta is particularly important for birds and should be closed to all oil and gas leasing;

- The Arctic peregrine falcon has been delisted, so the Special Area should be decreased or eliminated;

- The Special Area should be considered critical habitat for the Arctic peregrine falcon; and

- Parts of the Special Area, specifically Ocean Point, are important for subsistence, yet heavy traffic and long-term impacts from development threaten caribou migration and subsistence hunting.

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Comments specific to the Kasagluk Lagoon Special Area include:

- The Special Area is important for brants, shorebird migration, Red-throated and Yellow-billed loons, and the significant resource values for the Special Area should include high-use staging and migration area for waterfowl, shorebirds, loons, and other waterbirds.

Comments specific to the Utukok River Uplands Special Area include:

- The final rule should be updated to reflect that suitable Wild and Scenic Rivers are special resource values in the Special Area;
- The final rule should designate an area north and west of the Kokolik River near the west boundary of the Reserve as part of the Utukok River Uplands Special Area to help avoid river crossings of the Kokolik River to access potential development areas and better protect the Kokolik River; and
- The final rule should move the northern border of the area unavailable for leasing and new infrastructure to cover all of the Utukok River Upland Special Area as this area was not included in the area made unavailable for leasing and infrastructure in the 2013 IAP. Commenters state that the reasons for excluding it no longer exist and failing to make this area unavailable for leasing infrastructure may lead to Western Arctic Caribou Herd calving habitat loss under possible future developments.

BLM Response: The BLM did not amend the rule in response to specific comments regarding the significant resource values or boundaries of existing Special Areas. The rule merely codifies the existing Special Areas and their significant resource values as currently identified by Secretarial decisions designating or amending the Special Areas. The final rule establishes a process in § 2361.30 for designating, amending, and de-designating Special Areas. Changes to existing Special Areas, including identifying additional values and changing management, will follow that

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process, recognizing that the BLM may not remove lands from the Teshekpuk Lake and Uluksok River Uplands Special Areas unless directed to do so by statute. The protections for a surface value in a Special Area are not limited to those protections in the IAP or other Secretarial decisions relating to the establishment of Special Areas. For example, polar bears are protected by the Marine Mammal Protection Act, 16 U.S.C. 1531 *et seq.*, and the Endangered Species Act, 16 U.S.C. 1531-1544. Indeed, as shown in the 2013 IAP map 3.3.8-6, a significant portion of polar bear denning critical habitat in the Reserve and a number of identified dens are located within the Teshekpuk Lake Special Area, which provides an additional layer of protection for that species.

Description of the Final Rule

The BLM did not change this section of the proposed rule in the final rule. The following existing Special Areas are codified in the final rule:

- Colville River Special Area, which has important habitat for raptor and other bird species, including the Arctic peregrine falcon; important habitat for moose; important habitat for fish; important subsistence activities; important recreational activities; world-class paleontological deposits; and significant cultural resources;
- Kasgegahuk Lagoon Special Area, which has important habitat for marine mammals; unique ecosystem for the Arctic Coast; opportunities for primitive recreational experiences; important habitat for migratory birds; and important subsistence activities;
- Peard Bay Special Area, which has haul-out areas and nearshore waters for marine mammals; and high-use staging and migration areas for shorebirds and waterbirds;
- Teshekpuk Lake Special Area, which has important habitat for a large number of migratory and other waterbirds; important caribou habitat; important shorebird

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habitat, subsistence hunting and fishing activities; Pit Dunes; and overwintering habitat for fish; and

- Unukok River Uplands Special Area, which has important habitat for the Western Arctic Caribou Herd; subsistence hunting activities; grizzly bear habitat, and important wilderness values.

Additional details on the significant resource values of each Special Area are found in the preamble to the proposed rule.

Section 2361.30 – Special Areas designation and amendment process.

Existing and Proposed Regulations

The existing regulations provide general direction for recommending and considering additional Special Areas in § 2361.1(d). In the past, the BLM has typically designated Special Areas, and received Special Area recommendations from the public and stakeholders, through the IAP revision and amendment process. Enumerating procedures for designating and amending Special Areas in the regulations will provide clarity for stakeholders and ensure that the BLM fulfills its statutory obligation to assure maximum protection of Special Areas' significant resource values.

The proposed rule added a new section to provide standards and procedures for designating and amending Special Areas. Paragraph (a) required the BLM, at least once every 5 years, to evaluate lands in the Reserve for significant resource values and designate new Special Areas or update existing Special Areas by expanding their boundaries, recognizing the presence of additional significant resource values, or requiring additional measures to assure maximum protection of significant resource values. Paragraph (a)(2) allowed, but did not require, the BLM to conduct this evaluation through the IAP amendment process. Paragraph (a)(3) required the BLM to rely on the

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best available scientific information, including Indigenous Knowledge, and the best available information concerning subsistence uses and resources.

Paragraph (a)(4) required the BLM to provide meaningful opportunities for public participation in the evaluation process, including review and comment periods and, as appropriate, public meetings. Existing § 2361.1(d) concerns the submission, content, and public review of recommendations for additional Special Areas. Proposed paragraph (a)(4) retained the basic contours of that provision but provided additional specificity. The proposed language allowed the public to participate in the evaluation process, including by recommending new Special Areas, new significant resource values for existing Special Areas, and measures to assure maximum protection of Special Areas' significant resource values. The proposed rule required the BLM to evaluate and respond to such recommendations. Similar to existing § 2361.1, proposed paragraph (a)(4) specified that Special Area recommendations should describe the size and location of the lands, significant resource values, and measures necessary to assure maximum protection of those values.

Proposed paragraph (a)(5) allowed the authorized officer to implement interim measures to assure maximum protection of significant resource values in lands under consideration for designation as a Special Area. This provision was designed to assist the BLM in fulfilling its statutory duty to protect Special Areas.

Paragraph (a)(6) required that the BLM base decisions to designate Special Areas solely on whether significant resource values are present and prohibited the BLM from considering the existence of measures to protect or otherwise administer those values. For example, if lands not within a Special Area contained important caribou calving habitat and those lands were already subject to certain protections under the IAP, the BLM would not be permitted to consider those protections during the decision-making process

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for the proposed designation or update. The proposed rule explained that this change is needed to align the regulations with the NPRPA, which authorizes the Secretary to designate Special Areas based on the presence of “any significant subsistence, recreational, fish and wildlife, or historical or scenic value” 42 U.S.C. 6504(a).

Proposed paragraph (a)(7) required the BLM, when designating a Special Area or recognizing the presence of additional significant resource values in an existing Special Area, to adopt measures to assure maximum protection of significant resource values. That provision mirrors the BLM’s statutory responsibility under the NPRPA. 42 U.S.C. 6504(a). Paragraph (a)(7) was designed to provide needed clarification by specifying that those measures would supersede any inconsistent provisions in the IAP.

Proposed paragraph (a)(8) incorporated the requirement of existing § 2361.1(e) that the BLM publish in the *Federal Register* a legal description of any new Special Area. The proposed rule also required the BLM to publish in the *Federal Register* a summary of the significant resource values supporting the Special Area designation. Rather than requiring publication in local newspapers as the current regulations require, the proposed rule required the BLM to maintain maps of the Special Areas on its website. Those proposals were designed to provide more effective public notice.

Proposed § 2361.30(b) established a framework for removing lands from Special Area designations. Because Congress identified the Ute/Utah River Uplands and Teshelkuk Lake Special Areas in the NPRPA and required them to be managed to protect surface resources, the BLM cannot remove lands from those Special Area designations absent statutory authorization. See Pub. L. 94–258, sec. 104(b), 90 Stat. 304 (1976). For other Special Areas, the proposed rule permitted the BLM to remove lands from a Special Area designation only when the significant resource values that supported the designation are no longer present (e.g., if important wildlife habitat that supported the

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designation was no longer present). That provision is consistent with the BLM's statutory duty to "assure the maximum protection of such surface values consistent with the requirements of [the NPRPA] for the exploration of the reserve." *Id.*

Before removing lands from a Special Area designation, proposed paragraph (b) required the BLM to provide the public with the opportunity to review and comment on its proposed decision and consult with federally recognized Tribes and Alaska Native Claims Settlement Act corporations. Finally, the proposed rule required the BLM to document its consideration of those comments. Those requirements would assure public participation in the de-designation process.

Public Comments on § 2361.30

Comment: Commenters requested the BLM explain how new and additional procedural requirements would integrate with the environmental analysis that the BLM already conducts under NEPA for proposed Federal actions. Commenters recommended the BLM ensure the new procedures are not duplicative of NEPA obligations. Commenters expressed their concern that if they are separate and distinct from each other, it could increase the number of procedural steps, time, and risk for proposed activities in the Reserve.

Commenters recommended that the BLM continue to use the IAP for management of the Reserve including adding, revising, or removing Special Areas. Commenters suggested that requiring a separate 5-year cycle for Special Area review and evaluation may establish a different management framework applicable only to Special Areas which would be separate from the review and management of the entire Reserve through IAP/EIS processes.

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consultation regarding the appropriate decisions on types of habitats and desired future conditions.

Comment: Commenters requested more clarity regarding the process by which a resource value will be determined to be sufficiently absent to warrant de-designation of a Special Area.

Commenters recommended that the rule should require the BLM to use the best scientific data available when determining whether the significant resource values that support the designation are no longer present.

BLM Response: The BLM revised the final rule to create a new paragraph (a) that outlines requirements applicable to all processes that will designate, de-designate, or otherwise change boundaries or management of Special Areas. In all processes, including those resulting in de-designation or removal of lands from a Special Area, the BLM is required to rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and resources within the Reserve. The BLM must also provide the public and interested stakeholders with notice of, and meaningful opportunities to participate in, the evaluation process, and consult with any federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area. These requirements will ensure opportunities for public and Tribal input and participation in any evaluation of whether all of the significant resource values that support a Special Area designation are no longer present.

Comment: Commenters suggested establishing an overlay of Indigenous Ancestral Homeland Preservation Special Areas within the NPR-A to protect significant subsistence values.

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BLM Response: The BLM would appreciate this information being provided as part of decisions on managing surface values in the Reserve. Specifying this overlay is beyond the current scope of the regulation.

Comment: Commenters expressed concerns that the proposed rule does not quantify the economic impacts of the process of designating new Special Areas nor the economic impacts of limitations on exploration and development within Special Areas and recommended that an economic impact analysis should accompany each decision.

BLM Response: The NPRPA requires the maximum protection of significant resources values in Special Areas subject to the requirements of the Act. Economic impacts are part of NEPA analysis and will be disclosed as part of any such analysis.

Comment: Commenters requested clarity that Special Area designation will not interfere with the ANILCA section 1111(a) temporary access provisions.

BLM Response: Section 1111(a) of ANILCA requires the Secretary to authorize and permit temporary access by the State or a private landowner to or across certain lands in Alaska that have been designated to specific uses, including the Reserve, but only if such access will not result in permanent harm to the resources of such unit, area, Reserve or lands. This rule is consistent with that provision of ANILCA and would not alter the BLM's implementation.

Description of the Final Rule

Section 2361.30 is reorganized in the final rule, with a new paragraph (a) that outlines requirements applicable to all processes that will designate, de-designate, or otherwise change boundaries or management of Special Areas. In all processes, including those resulting in de-designation or removal of lands from a Special Area, the BLM is required to rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and

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resources within the Reserve. The BLM must provide the public and interested stakeholders with meaningful opportunities to participate in the evaluation process and consult with any federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area. The BLM must also base decisions solely on the presence or absence of significant resource values and not the existence of measures that have been or may be adopted to protect or otherwise administer those values.

Section 2361.30(b) requires the BLM to evaluate all public lands within the Reserve for the presence of significant subsistence, recreational, fish and wildlife, historical, or scenic values every 10 years, or sooner if the authorized officer determines that changing conditions warrant. As part of this evaluation, the BLM will consider designating new Special Areas, expanding existing Special Areas, recognizing the presence of additional significant resource values in existing Special Areas, and requiring additional measures or strengthening existing measures to assure maximum protection of significant resource values within existing Special Areas. The evaluation may occur through an IAP amendment process but can occur separately.

The BLM is required to consider and respond to recommendations from the public and interested stakeholders in the evaluation process regarding lands that should be considered for designation as a Special Area, significant resource values that should be recognized in Special Areas, and measures that should be required to assure maximum protection of significant resource values within Special Areas. The rule lists information that should be submitted by the public to ensure the BLM can adequately review recommendations, including the size and location of the recommended lands, significant

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resource values that are present within or supported by the recommended lands, and measures that may be necessary to assure maximum protection of those values.

Section 2361.30(b)(4) provides that the BLM may implement interim measures to protect significant resource values while the agency is considering Special Area designations and changes to management. The BLM could implement interim measures at any point after receiving a recommendation for a new or modified Special Area. These measures must be consistent with the governing management prescriptions in the IAP. The BLM must provide public notice that interim measures are in place and such measures will be reassessed to determine if they are still needed if they remain in place for more than 5 years.

When the BLM decides to designate lands as a Special Area or recognizes the presence of additional significant resource values in a Special Area, the BLM must adopt measures to assure maximum protection of the significant resource values. These measures are not constrained by the provisions of the current IAP. Once adopted, these measures supersede inconsistent provisions of the IAP then in effect for the Reserve and will be incorporated into the IAP during the next revision or amendment. When the BLM designates lands as a Special Area, the agency must publish a legal description of those lands in the *Federal Register*, along with a concise summary of the significant resource values that support the designation. The BLM will maintain up-to-date maps of all designated Special Areas on its website and make maps available for public inspection at the Arctic District Office.

Section 2361.30(c) provides procedures for removing lands from or redesignating a Special Area. Lands may only be removed from Special Area designation when all of the significant resource values that support the designation are no longer present. In making such a determination, the BLM must prepare a summary of its

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proposed determination, including the underlying factual findings, and provide a public comment opportunity on the proposed determination. The BLM must also comply with all of the requirements in § 2361.30(a). The BLM's final determination must document how the views and information provided by the public, federally recognized Tribes, Alaska Native Claims Settlement Act corporations, federally qualified subsistence users, and other interested stakeholders have been considered. The BLM may not remove lands from the Teshekpuk Lake and Utukok River Uplands Special Areas unless directed to do so by statute.

Section 2361.40 – Management of oil and gas activities in Special Areas.

Existing and Proposed Regulations

The current regulations paraphrase the maximum protection requirement of the NPRPA and provide examples of measures that the BLM could potentially take to assure maximum protection. See § 2361.1(c). Proposed new § 2361.40 enhanced the specificity of the current regulations on the mechanisms for assuring maximum protection of significant resource values in Special Areas by establishing new standards and procedures for achieving maximum protection of Special Areas' significant resource values, with a specific focus on addressing the impacts of oil and gas activities. Of note, this section affirmatively established that assuring maximum protection of significant resource values is the management priority for Special Areas. Under proposed paragraph (a), the BLM needed to comply with this standard and adopt maximum protection measures for each significant resource value associated with a Special Area. Proposed paragraph (b) required the BLM take such steps to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas, including by conditioning, delaying action on, or denying proposals for activities.

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Proposed paragraph (c) required oil and gas leasing and new infrastructure to conform to the land use allocations and restrictions identified on maps 2 and 4 of the 2022 IAP ROD, unless the BLM makes revisions in accordance with § 2361.30 of these regulations. Map 2 shows the areas of the Reserve that are open and closed to oil and gas leasing. The map reflects that approximately 11.8 million acres are open to leasing subject to the terms and conditions detailed in the IAP, while approximately 11 million acres are closed, including most of the Teshekpuk Lake and Uluksok River Uplands Special Areas. The map also shows areas that are open to leasing but subject to no surface occupancy, and areas that are outside the BLM's subsurface authority.

Map 4 shows the areas of the Reserve that are available and unavailable for new infrastructure. The map shows that new infrastructure is prohibited on approximately 8.3 million acres of the Reserve, limited to "essential" infrastructure on approximately 3.3 million acres, and permitted on approximately 10.8 million acres.

The proposed purpose of requiring leasing and infrastructure in Special Areas to conform to IAP maps 2 and 4 was to codify the existing protections and restrictions from the 2022 IAP ROD. The BLM developed that land use plan through a lengthy public planning process involving all stakeholders, which stretches back to the development of the 2013 IAP ROD. The 2022 IAP ROD, which is based in large part on the framework set forth in the 2013 IAP ROD, incorporates aspects of the 2020 IAP ROD, and reflects now-settled expectations about the use of the Reserve. It also reflects what the BLM views as the floor of protections for the Reserve that grew out of the public planning process. By incorporating the two maps into the rule, the BLM intended to incorporate the land use allocations, restrictions, and stipulations from the 2022 IAP ROD into the rule without reprinting lengthy text.

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Proposed paragraph (c) also established a presumption against leasing and new infrastructure on lands in Special Areas that are allocated as available for those activities. That presumption could have been overcome if specific information is available to the BLM that clearly demonstrates that those activities can be conducted with no or minimal adverse effects on the significant resource values of the Special Area. The intensive process that led to the IAP resulted in a comprehensive plan for protection of the Special Areas in the Reserve. To fulfill the BLM's statutory duty to assure maximum protection for those areas' significant resource values, the BLM believed that plan should be treated as a regulatory floor, and additional activities should only be allowed when maximum protection is assured.

The proposed definition of "infrastructure" in § 2361.5(g) excluded "exploratory wells that are drilled in a single season; infrastructure in support of science and public safety; and construction, renovation, or replacement of facilities on existing gravel pads at previously disturbed sites where the facilities will promote safety and environmental protection." These exceptions were specifically analyzed and adopted in the 2022 IAP ROD. Proposed § 2361.40(d) established three additional exceptions to the oil and gas leasing and new infrastructure prohibitions in paragraph (c). The first exception permitted leasing and infrastructure solely to address drainage of Federal oil and gas resources. Drainage occurs "when a well that is drilled or is in production adjacent to Federal or Indian leases or unleased lands is potentially draining Federal or Indian oil and gas resources." BLM MS-3160, Drainage Protection Manual 1-1 (2015), *available at* https://www.blm.gov/sites/blm.gov/files/uploads/mediacenter_blmpolicymanual3160.pdf. The proposed rule prohibited surface disturbing activities on any lease tract issued for this purpose. The exception for drainage of Federal oil and gas resources was included because the regulations expressly provide for leasing of tracts that are subject to drainage

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in order to prevent loss of United States oil and gas resources and potential royalties. See 43 CFR 31.30.3. No-surface-occupancy leases are an option the BLM may elect to use when the surface management agency has determined that surface oil and gas facilities and operations would pose an unacceptable risk to the surface resources. The second exception permitted the construction of new infrastructure, including roads, transmission lines, and pipelines, that would primarily benefit communities in and around the Reserve or would support subsistence activities. The BLM proposed to include that exception because communities in and around the Reserve must have some infrastructure to survive and thrive. The third exception allowed the BLM to approve new infrastructure if essential to support exploration or development of a valid existing lease and no practicable alternatives exist that would have less adverse impact on significant resource values of the Special Area. That exception was necessary to accommodate the rights of current leaseholders.

Proposed paragraph (c) required the BLM to document and consider any uncertainty regarding potential adverse effects on Special Areas and ensure that its actions account for such uncertainty. That provision was drafted to help the BLM fulfill its statutory mandate to assure maximum protection for Special Areas' significant resource values.

Proposed paragraph (f) required the BLM to prepare a Statement of Adverse Effect whenever it cannot avoid adverse effects on a Special Area. In each statement, the BLM was required to describe the significant resource values that may be affected; the nature, scope, and duration of the effects; measures the BLM evaluated to avoid those effects; a justification for not requiring those measures; and measures it would require to minimize and mitigate the adverse effects on significant resource values. Measures the BLM could require under this provision include compensatory mitigation. Such measures

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would be developed, evaluated, and, as necessary, adopted in project-specific analyses. Proposed paragraphs (g) and (h) required the BLM to provide the public with an opportunity to review and comment on any Statement of Adverse Effect and consult with federally recognized Tribes and Alaska Native Claims Settlement Act corporations that have ties to the area.

Finally, proposed paragraph (i) required the BLM to include in each oil- and gas-related decision or authorization "terms and conditions that provide the Bureau with sufficient authority to fully implement the requirements of this section." That provision ensured that the BLM incorporates into decision documents the necessary language to implement any final rule.

Public Comments on § 2361.40

Comment: The BLM received comments generally supporting § 2361.40, particularly for reasons of reducing climate change and protecting areas that are important for wildlife habitat and subsistence use.

BLM Response: We agree the rule will help the BLM address these important issues.

Comment: Commenters stated that maximum protection in the proposed rule is being used as a management standard and a baseline to disqualify any resource development activity from proceeding contrary to ~~congressional~~ intent and the NPRPA.

BLM Response: The NPRPA specifically requires that oil and gas activities within Special Areas be "conducted in a manner which will assure the maximum protection of such surface values to the extent consistent with the requirements of this Act." The regulation is implementing this direction from Congress to balance resource development with resource protection, by requiring the application of maximum protection measures to significant resource values in Special Areas when conducting oil and gas activities. The

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regulations will not prohibit oil and gas activities but rather ensure they proceed according to the intent of the NPRPA.

Comment: Commenters requested the rule clarify the process for identifying and adopting maximum protection measures for each significant resource value that is present in a Special Area. Commenters also recommended that the BLM be required to evaluate existing measures in addition to identifying new ones, and that this process rely on best available scientific information including Indigenous Knowledge.

Commenters requested the BLM discuss significant resource values and include clear definitions of the measures necessary to ensure maximum protection for each. Comments contained suggestions that the denial or reduction of proposed drilling sites, prohibition of roads, restrictions on sand and gravel extraction and water withdrawals, suspension of activities, and specified rates of development and production should be specifically listed as potential maximum protection measures.

BLM Response: The final rule clarifies that the BLM will identify and adopt maximum protection measures for each significant resource value that is present in a Special Area when Special Areas are designated. The BLM will also update maximum protection measures as appropriate thereafter, including in the IAP, lease terms, and permits to conduct oil and gas activities. The final rule also includes maximum protection measures that are identified in the existing regulation but had been eliminated in the proposed rule, as well as some additional categories of measures that may be included, such as limiting infrastructure and use of roads and restricting use of sand, gravel, and water. The BLM is not analyzing existing measures or adopting new ones for significant resource values in this rulemaking process. The rule provides informative categories of measures that could be applied, subject to existing management prescriptions for each

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Special Area and the terms of existing leases, and sets forth the process by which measures will be adopted moving forward.

Comment: Commenters expressed concern that the presumption against leasing and new infrastructure on lands within Special Areas that are allocated as open for those activities would affect valid existing rights and could constitute a breach of contract or regulatory taking. Commenters recommended that the rule be revised to expressly state that it does not apply to any existing leases or future activities carried out pursuant to the terms of those leases.

Commenters suggested that the presumption against new leasing and new infrastructure on lands within Special Areas that are allocated as open to those activities is contrary to the NPRPA and ANILCA section 1326.

BLM Response: The provisions of this section are consistent with the BLM's obligations to manage Special Areas to provide maximum protection for significant resource values, subject to the other directives in the NPRPA regarding conducting exploration, leasing, and development. The rule includes specific protections for valid existing rights. At the same time, we note that, while the terms of an existing lease and approved development project or permit would not be affected by the rule, a valid lease does not entitle the leaseholder the unfettered right to drill wherever it chooses or categorically preclude the BLM from considering alternative development scenarios within leased areas, nor does it give the leaseholder the right to produce all economically recoverable oil and gas on the lease. Future development of an existing lease is, by its terms, subject to additional terms and conditions. For example, the standard lease for activities in the Reserve states, "An oil and gas lease does not in itself authorize any on-the-ground activity" and notes that more restrictive stipulations may be added. Similarly, a standard lease stipulation entitled "Conservation of Surface Values for NPR-A Planning

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Area Land” provides: “Operational procedures designed to protect resource values will be developed during Surface Use Plan preparation, and additional protective measures may be required beyond the general and special stipulations identified in the above-referenced documents.”

Comment: Commenters recommended § 2361.40(c) be revised to eliminate the phrase “or minimal” so that the presumption would only be overcome if it can be demonstrated that there will be no adverse effects on significant resource values.

BLM Response: The BLM included the term “minimal” to address situations where it is not possible to eliminate all adverse effects, and in recognition of the NPRPA’s direction to apply the maximum protection standard consistent with exploration and production of the Reserve. However, the remainder of the process set out in this updated section will ensure thorough consideration, opportunity for review and comments, and documentation of how adverse effects have been avoided.

Comment: Commenters recommended the BLM provide a path for an applicant to overcome the presumption against new leasing and new infrastructure on lands within Special Areas that are allocated as open for those activities, such as requiring the applicant to explain why it cannot avoid locating new infrastructure in the Special Area and to provide maximum protection for resource values and subsistence users.

BLM Response: The final rule provides clarity around how the presumption against new leasing and new infrastructure on lands within Special Areas that are allocated as open for those activities would be overcome through the environmental review process. The rule provides that as part of the environmental analysis, the BLM may document justification for overcoming the presumption in § 2361.40(f), such as if the proposed infrastructure is necessary to comport with the terms of a valid existing lease, or if it will primarily be used by and provide a benefit to communities located

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within or in close proximity to the Reserve, and the proposal has been conditioned to avoid, minimize, or otherwise mitigate adverse effects.

Comment: Commenters recommended that § 2361.40(d)(1) be revised to clarify that seismic exploration is considered a “surface-disturbing oil and gas activity” and that restrictions on new infrastructure would not be waived under this provision.

BLM Response: This rule maintains the current approach in the IAP that does not include geophysical exploration as surface occupancy to maintain consistency and because any changes to that approach should be made through the IAP process with associated NEPA analysis. This rule does not address waiver of limitations on infrastructure. However, as discussed above, waivers, exceptions, and modifications are subject to the conditions set out in the IAP.

Comment: Commenters recommended that the community infrastructure exception be clarified that it only applies if it has community benefit and is owned, operated, or managed by the appropriate community or Native entity, the North Slope Borough, or the State of Alaska.

BLM Response: The definition of the term “infrastructure” in the final rule has been revised to state that “infrastructure” does not include infrastructure that will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve.

Comment: Commenters urged the BLM to provide greater limits on “essential infrastructure” such as allowing permanent infrastructure if it can occur with no adverse impacts on significant resource values, rather than if no practicable alternatives exist that would have less adverse impact.

The BLM received comments stating that limiting infrastructure to that which is essential and for which no practicable alternatives exist would establish an implied

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presumption that no infrastructure can be installed in Special Areas, which violates the NPRPA and the terms of existing leases.

BLM Response: The BLM is not revising the approach to addressing infrastructure, which is consistent with the provisions of the IAP and the directive in the NPRPA to provide for maximum protection of significant resource values in Special Areas subject to the other purposes of the Act.

Comment: Commenters recommended that the final rule adopt a requirement based on precautionary principles in instances of significant uncertainty, which may mean requiring additional information from applicants or lessees or delaying action until relevant effects are better known.

BLM Response: The BLM believes the language in the rule is adequate for the agency to address uncertainty. The final rule requires the BLM to document and consider uncertainty concerning potential adverse effects on significant resource values of Special Areas and ensure that uncertainty is accounted for when taking actions to avoid, minimize, or mitigate adverse effects. The BLM has the authority under the regulations to delay action on activities where necessary to avoid adverse effects on significant resource values.

Comment: The BLM received comments about the requirement to mitigate residual effects that cannot be avoided or minimized, including:

- Commenters recommended the rule include provisions that authorize the BLM to review and modify mitigation measures as needed after oil and gas operations have commenced.
- Commenters suggested that the BLM lacks statutory authority to require compensatory mitigation, and none is provided in the NPRPA, FLPMA, or ANILCA.

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- Commenters expressed concern that despite BLM mitigation and environmental review efforts, impacts to Nuiqsut from oil and gas activities have gotten worse. Commenters state that the current mitigation process requires stakeholders to advocate for mitigation measures, which places an unfair burden on the stakeholder, including Native villages. Commenters recommend the BLM include a regular process for identifying new mitigation measures and updating existing mitigation measures similar to the process for evaluating Special Areas in the proposed rule. Commenters also recommended that the rule include a requirement for establishing baseline data and monitoring of impacts.

BLM Response: The BLM has authority to require appropriate mitigation under a variety of authorities, including the NPRPA and FLPMA. Mitigation measures can continue to be regularly identified and updated through IAP and/or Special Area amendment processes and are also identified at the leasing and permitting stages of development. Similarly, baseline data and monitoring plans are established in NEPA analyses conducted to support amendments or revisions to the IAP and approval of other activities in the Reserve.

Comment: The BLM received comments regarding reclamation and bonding for oil and gas activities, including: the rule should include assessment methods to gauge the financial stability of oil and gas companies and bankruptcy risk before companies are allowed to purchase leases; the rule should require up-front payments to cover costs of damages due to climate change, loss of habitat, spills or accidents, and reclaiming development sites; and the rule should require all development activities to have comprehensive plans for reclamation and remediation.

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Commenters requested that the proposed rule revise leasing program operations regarding water withdrawal to address the concern that lake water withdrawals for ice roads are leading to low stream water levels.

BLM Response: The BLM's oil and gas leasing program for the Reserve is governed by regulations at 43 CFR part 3130, which are not being revised in this rule, and additional aspects of operations are addressed in the current IAP. Impacts from water withdrawals for ice roads would be addressed as part of the analysis to permit construction of ice roads.

Comment: Commenters recommended that traditional transportation corridors be considered in the rule and requested clarity on how the proposed rule might affect local community winter access to trail rights-of-way.

BLM Response: The rule would not affect traditional transportation corridors or local community access. The BLM has clarified the definition of infrastructure to limit it to oil and gas activities and to include an exception for community access and projects. In addition, the rule requires consideration of impacts on community access in the development of management measures to protect surface resources.

Comment: Commenters proposed adding a legal mandate that allows the BLM to refrain from authorizing new leases in the Reserve if the U.S. is projected to meet its energy needs as the NPRPA's mandate to meet the energy needs of the nation is being fulfilled by other sources.

BLM Response: This comment is not within the regulatory framework of the rule, which is focused on protecting surface resources in the Reserve as the BLM carries out its oil and gas program. This regulation is not revising 43 CFR part 3130, which are the regulations governing the oil and gas program for the Reserve.

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Comment: The BLM received comments regarding the proposal to include two of the 2022 IAP maps in the rule and require that oil and gas leasing and authorization of new infrastructure in Special Areas will conform to those maps. Comments and responses follow.

- Commenters expressed concern that the maps do not provide sufficient information to the public to identify and protect significant resource values, and maps can be misinterpreted. The BLM updated the maps for the final rule by adding the boundaries of the existing Special Areas to the maps from the 2022 IAP that show the current allocations for oil and gas leasing and infrastructure. We believe this addresses concerns that the maps contained in the IAP do not provide sufficient information to identify significant resource values. The maps included with this final rule depict the exact data from the IAP ROD, and do not change any designations or allocations from the 2022 IAP. The BLM believes including maps with the final rule will assist with public understanding of and agency implementation of the regulations, and we do not believe that benefit is outweighed by potential misinterpretation of maps.

- Commenters requested clarity on whether reliance on the maps means the ability to waive, except, and modify the stipulations otherwise applicable under the IAP would still apply. Inclusion of the maps in the final rule does not change the criteria for waivers, exceptions, and modifications adopted in the IAP.

- Commenters noted that maps 2 and 4 do not include the boundaries of the Special Areas themselves and therefore do not provide sufficient information. Commenters recommended that the BLM produce a map that shows the Special Areas along with the land allocations and restrictions. We agree with this comment. The BLM updated the maps for the final rule by adding the boundaries of the existing Special Areas to the maps from the 2022 IAP that show the current allocations for oil and gas leasing

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and infrastructure. The maps depict the exact data from the IAP ROD, and do not change any designations or allocations from the 2022 IAP.

- Commenters requested clarity on whether the land use allocations and restrictions in the IAP maps are being considered as maximum protection measures. The allocations and restrictions in the 2022 IAP maps may be considered maximum protection measures, but they do not necessarily represent the full extent of maximum protection measures that may ultimately be required as a result of this rule. The final rule, in § 2361.30(b)(5), requires the BLM to adopt measures to assure maximum protection of significant resource values when designating lands as Special Areas or recognizing the presence of additional significant resource values in existing Special Areas. Once adopted, these measures become part of and supersede inconsistent provisions of the IAP then in effect for the Reserve. The final rule, in § 2361.40(b), also directs the BLM to update maximum protection measures as appropriate thereafter, including in the IAP, lease terms, and other approvals to conduct oil and gas activities.

- Commenters requested clarification on why K-4 areas, such as lagoons, inlets, and associated islands, that are otherwise unavailable for new infrastructure, allow essential pipeline crossings. The IAP decision to allow for essential pipeline crossings in these areas was to ensure that the prohibition on new infrastructure did not completely block development on neighboring Outer Continental Shelf or State Lands. The BLM is not reevaluating IAP decisions as part of this rulemaking process.

- Commenters stated that the Colville River Special Area is much larger than the land use allocations and restricted areas depicted on the maps, and it is not apparent from the proposed rule what maximum protection measures are needed in addition to those depicted on maps 2 and 4 to adequately protect the entire Special Area. Commenters are correct that there are additional protection measures for the Colville River Special Area

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which are in the Colville River Special Area management plan, which is a separate document from the IAP. The BLM is not adopting or changing management of Special Areas through this rulemaking process. Additional maximum protection measures that may be needed for the Colville River Special Area would be considered and adopted through a Special Area planning process, and/or through a project-level NEPA process for proposed development in the Colville River Special Area.

- Commenters requested that the BLM update the maps to show the level of activities and infrastructure currently in place in the NPR-A. Commenters also suggested that the maps be updated to explain why essential pipeline corridors, which were suggested in the 2020 IAP, are not available. Commenters further recommended the maps be updated to state that the BLM welcomes public participation to designate or expand Special Areas. The BLM declined to change the maps by showing existing levels of activities and infrastructure, discuss essential pipeline corridors, or state that public participation is welcome in Special Area designation decisions because those data are not germane to decisions made in the rule. The BLM's intention with providing maps is to display and help the public understand decisions codified in the rule, which include existing Special Area designations and leasing and infrastructure allocations adopted in the 2022 IAP. The rule does not make decisions regarding existing infrastructure, essential pipeline corridors, or future Special Area designation decisions.

Description of the Final Rule

Section 2361.40 affirms that the management priority within Special Areas is to assure maximum protection of significant resource values, consistent with the requirements of the NPRPA for exploration and production of the Reserve. The section sets forth procedures for fulfilling this duty at each stage in the decision-making process for oil and gas activities in the Reserve.

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Section 2361.40(a) requires that the BLM must, to the extent consistent with the NPRPA, take such steps as are necessary to avoid the adverse effects of proposed oil and gas activities on significant resource values in Special Areas. Such steps may include conditioning, delaying action on, or denying proposals for activities.

Section 2361.40(b) directs the BLM to identify and adopt maximum protection measures for each significant resource value that is present in a Special Area when Special Areas are designated, and to update maximum protection measures as appropriate thereafter, including in the IAP, lease terms, and permits to conduct oil and gas activities. Section 2361.40(c) specifies examples of maximum protection measures, including rescheduling activities and use of alternative routes; limiting new infrastructure and roads; limiting extraction of sand and gravel or withdrawal of water; limiting types of vehicles and loadings; limiting types of aircraft in combination with minimum flight altitudes and distances from identified places; and applying special fuel handling procedures.

Section 2361.40(c) provides that oil and gas leasing and authorization of new infrastructure in Special Areas must conform to the land use allocations and restrictions identified on the map published with the final rule, until and unless those allocations are revised by a Special Area designation, amendment, or de-designation process as set forth in § 2361.30. The map shows Special Area designations and oil and gas leasing and new infrastructure allocations adopted in the 2022 IAP. The BLM produced one consolidated map for the final rule that includes multiple data included in the 2022 IAP maps but did not change any of the designations or allocations depicted on the 2022 IAP maps.

The map reflects that approximately 11.8 million acres of the Reserve are open to leasing subject to the terms and conditions detailed in the IAP, while approximately 11 million acres are closed, including most of the Teshekpuk Lake and Utukok River

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Uplands Special Areas. The map shows that new infrastructure is prohibited on approximately 8.3 million acres of the Reserve, limited to "essential" infrastructure on approximately 3.3 million acres, and permitted on approximately 10.8 million acres.

The restrictions identified on the map that would apply to new oil and gas leases and infrastructure are detailed in the 2022 IAP ROD and summarized in the following table.

Stipulation	Objective
K-1—River Setbacks	Minimize the disruption of natural flow patterns and changes to water quality; the loss of spawning, rearing, and over-wintering habitat for fish; and impacts to subsistence cabins and campsites, among other purposes.
K-2—Deep Water Lakes	Minimize the disruption of natural flow patterns and changes to water quality; the loss of spawning, rearing or over wintering habitat for fish; and the disruption of subsistence activities, among other purposes.
K-4—Kognu River, Dease Inlet, Admiralty Bay, Elson Lagoon, Peard Bay, Wainwright Inlet/Kuk River, and Kasgegahuk	Protect fish and wildlife habitat; preserve air and water quality; and minimize impacts to subsistence activities and historic travel routes on the major coastal waterbodies.

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Lagoon, and their associated islands	
K-5—Coastal Setback Areas	Protect coastal waters and their value as fish and wildlife habitat; minimize hindrance or alteration of caribou movement within caribou coastal insect-relief areas; and prevent impacts to subsistence resources and activities, among other purposes.
K-6—Goose Molting Area	Minimize disturbance to molting geese and loss of goose molting habitat in and around lakes in the Goose Molting Area.
K-8—Brant Survey Area	Minimize the loss or alteration of habitat for, or disturbance of, nesting and brood rearing brant in the Brant Survey Area.
K-9—Teshkepak Lake Caribou Habitat Area	Minimize disturbance and hindrance of caribou, or alteration of caribou movements through portions the Teshkepak Lake Caribou Habitat Area that are essential for all-season use, including calving and rearing, insect-relief, and migration.
K-10—Teshkepak Lake Caribou Movement Corridor	Minimize disturbance and hindrance of caribou, or alteration of caribou movements (that are essential for all-season use, including calving and rearing, insect-relief, and migration) in the area extending from the eastern shore of Teshkepak Lake eastward to the Kogru River.

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K-11—Southern Caribou Calving Area	Minimize disturbance and hindrance of caribou, or alteration of caribou movements (that are essential for all-season use, including calving and post calving, and insect-relief) in the area south/southeast of Teshekpuk Lake.
K-12—Colville River Special Area	Prevent or minimize loss of raptor foraging habitat.
K-13—Pik Dunes	Retain unique qualities of the Pik Dunes, including geologic and scenic uniqueness, insect-relief habitat for caribou, and habitat for several uncommon plant species.
K-14—Uluksok River Uplands Special Area	Minimize disturbance and hindrance of caribou, or alteration of caribou movements through the Uluksok River Uplands Special Area that are essential for all-season use, including calving and rearing, insect-relief, and migration.

Section 2361.40(e) provides for limited circumstances in which certain uses may be authorized on lands within Special Areas that are allocated as closed to leasing or unavailable to new infrastructure. The BLM may issue oil and gas leases in areas closed to leasing if drainage is occurring. The BLM may authorize new roads, pipelines, transmission lines, and other types of infrastructure in unavailable areas if the infrastructure will primarily be used by and provide a benefit to local communities or will support subsistence activities. In those cases, the BLM must adopt measures to assure maximum protection of significant resource values. These measures, which are required

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by the NPRPA, would be specific to oil and gas activities and would be designed to limit potential impacts on subsistence use. Consistent with this approach, the BLM revised § 2361.50 to make clear that the BLM will ensure reasonable access to and within Special Areas for subsistence uses. The BLM may authorize new permanent infrastructure related to existing oil and gas leases in unavailable areas only if such infrastructure is necessary to comport with the terms of a valid existing lease.

Section 2361.40(f) directs that on lands within Special Areas that are allocated as available for future oil and gas leasing or new infrastructure, the BLM will presume that proposed oil and gas activities should not be permitted unless it can be clearly demonstrated that those activities can be conducted with no or minimal adverse effects on significant resource values, or unless they are necessary to comport with the terms of a valid existing lease. This provision only applies to designated Special Areas within the Reserve, and implements the obligation placed on the BLM by the NPRPA to assure the maximum protection of surface values to the extent consistent with the requirements of the Act. The presumption is based on the BLM's experience managing oil and gas exploration and development in the Reserve that all permitted oil and gas activities within a Special Area will result in significant adverse impacts to surface resources. Therefore, absent the need to honor the terms of a valid existing lease or a demonstration by the leaseholder that activities can be conducted with no or minimal adverse effect, the maximum protection mandate in the NPRPA requires the BLM to adopt this approach.

Section 2361.40(g) sets forth procedures that must be followed when the BLM prepares an environmental analysis of proposed oil and gas leasing, development, or new infrastructure within Special Areas in the Reserve. The BLM must provide meaningful opportunities for public participation, including responding to comments, and consult with federally recognized Tribes and Alaska Native Claims Settlement Act corporations

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that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area. The BLM must evaluate potential adverse effects on significant resource values and consider measures to avoid, minimize, or otherwise mitigate adverse effects to achieve maximum protection of significant resource values. The BLM must also document and consider uncertainty about potential adverse effects on significant resource values. Actions taken to avoid, minimize, or mitigate adverse effects must account for any uncertainty. These procedures are foundational to all NEPA processes the agency undertakes, with increased attention given to assuring maximum protection and long-term resilience of significant resource values, consistent with the NPRPA.

If the proposed project is on lands in a Special Area that are allocated as closed to leasing or unavailable to new infrastructure, then the BLM must document how the proposal falls within one of the exceptions provided for in § 2361.40(e). If the proposed project is on lands in a Special Area that are allocated as available for future oil and gas leasing or new infrastructure, and the BLM proposes to authorize the project, then the BLM must document the justification for overcoming the presumption in § 2361.40(f). Section 2361.40(g)(4) provides examples of how the presumption might be overcome, such as if the proposed infrastructure is necessary to comport with the terms of a valid existing lease, or if it will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve, and the proposal has been conditioned to avoid, minimize, or otherwise mitigate adverse effects.

If the BLM determines through the environmental analysis that the proposal cannot avoid adverse effects on significant resource values in a Special Area, then the BLM must prepare a Statement of Adverse Effect. The Statement of Adverse Effect must describe the significant resource values that may be adversely affected; the nature, scope,

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and duration of those adverse effects; measures the BLM evaluated to avoid the adverse effects, including whether any practicable alternatives exist that would have less adverse impact on significant resource values of the Special Area; justification for not requiring those measures; measures the BLM will require to minimize adverse effects on significant resource values of the Special Area; and measures the BLM will require to mitigate any residual adverse effects that cannot be avoided or minimized. The Statement of Adverse Effect would be incorporated into the environmental analysis and provided to the public for review and comment.

Section 2361.40(h) requires that each decision and authorization related to oil and gas activity in the Reserve includes terms and conditions that provide the authorized officer with sufficient authority to fully implement the requirements of this section.

Section 2361.50 – Management of subsistence uses within Special Areas.

Existing and Proposed Regulations

The BLM proposed this new section to require Special Areas to be managed to protect and support fish and wildlife and their habitats and the associated subsistence use of those areas by rural residents as defined in 50 CFR 100.4, the Department of the Interior's subsistence management regulations for public lands in Alaska. The proposed rule also required the BLM to provide appropriate access to and within Special Areas for subsistence purposes, and explicitly referenced assuring maximum protection of the significant resource values of the Special Areas in the context of providing that access.

Public Comments on § 2361.50

Comment: Commenters expressed concerns about the impacts of oil and gas production in the Reserve on subsistence values and requested the BLM include more information on the collaboration between regulatory agencies, Alaska Native stakeholders, and industry.

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BLM Response: The BLM believes the final rule provides meaningful and necessary protections for subsistence values from the impacts of oil and gas production, consistent with the Department of the Interior's subsistence management regulations for public lands in Alaska. For example, the final rule specifies that all Special Area designation and amendment decisions will rely on Indigenous Knowledge and the best available information concerning subsistence uses and resources within the Reserve. It also details procedures for the BLM to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas, which include subsistence values. The final rule requires the BLM to ensure that Special Areas are managed to protect and support fish and wildlife and fish and wildlife habitat and associated subsistence use, and to provide appropriate access to and within Special Areas for subsistence purposes.

Comment: Commenters recommended the rule protect and enhance access for subsistence activities for local communities and ensure these activities do not harm the fragile ecosystem.

BLM Response: The BLM believes the regulations adequately address this comment. The final rule requires the BLM to ensure that Special Areas are managed to protect and support subsistence use of fish and wildlife and their habitats. It further requires that the BLM will provide appropriate access to and within Special Areas for subsistence purposes.

Comment: Comments noted that ANILCA section 811 requires the BLM to provide reasonable access to and within Special Areas for subsistence use of subsistence resources and recommended the final rule reference these provisions. Other commenters recommended that the BLM eliminate paragraph (b) because it is duplicative of ANILCA section 811.

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Commenters requested the BLM clarify the differences between “appropriate access” as used in the proposed rule versus “reasonable access” under ANILCA section 811 and ensure the rule is not inconsistent with ANILCA. Commenters recommended that the BLM clarify the type of access anticipated by this provision. Commenters requested the rule be revised to clarify that the BLM’s authority will never be used to restrict access for local subsistence users.

BLM Response: The final rule retains a separate section requiring management of Special Areas to both protect resources for subsistence and protect access for subsistence activities, in order to address these concerns. The BLM has revised the language in this section to refer to “reasonable access” instead of “appropriate access” for consistency with the language in section 811 of ANILCA.

Comment: Commenters recommended the BLM add language in the final rule that expressly recognizes section 810 of ANILCA mandates and ensures that the final rule reinforces BLM’s duties to reduce or eliminate the use of lands that are needed for subsistence.

BLM Response: The BLM added reference to ANILCA in the Authorities section in the final rule, as discussed in more detail in the Statutory Authority section of this preamble.

Comment: Commenters recommended this section include a statement recognizing the “traditional and ancestral cultural heritage of the Arctic Indigenous people in and around the NPR–A that continue to rely on critical subsistence resources within the NPR–A for their traditional, cultural, and spiritual way of life.”

BLM Response: The BLM believes this comment is reflected in the preamble of the proposed rule, which discussed in detail the manner in which subsistence harvesting serves as the cornerstone of the traditional relationship of the Iñupiat people with their

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environment, such that residents of communities in and around the NPR-A rely on subsistence harvests of plant and animal resources for nutrition and their cultural, economic, and social well-being. how activities associated with subsistence provide a link between contemporary Alaska Natives and their ancestors, how traditional Inupiaq values, with an emphasis on sharing, are embedded within all facets of Inupiaq society, including subsistence hunting and harvesting traditions, and how the ability to pass on these values through the continuation of traditional subsistence activities in traditional places is essential to maintaining cultural traditions, traditional knowledge, and identity.

Including the recommended language within the regulatory text is unnecessary as it does not direct specific action the agency must take. However, we appreciate the intent of the comment, and we believe the regulation will benefit subsistence use in the Reserve.

Comment: Commenters requested that the BLM assess Special Areas' significant resource values in a manner that assesses use for the intended purpose, as subsistence harvest may require more stringent impact assessment valuation than public use. For example, more stringent metrics may need to be used to consider consumption advisories and harmful levels of contaminants for subsistence users.

BLM Response: We appreciate that subsistence harvest may require a different management standard than other uses and protection needs of significant resource values. However, this issue is best addressed in the IAP or other process as provided for in § 2361.30 to address management of Special Areas, so that the BLM can consider and adopt site-specific management decisions to adequately protect subsistence use.

Description of the Final Rule

The final rule adopts the proposed rule but deletes from paragraph (b) the phrase "to the extent consistent with assuring maximum protection of all significant resource values that are found in such areas." This phrase was causing confusion and was

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Deleted: critical to maintaining Inupiaq cultural identity. Sharing is one of the core values of Inupiaq society and culture, which serves to maintain and strengthen familial and social ties both within and between communities on the North Slope. Traditional feasts such as Nalukotat (the Spring Whale Festival) and Kiviq (the Messenger Feast) revolve around the helping together of communities and the distribution of subsistence foods throughout the community and region. Extensive sharing networks exist between North Slope communities, and between the North Slope and other regions in Alaska. Inupiaq people continue to identify with the places of their ancestors and return to these places to hunt, fish, camp, gather, and process wild foods. Subsistence activities help maintain the relationship between Inupiaq people and the land, as do stories, Inupiaq place names, trails and travel routes, and landmarks. Thus, to the Inupiaq, protection of traditional lands, waters, and the wild resources that inhabit them is essential to maintaining cultural traditions, traditional knowledge, and identity.

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unnecessary because § 2361.30 requires the BLM to adopt measures to assure maximum protection of significant resource values when designating Special Areas.

Section 2361.60 – Co-stewardship opportunities in management of Special Areas and subsistence.

Existing and Proposed Regulations

The BLM proposed this new section to encourage the BLM to explore co-stewardship opportunities for Special Areas, including co-management, collaborative and cooperative management, and tribally led stewardship. The title of this section in the proposed rule was “Co-stewardship opportunities in Special Areas.” This provision was designed to further the Department of the Interior’s trust relationship and obligation to protect Tribal interests and further the Nation-to-Nation relationship with Tribes. It also was designed to advance the Federal ~~Governments’~~ commitment to strengthening the role of Tribal governments in Federal land management. (Presidential Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, January 26, 2021; Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, Order No. 3403, November 15, 2021.)

Public Comments on § 2361.60

Comment: Commenters generally expressed support for the BLM to maintain and strengthen co-stewardship principles in the final rule.

BLM Response: The BLM appreciates commenters’ support for the inclusion of co-stewardship in the rule.

Comment: Commenters requested the rule define co-stewardship more clearly.

BLM Response: The term co-stewardship includes a broad range of cooperative efforts and is also defined in BLM guidance. The BLM has incorporated the definition that is used in BLM Permanent Instruction Memorandum No. 2022-011 (Co-Stewardship

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with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary's Order 3403).

Comment: Commenters recommended that the rule make clear that it is the Tribe or other partnering entity that determines the appropriate mechanism, such as co-management or co-stewardship.

BLM Response: The rule leaves it to the parties to determine the best co-stewardship approach based on their collaborative efforts. There may be limitations on the types of agreements that are available depending on applicable law for specific situations.

Comment: Commenters recommended strengthening this section of the rule to mandate co-stewardship and provide details on management models that may be adopted, rather than consider it as a potential management approach. Commenters recommended that meaningful requirements should include specificity and timelines for actions by the BLM.

Commenters supported use of the term "tribally led stewardship." Commenters recommended strengthening the provision to fully support tribally led stewardship in alignment with the Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters Order 3403.

BLM Response: The BLM is committed to fulfilling our trust relationship and the directives in the Joint Secretarial Order.⁹ We expanded the section to specify that co-

⁹ The Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters Order 3403 directs the Interior and Agriculture Departments, and their component Bureaus and Offices, to manage Federal lands and waters in a manner that seeks to protect the treaty, religious, subsistence, and cultural interests of federally recognized Indian Tribes; that such management is consistent with the nation-to-nation relationship between the United States and federally recognized Indian Tribes; and, that such management fulfills the United States' unique trust obligation to federally recognized Indian Tribes and their citizens. The Order enumerates actions the Departments must

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stewardship may be used for management of both Special Areas and subsistence resources.

Comment: Commenters requested that the BLM create a Governing Commission with a role for Tribes in decision-making over subsistence harvests and other land use management decisions throughout the NPR-A, that gives Tribal delegates true decision-making authority. Commenters provided detailed recommendations for such a Commission.

Commenters requested that the BLM create Indigenous-led stewardship groups that could perform activities such as monitoring harvests and ensuring permit compliance, collecting data on climate change indicators, invasive species control, collecting Traditional Indigenous Knowledge, and monitoring cultural sites.

Commenters recommended that the BLM establish a “Western Arctic Indigenous Knowledge (IK) Expert Advisory Group” to aid with co-management and co-stewardship.

BLM Response: This recommendation is outside the scope of the rule as written. These are very interesting concepts for reaffirming the importance of the Reserve to subsistence and the role of Indigenous Knowledge in management and would not require changes to the rule if implemented. The BLM is interested in further discussions about these ideas as we implement the rule.

Comment: Commenters requested the rule distinguish Tribal interests from those of ANCSA corporations. Commenters also recommended that the rule should not authorize co-stewardship with any non-native or non-local organizations.

undertake, such as collaborating with federally recognized Tribes in the co-stewardship of Federal lands and waters, and principles of implementation. The Order is available online at <https://www.doi.gov/sites/doi.gov/files/documents/10-34013-joint-secretarial-order-on-fulfilling-the-trust-responsibility-to-indian-tribes-in-the-stewardship-of-federal-lands-and-waters.pdf>.

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BLM Response: Co-stewardship is only available to Tribes. Separately, the Bureau may partner with ANCSA corporations, local governments, or organizations as provided by law, which would not be co-stewardship arrangements but a different type of partnership. The text of the rule has been revised to make this distinction clearer.

Comment: Comments requested that BLM consultation be more inclusive than just federally recognized Tribes and ANCSA corporations. Comments proposed a multi-tiered approach to consultation that provides for additional self-governing bodies or cooperatives to be included in the first tier of consultation alongside the narrower categories of federally recognized Tribes and ANCSA corporations. Second and third tiers of consulting parties would include environmental organizations with close ties to the North Slope and inviting the public to informally comment at any time a consultation occurs.

BLM Response: The BLM did not propose a broader approach to consultation in the proposed rule. Rather, it relied on existing law, regulations, and guidance regarding consultation with Tribes and Alaska Native Corporations. Changing those obligations is beyond the scope of this rulemaking, and, because it was not proposed, the final rule cannot adopt such an approach. The BLM works closely with local communities when making management decisions for the Reserve and will continue to engage and communicate with local communities in implementing the rule, independent of formal Tribal consultation efforts.

Description of the Final Rule

In the final rule, the title is revised to read “Co-stewardship opportunities in management of Special Areas and subsistence.” The first sentence is also revised to add “and subsistence resources throughout the NPR-A.” Those revisions reflect that the BLM will seek co-stewardship opportunities not just in managing Special Areas, but also in

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managing subsistence resources more broadly. The first sentence is also revised to add “federally recognized” to clarify that the BLM engages in co-stewardship with federally recognized Tribes. This section of the final rule fulfills the special trust relationship that the Department of the Interior has with Tribes.

Section 2361.70 – Use authorizations.

Existing and Proposed Regulations

Existing § 2361.2 is redesignated to § 2361.70 in the final rule. Existing paragraph (a) states that all use authorizations require approval from the authorized officer “[e]xcept for petroleum exploration which has been authorized by the Act.” The proposed rule omitted that exception. The NPRPA of 1976 authorized the Federal Government to conduct exploration activities; those activities did not require approval by an authorized officer. Since the 1980 amendments initiated a competitive oil and gas leasing program, all oil and gas activities are conducted by oil and gas companies and require authorization from a BLM authorized officer.

No substantive changes were proposed to § 2361.70(b).

The proposed rule modified § 2361.70(c) for clarity purposes and updated § 2361.70(d) to recognize the BLM’s duties to protect surface resources and assure maximum protection of Special Areas’ significant resource values in the NPR–A.

Public Comments on § 2361.70

Commenters recommended that the final rule specifically include trapping as a use that does not require a use authorization. Non-commercial trapping would not require a use authorization under the rule. The examples of activities exempted in § 2361.70(b) are not comprehensive, as indicated by “e.g.” preceding the lists. The BLM declined to change the final rule, as trapping for recreation and/or subsistence use is already excepted from requiring a use authorization by this section of the rule.

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Description of the Final Rule

In paragraph (b), the phrase “pursuant to §§ 2361.1 and 2361.2 or otherwise” is deleted as unnecessary. Otherwise, the final rule adopts the proposed rule without changes.

Section 2361.80 – Unauthorized use and occupancy.*Existing and Proposed Regulations*

Existing § 2361.3 is redesignated to § 2361.80 in the final rule. No substantive changes were proposed to this section.

Public Comments on § 2361.80

No substantive comments were received specific to this section.

Description of the Final Rule

The final rule adopts the section as proposed, which ~~provides that any~~ person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.

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V. Procedural Matters**Regulatory Planning and Review (Executive Orders (E.O.) 12866, 13563 and 14094)**

E.O. 12866, as amended by E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget (OMB) will review all significant regulatory actions. OIRA has determined that this rule is significant.

E.O. 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation’s regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The Executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these

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approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

The rule revises the framework for designating and assuring maximum protection of Special Areas and associated values and will protect and enhance access for subsistence activities throughout the NPR-A. It also incorporates aspects of the 2022 IAP. The rule will have no effect on currently authorized oil and gas operations in the NPR-A.

BLM's economic analysis concludes that most of the provisions of the final rule are editorial, administrative, or otherwise could have no quantifiable economic cost or benefit. There are two changes that may generate economic costs or benefits. First, the change requiring evaluation of the NPR-A for new Special Areas and associated values every 10 years (or sooner if the authorized officer determines that changing conditions warrant) could generate time and real costs related to public engagement. These can be minimized by combining this process with the existing process for revising the IAP. Second, the rule establishes the current management strategy governing oil and gas activity in Special Areas of the NPR-A in regulation. The current management strategy is described in the 2022 IAP ROD and is the baseline for the economic analysis. Compared to the baseline, there is either no or minimal change in oil and gas management. Future changes to the framework and process for management of oil and gas activities in relation to Special Areas and surface resources will require regulatory action; changes to management of specific Special Areas or other areas in the NPR-A will be addressed in the process set out in the rule or through an IAP planning revision.

The BLM estimates the annual effect on the economy of the regulatory changes will be less than \$200 million and will not adversely affect in a material way the

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economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities. As such, the rule is not significant under section 3(0)(1) of E.O. 12866, as amended by E.O. 14094. Pursuant to E.O. 12866, the BLM is required to conduct an economic analysis in accordance with section 6(a)(3)(B) of that Executive order. The BLM has complied with that directive.

Public Comments on Regulatory Review

Comment: The BLM received comments that the proposed rule would substantively change the BLM's management of the NPR-A, create uncertainty that may lead to reduced investment and economic opportunities, and does not contain merely administrative and procedural changes. The comment suggests that the BLM failed to comply with E.O. 12866, E.O. 13563, and E.O. 13132. The comment requests a full economic analysis, a federalism assessment, and an EIS.

BLM Response: As described in the BLM's economic analysis, this rule incorporates aspects of the 2022 IAP, which is the current management framework for the NPR-A and forms the baseline for the economic analysis. Compared to the baseline, there is either no or minimal change in oil and gas management. The rule will not alter the terms of existing leases and will have no effect on currently authorized oil and gas operations in the NPR-A. The rule establishes a framework for future decision-making processes that would result in management changes, such as requiring the BLM to maintain an IAP, which guides on-the-ground management and which could be updated in the future through a NEPA process, and establishing the process by which Special Areas would be designated, de-designated, and modified in the future. The BLM conducted an economic analysis for the rule consistent with the requirements under E.O.

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12866. Comments requesting a federalism assessment and an EIS are responded to in the relevant areas that follow.

Comment: The BLM received comments stating: "A proposed regulation is economically significant if it will have an annual effect on the economy of \$200 million or more (adjusted every 3 years by the Administrator of OIRA for changes in gross domestic product). For economically significant rules, a more rigorous cost-benefit analysis must be prepared pursuant to section 6(a)(3)(C)." Comments requested BLM provide more background information on how a conclusion of an economic impacts of less than \$200 million per year was reached and requested participation of the NPR-A working group to provide a more rigorous cost benefit analysis.

BLM Response: The BLM reviewed the provisions of the rule and disclosed the potential impacts of the action relative to the existing management framework for the NPR-A. BLM's economic analysis concludes that most of the provisions of the final rule are editorial, administrative, or otherwise could have no quantifiable economic cost or benefit.

Comment: The BLM received comments expressing concern that neither the 2022 NPR-A IAP ROD nor the proposed rule's economic analysis accounted for the likely recoverable oil within the NPR-A and therefore potentially reduced the impact from the rule on the economic outlook from the NPR-A.

BLM Response: The 2022 NPR-A IAP ROD incorporates the analysis in the 2020 Final Environmental Impact Statement, which evaluated potential development in detail. The rule's use of the IAP as a baseline did not affect the economic analysis of potential impacts and the overall conclusion that the rule will not have substantial impacts on expected levels of oil and gas development in the NPR-A.

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Comment: The BLM received comments stating that the economic analysis provided is “insufficient and omits any analysis of the effects of regulatory provisions that will have economic impacts, such as the proposed presumption against permitting activities in Special Areas.” Comments requested that if the BLM decides to proceed with the proposed rule, it must first prepare for public review and comment the proper analysis under section 6(a)(3)(C) of E.O. 12866.

BLM Response: The BLM’s economic analysis fulfills the requirements of E.O. 12866 as amended. It discusses the incremental effect of the presumption that new leasing and infrastructure should not be permitted unless specific information clearly demonstrates they can be conducted with no or minimal adverse effects on significant resource values relative to the statutory mandate to assure maximum protection of Special Areas. Compared to the baseline for the analysis, the rule will not affect management of existing leases or areas identified as closed to leasing or new infrastructure. For a small portion of existing Special Areas that are not leased and are designated as open to leasing or available for new infrastructure, the rule will have a nominal or minimal effect on management of oil and gas activity. The effect will be nominal if the same leasing stipulations are imposed under the rule that would be imposed under the baseline. Even if the stipulations are more restrictive, the effect is expected to be minimal due to the low revealed demand for leasing in these areas. In the event there is a minimal change in leasing stipulations of the areas considered open for leasing, the welfare effects include those associated with the change in oil and gas production as well as the increased protection of the ecological, subsistence, cultural and other significant resource values.

Comment: The BLM received comments stating that the presumption that no additional leasing, development, and/or infrastructure within Special Areas will be allowed, paired with the proposed discretion of the authorized officer to establish

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interim/emergency protections on lands considered for Special Areas, is a significant regulatory action. As such, the economic analysis is insufficient to determine a significant regulatory action described in E.O. 12866 section 3(f)(1), as amended by E.O. 14094. The commenter asserts that the BLM's economic analysis fails to even acknowledge this fact.

BLM Response: The BLM's economic analysis discusses the incremental effect of the presumption that new leasing and infrastructure should not be permitted unless specific information clearly demonstrates that the resulting activities can be conducted with no or minimal adverse effects on significant resource values relative to the statutory mandate to assure maximum protection of Special Areas. See the BLM's response to a similar comment immediately preceding this one.

Comment: The BLM received comments stating that the scale of impacts could exceed the \$200 million threshold of E.O. 12866. Commenters provided information supporting this statement including comparisons to the Greater Mooses Tooth 1 development that they state would likely exceed \$1 billion in today's dollars. They provide further information on costs for Willow and Pikka and state those projects would be in the multi-billion-dollar range. They use these statements to request that the BLM conduct a thorough economic analysis.

BLM Response:

The commenters did not provide quantitative information establishing that the rule would increase costs more than \$200 million beyond the costs involved in complying with the existing regulations. The rule will have no effect on currently authorized oil and gas operations in the NPR-A, like Greater Mooses Tooth 1. In addition, it does not affect operations on non-BLM lands or on operations outside of the NPR-A, like Pikka.

Currently, the NPR-A is managed according to the 2022 IAP ROD. The rule will alter the

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procedural steps needed to change management of oil and gas activity within Special Areas in the future, though it will still require a public process, consultation, and appropriate NEPA analysis. The BLM's economic analysis for the rule discusses that incremental change.

Comment: The BLM received comments stating: "It is unclear how BLM economic analysis considered the Reasonably Foreseeable Development Scenario (Appendix B of the NPR-A IAP). The proposed rule and continue[d] expansion of Special Areas would not allow for the scenarios described in the IAP but does not discuss the economic impacts from those changes/restrictions. Is BLM assuming that under this proposed rule that there would be no change to the reasonably foreseeable development scenario and that the proposed rule would allow for each of the development scenarios described in NPR-A IAP appendix B? If not, then potential impacts from each development scenario should be fully evaluated."¹⁰

BLM Response: We believe that the commenter is referencing the Final Environmental Impact Statement for the 2020 NPR-A IAP, issued in June 2020, which was the analysis used for the BLM's 2022 IAP ROD. This rule incorporates aspects of the 2022 IAP ROD. The economic analysis for this rule concludes that most of the provisions of the final rule are editorial, administrative, or otherwise have no economic cost or benefit. The BLM is not required to analyze alternatives that were posed and analyzed in previous planning efforts.

BLM notes that public commenters raised potential distributional impacts to specific communities. BLM expects limited impacts of this rule relative to the 2022 IAP

¹⁰ The Reasonably Foreseeable Development Scenario is defined in appendix B of the 2020 Final IAP/EIS, available at https://planning.blm.gov/public_projects/117408/200284263/20020421/250026625/Volume%202_Appendices%20B-Y.pdf.

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baseline. However, to clarify the impacts to management of these areas when considering future leases or infrastructure, the economic analysis refers to the EIS of the 2022 IAP for a high-level summary of potential impacts to those communities from the broader scope of the IAP. That EIS addressed potential incremental effects to Iñupiat residents of the North Slope Borough and other communities of the North Slope.

Comment: The BLM received comments stating the position that the BLM should use the existing regulations rather than the 2022 IAP ROD as the baseline to compare to the proposed rule. They state that “the appropriate baseline for this new Proposed Rule is the rule it replaces. The rule being replaced does not presume that leases or surface infrastructure in Special Areas cannot be permitted. The appropriate baseline for economic analysis is clear when the difference between adopting the Proposed Rule and not adopting the Proposed Rule is considered.”

BLM Response: Concerning the commenter’s suggestion that the BLM did not use the appropriate baseline, OMB Circular A-4 (September 17, 2003) states that a baseline “normally will be a ‘no action’ baseline: what the world will be like if the proposed rule is not adopted.” If the BLM did not issue this rule, the 2022 IAP ROD would be the prevailing management framework for the NPR-A.

Comment: The BLM received comments stating that while the proposed rule “argues that there is little interest in leasing of the Special Areas, BLM’s own Table 3 in the Economic Analysis summarizes that, since 2011, for 5 out of 9 years, there has been greater leasing in the Special Areas than the rest of the NPR-A.” Commenters asserted that a proposed rule that presumes against development would likely result in decreased oil and gas activity, thereby causing economic impacts that should be acknowledged in the Economic Analysis.

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BLM Response: There is no clear evidence of large, unmet demand for oil and gas leases inside current Special Areas (SAs). Three Special Areas (Peard Bay SA, Kasegaluk Lagoon SA, and Utukok River Uplands SA) are of low oil and gas potential and far away from existing infrastructure. As a result, these have been unaffected by past oil and gas activity. No leases have ever been offered or issued in the Kasegaluk Lagoon SA. Lease sales in 2013 and 2017 offered parcels in the Utukok River Uplands SA, but none were acquired. In 2004, one lease was acquired that included a very small overlap with the Peard Bay SA. That lease was relinquished in 2010 with no oil and gas activity recorded. In 2016, there were 933 acres inside the Peard Bay SA offered for lease, none were acquired. Meanwhile, two Special Areas (Colville River SA and Teshekpuk Lake SA) have seen substantial interest in oil and gas development, but large portions of those areas have already been leased or have been offered for lease and not acquired. Approximately 52.5 percent (1,282,050 acres) and 90.3 percent (3,292,338 acres) of the Colville River SA and Teshekpuk Lake SA, respectively, have already been offered for lease at least once since creation of the NPR-A. Since 2011, approximately 12.8 percent (313,000 acres) and 9.9 percent (361,000 acres) within the Colville River SA and the Teshekpuk Lake SA, respectively, were leased.

Comment: The BLM received comments stating that the economic analysis did not consider concepts that commenters suggested should be considered, such as: restricted production; whether royalty receipts would exceed the risks posed by projected oil and gas development; and what funds would be necessary if an oil and gas company fails to plug the wells or reclaim the land, or to clean up oil spills. Comments also suggested that IAPs should incorporate a cost-benefit analysis for future oil and gas leasing.

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BLM Response: As described in the BLM's economic analysis, this rule incorporates aspects of the 2022 IAP, which is the current management framework for the NPR-A and forms the baseline for the economic analysis. Compared to the baseline, there is either no or minimal change in oil and gas management. The rule will alter the procedural steps needed to change management of oil and gas activity within Special Areas in the future, though it will still require a public process, consultation, and appropriate NEPA analysis. The rule will not alter the terms of existing leases and will have no effect on currently authorized oil and gas operations in the NPR-A.

Regarding the comments that IAPs should incorporate a cost-benefit analysis, the NEPA process that will occur when changes are made to an IAP does not require formal cost-benefit analysis, but it may examine socio-economic effects of the action, as appropriate. In addition, any future changes to management that require regulatory action are subject to analytical requirements under E.O. 12866.

Comment: The BLM received comments stating: "While the SCC [social cost of carbon] was excluded deliberately from the 2020 IAP/EIS, the proposed rule should explicitly implement SCC into its present and future analysis to promote informed, accurate decision making in the NPR-A." Commenters stated that the 2020 IAP/EIS correctly states that NEPA does not require a cost-benefit analysis and only requires a consideration of economic and social effects but that they "believe both the public and future agency decision makers lack the information that could be provided by a robust cost-benefit analysis to make wise choices in this particularly pristine, remote, and vulnerable region. For instance, because the proposed rule does not require the inclusion of SCC in future environmental documents within the NPR-A, it will be difficult to determine the true break-even point of investment. Instead, agency decision makers and the public may miss opportunities to consider how renewable energy alternatives, either

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in the [NPR-A] or elsewhere, could outcompete the energy output of an oil project, all with minimal SCC.”

BLM Response: As discussed in [section III\(E\)](#) of this preamble above, the rule is focused on addressing impacts to surface values of the Reserve and consolidating and implementing the BLM’s statutory obligations, primarily those in the NPRPA, to protect those values when authorizing oil and gas leasing and production. Thus, this rule does not analyze or specifically consider the climate impacts of oil and gas development in the Reserve, which is more appropriately addressed in the IAP or when conducting NEPA analysis for oil and gas leasing and production activities.

Regulatory Flexibility Act

The Secretary of the Interior certifies that this final rule will not have a significant economic effect on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). The BLM is not required to prepare a Final Regulatory Flexibility Analysis with this final rule.

The Small Business Administration (SBA) has developed size standards to carry out the purposes of the Regulatory Flexibility Act ([RFA](#)), as amended by the Small Business Regulatory Enforcement Fairness Act. The size standards can be found in 13 CFR 121.201. For a specific industry identified by the North American Industry Classification System (NAICS), small entities are defined by the SBA as an individual, limited partnership, or small company considered at “arm’s length” from the control of any parent company, which meet certain size standards.

The final rule is most likely to affect business currently operating in the oil and gas sector in the NPR-A. There are eight active lessees in NPR-A. These eight companies (and information about the companies obtained from the public domain) include: The Aklaq Company, Alaska (an Alaska-registered company); Borealis Alaska

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Oil, Inc (acquired by Pantheon Resources, a United Kingdom-based oil and gas company); Oil Search Alaska, LLC (a subsidiary of Santos Limited, a large Australian oil company); Armstrong Oil and Gas, Inc (a Colorado-based exploration company); North Slope Exploration, LLC (managed by Armstrong Oil and Gas, Inc.); Repsol E&P USA Inc (a subsidiary of Repsol, a large Spanish oil company); ConocoPhillips Alaska, Inc (a subsidiary of ConocoPhillips, a large American multinational corporation); and Emerald House LLC (owned by XCD Energy Ltd, an Australian-based oil company).

SBA size standards identify small business in the crude petroleum extraction (NAICS 211120) and natural gas extraction (NAICS 211130) industries to be those with 1,250 or fewer employees. Of the companies identified, based on information that BLM was able to obtain from the public domain, the BLM believes that the Aklaq Company Alaska, Borealis Alaska Oil Inc, Armstrong and North Slope Exploration, and Emerald House LLC meet the SBA's criteria of a small business. The BLM has determined that this is less than a substantial number of small entities potentially affected.

In addition to small business, the RFA also requires consideration of impacts on small governmental jurisdictions. There are four communities within the Reserve that are likely considered small government jurisdictions: Wainwright, Utqiagvik, Atkasuk, and Nuiqsut. However, this rule will not override the terms or status of existing leases, will not affect authorized operations, and does not impose direct regulatory cost on any business or community.

Further, this rule does not change management decisions regarding future leasing and oil and gas development in areas outside Special Areas, or within Special Areas where leasing or infrastructure is already restricted. In the remaining areas, the impact on future leasing is uncertain but expected to be nominal or minimal for the reasons

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identified above. Therefore, this rule will not have significant economic impact on small businesses holding these leases or small government jurisdictions in the Reserve.

Comment: The BLM received comments expressing the concern that development of the NPR-A provides a direct economic benefit to the regional government, local villages, and the State of Alaska and that a reduction in production from the NPR-A would mean less revenue to provide services to Alaskans. Commenters stated that the economic analysis fails to consider the impact to local communities of losing future revenues and that they perceive that the analysis does not consider the "social implications of eliminating or dramatically restricting future development in the NPR-A that would remove jobs and a substantial portion of the tax base".

BLM Response: The approval of existing development and the terms of existing leases are not affected by the final rule, nor does the rule eliminate or drastically restrict future development in the NPR-A. As discussed in more detail above and in the economic analysis, the BLM does not anticipate substantial impacts on leasing and development. Future development is already subject to conditions in the IAP, the BLM has not received significant interest in new leasing in response to lands offered in sales, and the costs associated with additional protective measures consistent with current lease terms would not impose a significant new cost on operators.

Comment: The BLM received comments expressing the opinion that the BLM constrained the economic analysis to eight active lessees in the NPR-A and did not include "small government jurisdictions" or other small entities that operate within the NPR-A. Commenters stated that the North Slope Borough and the four villages located within the NPR-A (Utqiagvik, Wainwright, Atkasuk, and Nuiqsut), and the Inupiat Community of the Arctic Slope all qualify as small government jurisdictions, and they requested these entities be included in the economic analysis. Several of these comments

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also referenced the benefits it perceives these entities receive from development of the NPR-A, including payments to the Mitigation Grant program, employment opportunities, and development of infrastructure.

BLM Response: The BLM recognizes the government jurisdictions should also be considered under the Regulatory Flexibility Act and has updated the economic analysis accordingly. However, while these small entities exist, the rule does not affect existing leases and does not prevent future oil and gas development in the NPR-A. As such, the rule is not expected to significantly affect these communities any differently than the current management of the NPR-A.

Congressional Review Act

Based upon the economic analysis, this final rule does not meet the criteria under 5 U.S.C. 804(2), the Congressional Review Act. This rule will not:

- (a) Have an annual effect on the economy of \$100 million or more.
- (b) Cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions.
- (c) Have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S. based enterprises to compete with foreign based enterprises.

Unfunded Mandates Reform Act (UMRA)

The final rule will not have a significant or unique effect on State, local, or Tribal governments or the private sector. The final rule contains no requirements that will apply to State, local, or Tribal governments. The costs that the final rule will impose on the private sector are below the monetary threshold established at 2 U.S.C. 1532(a). A statement containing the information required by UMRA (2 U.S.C. 1531 *et seq.*) is therefore not required for the final rule. This final rule is also not subject to the

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requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments, because it contains no requirements that apply to such governments, nor does it impose obligations upon them.

Takings (E.O. 12630)

This rule does not affect a taking of private property or otherwise have taking implications under E.O. 12630. Section 2(a) of E.O. 12630 identifies policies that do not have takings implications, such as those that abolish regulations, discontinue governmental programs, or modify regulations in a manner that lessens interference with the use of private property. The rule will not interfere with private property. A takings implication assessment is not required.

Federalism (E.O. 13132)

Under the criteria in section 3 of E.O. 13132, this final rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. A federalism impact statement is not required.

The final rule does not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the levels of government. It does not apply to States or local governments or State or local governmental entities. The final rule will affect the relationship between operators, lessees, and the BLM, but it does not directly impact the States. Therefore, in accordance with E.O. 13132, the BLM has determined that this final rule does not have sufficient federalism implications to warrant preparation of a

~~federalism assessment.~~

Comment: Commenters question the BLM's statement that the rule does not apply to States or local governments and clarifies that the rule only "affects the relationship between operators and lessees in the NPR-A and their relationships with the BLM."

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Commenters further believe that the area should be managed in a “joint comprehensive management plan” under the authority granted to Alaska. The commenter stated that Alaska’s resource and regulatory agencies should be “considered superior to any proposed Federal process and have final authority on any changes or rulemaking that would conflict with existing state programs.” Commenters suggest that local counties and cities should have the ultimate decision on what happens on the land. The BLM and other stakeholders should provide input, but the State of Alaska and the residents should make the final decision.

BLM Response: While commenters take issue with the management framework Congress established for the Reserve, this is beyond the BLM’s authority to address.

Further, as discussed in the [section III\(C\)](#) above, the BLM did meet with the State of Alaska regarding the rule and will engage with State and local government agencies in the implementation of this rule, particularly during the development of future IAP and project-specific NEPA processes.

Comment: The BLM received comments that stated the position the proposed rule warrants preparation of a [federalism assessment](#). The commenter recommended that the BLM undertake a [federalism assessment](#) to evaluate the impact of the proposed rule on the State’s powers. For example, § 2361.50(a) of the proposed rule [stated](#) that the BLM “will ensure that Special Areas are managed to protect and support fish and wildlife.”

The commenter argued that this “direction conflicts with the State’s broad trustee and police powers over fish and wildlife within [its] borders.” The commenter opined that the BLM therefore needs to prepare a [federalism assessment](#) consistent with E.O. 13132. The commenter disagrees with the BLM’s assertion that the proposed rule “would not have a substantial direct effect on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the

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various levels of government.” Rather, the commenter argued that because the Federal Government is required to pay 50 percent of all receipts from “sales, rentals, bonuses, and royalties on leases” in the NPR-A to the State of Alaska, by revising and creating procedures and requirements for exploration, development, and production in the NPR-A, “the Proposed Rule has a direct impact on these revenues and, thus, the interests of the State and North Slope Borough. Neither the State nor the North Slope Borough were consulted on the Proposed Rule as E.O. 13132 requires. BLM should conduct the necessary consultation with States and local governments before proceeding with a revised version of the Proposed Rule.”

BLM Response: E.O. 13132 generally prohibits Federal agencies from promulgating rules that might have a substantial direct effect on States or local governments, on the relationship between Federal and State governments, or on the distribution of power and responsibilities among the various levels of government, without meeting certain conditions, such as consulting with elected State and local government officials early in the process to the extent practicable. In particular, administrative rules may not create substantial direct compliance costs for State or local governments that are not otherwise required by statute, and may not expressly or implicitly preempt State law, without Federal agencies undertaking additional processes. While this rule does modify the management approach the BLM will take in the Reserve, the regulations only affect oil and gas activity on Federal public lands; nothing in the rule preempts State law or requires State or local governments to comply with specific provisions. As a result, a federalism summary impact statement is not required. Further, as discussed in the section III(c) above, the BLM did engage with the State of Alaska and the North Slope Borough during the rulemaking process.

Civil Justice Reform (E.O. 12988)

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This final rule complies with the requirements of E.O. 12988. More specifically, this final rule:

- a. Meets the criteria of section 3(a), which requires agencies to review all regulations to eliminate errors and ambiguity and to write all regulations to minimize litigation; and
- b. Meets the criteria of section 3(b)(2), which requires agencies to write all regulations in clear language with clear legal standards.

Consultation with Indian Tribes (E.O. 13175 and Departmental Policy)

The BLM endeavors to maintain and strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Indian Tribes and recognition of their right to self-governance and Tribal sovereignty. The BLM evaluated possible effects of the rule on federally recognized Indian Tribes under E.O. 13175, the President's memorandum of April 29, 1994, "Government-to-Government Relations with Native American Tribal Governments" (59 FR 22951), and 512 Departmental Manual 2, as part of this rulemaking process and determined that the rule has tribal implications.

In conformance with the Secretary's policy on tribal consultation, and 512 Departmental Manual 4-7, on August 25, 2023, the BLM invited via mail 45 Tribes and 30 Alaska Native Corporations to engage in consultation regarding the proposed NPR-A rule. The BLM engaged in Tribal consultation on the decisions and resulting actions related to the IAP, including the 2022 IAP ROD. This regulation incorporates those IAP decisions and also updates a 50-year-old framework to reflect the IAP and lessons learned through preparing IAPs. Prior consultation on the specific procedural changes that were being proposed provided the BLM with valuable feedback on how the regulatory language, in particular, might be improved to better reflect Tribal

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interests. The BLM felt that it would be more productive to seek new feedback after providing the proposal in the form of a proposed regulation, which necessarily differs from the process, content, and form of a management plan.

The BLM has continued to offer consultation to Tribes and Alaska Native Corporations that it determined would be most likely to have substantial direct effects from the rule, including the Native Village of Atkasuk, Atkasuk Corporation, Village of Wainwright, Olgoonik Corporation, Native Village of Nuiqsut, Kuupik Corporation, Native Village of Barrow, UIC, ICAS, and ASRC. BLM Leadership and State and Field Office staff met with the Mayor of Atkasuk on October 31, Native Village of Nuiqsut on November 1, ICAS on November 3 and February 6, Village of Wainwright on November 21, Olgoonik Corporation on December 19, ASRC on December 21, and Kuupik Corporation on February 1. In addition, staff met and discussed the proposed rule with the NPR-A Working Group (consisting of representatives from North Slope local governments, Native corporations, and tribal entities, https://www.blm.gov/programs/energy-and-minerals/oil-and-gas/about/alaska/NPR-A/npr-a_working_group) on September 26, October 17, and December 1. We also held in-person public meetings in Nuiqsut, Utqiagvik, and Wainwright where verbal comment was recorded, along with three informational sessions – one in Anchorage and two virtual. The BLM will continue to engage in consultation with Tribes and Alaska Native Corporations after the final rule is published.

As detailed in the public engagement section above, the BLM received requests, including from Tribes and Alaska Native Corporations, to extend the 60-day public comment period for the proposed rule for an additional 90 days, which would have resulted in a 150-day (5-month) comment period. A 5-month comment period far exceeds the typical duration for rulemaking comment periods. While the BLM was unable to

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grant the requested extension, we did extend the comment period for an additional 30 days, resulting in a 90-day comment period for the proposed rule. While the comment period for the proposed rule overlapped with the comment period on the Draft Supplemental EIS for the Coastal Plain, the Coastal Plain comment period was 60 days and ended one month before the close of the comment period on the proposed rule.

During consultation, the Tribes and Alaska Native Corporations raised similar concerns as they submitted during the comment period of the rule, which are addressed in the responses to comment above. Notable concerns raised during consultation include the potential for loss of revenue from oil and gas development, the need for protections to sustain tribal members' subsistence way of life, ensuring adequate consultation going forward, and ensuring that the rule allows access for communities and continued economic development opportunities for community members. Changes made in response to this input, include: revising sections of the rule that relate to consultation to clarify that an economic tie to a Special Area is a basis for consultation; ensuring consultation is consistently required throughout the processes for designating, de-designating and modifying Special Areas and evaluating proposed oil and gas activities in Special Areas; adding subsistence as an area for co-stewardship across the Reserve, broadening the language in the section on co-stewardship beyond opportunities in Special Areas; and revising the language in the section on subsistence to provide for reasonable access, to be consistent with ANILCA, rather than using the term "appropriate" access.

Paperwork Reduction Act (PRA)

The Paperwork Reduction Act (PRA) (44 U.S.C. 3501 through 3521) generally provides that an agency may not conduct or sponsor, and not withstanding any other provision of law a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. Collections of information include

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requests and requirements that an individual, partnership, or corporation obtain information, and report it to a Federal agency. See 44 U.S.C. 3502(3); 5 CFR 1320.3(e) and (f).

This final rule contains an information-collection requirement that is subject to review by OMB under the PRA. This information-collection is located in § 2361.30(a)(4). One of the key principles of the final rule is the inclusion of stakeholder and the public notice and participation in the designation and removal of lands to be included in an SA. To help ensure that the BLM receives the information needed to inform its decision to include lands in an SA, § 2361.30(a)(4) includes a list of criteria that should be addressed when a member of the public recommends lands for such a designation. This information includes the following:

- The size and location of the recommended lands;
- The significant subsistence, recreational, fish and wildlife, historical, or scenic resource values that are present within or supported by the recommended lands;
- Measures that may be necessary to assure maximum protection of those values;
- and
- Any other pertinent information.

The BLM has submitted a request to OMB for the information-collection requirement contained in this final rule. The estimated burden associated with this information-collection is outlined below.

OMB Control Number: 1004-0221.

Title of Collection: Management and Protection of the National Petroleum Reserve in Alaska - Recommendations for Special Reserve Areas (§ 2361.30).

Form Number: None.

Type of Review: New collection (Request for new OMB Control Number).

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Respondents/Affected Public: Person(s) who wish to recommend lands to be designated as a Special Area in the NPR-A.

Respondent's Obligation: Voluntary.

Frequency of Collection: On occasion, every 5 years.

Number of Respondents: 100.

Annual Responses: 100.

Estimated Average Response time: 15 hours.

Annual Burden Hours: 1,500.

Annual Burden Cost: None.

If you want to comment on the information-collection requirements in this final rule, please send your comments and suggestions on this information-collection request within 30 days of publication of this final rule in the *Federal Register* to OMB by going to www.reginfo.gov. Click on the link, "Currently under Review - Open for Public Comments."

National Environmental Policy Act

This final rule meets the criteria set forth at 43 CFR 46.210(i) for a Departmental categorical exclusion in that this final rule is "of an administrative, financial, legal, technical, or procedural nature." They do not involve any of the extraordinary circumstances listed in 43 CFR 46.215.

Public Comments on NEPA: The BLM received a number of comments objected to the BLM's intent to rely on a categorical exclusion to comply with NEPA and requested that the BLM prepare an environmental analysis, including a range of alternatives for certain aspects of the rule, in order to comply with NEPA.

BLM Response: The BLM disagrees with comments that environmental analysis under NEPA is required, or that extraordinary circumstances apply to this rulemaking.

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The BLM has determined that the categorical exclusion set out at 43 CFR 46.210(i) applies to this rulemaking. That provision excludes from NEPA analysis and review actions that are “of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.” That categorical exclusion applies because the final rule sets out a framework for managing oil and gas activity in the Reserve, but is not self-executing, meaning that it does not itself make substantive changes on the ground and does not restrict the BLM’s discretion to undertake or authorize future on-the-ground action without new future decisions that implement the rule. As such, the rule fits within the categorical exclusion for rules, regulations, or policies to establish bureau-wide administrative procedures, program processes, or instructions. This final rule does not authorize any project or other on-the-ground activity and therefore will have no significant individual or cumulative effects on the quality of the human environment. The environmental effects of future actions undertaken to implement this rule are too speculative or conjectural to be meaningfully evaluated at this time but will be subject to the appropriate level of NEPA review prior to making a decision. The BLM has also determined that none of the extraordinary circumstances identified at 43 CFR 46.215 apply to this rulemaking. This categorical exclusion documentation is provided in docket BLM-2023-0006 on regulations.gov.

Effects on the Nation’s Energy Supply (E.O. 13211)

Under E.O. 13211, agencies are required to prepare and submit to OMB a Statement of Energy Effects for significant energy actions. This statement is to include a detailed statement of “any adverse effects on energy supply, distribution, or use

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(including a shortfall in supply, price increases, and increase use of foreign supplies)” for the action and reasonable alternatives and their effects.

Section 4(b) of E.O. 13211 defines a “significant energy action” as “any action by an agency (normally published in the *Federal Register*) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking: (1)(i) that is a significant regulatory action under E.O. 12866 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by OIRA as a significant energy action.”

This final rule will not have a significant effect on the Nation’s energy supply. It restates existing statutory standards and establishes a procedural framework for ensuring that the BLM meets those standards. It also codifies land use restrictions that already are legally binding in the 2022 IAP ROD. Further, the final rule presumes, in final § 2361.40(e), that oil and gas leasing or infrastructure on lands allocated as available for such activities “should not be permitted unless specific information available to the Bureau clearly demonstrates that those activities can be conducted with no or minimal adverse effects on significant resource values.” That presumption merely implements the BLM’s existing statutory duty to assure maximum protection of the significant resource values in Special Areas to the extent consistent with the requirements of this Act for the exploration and production of the Reserve. 42 U.S.C. 6504(a). The presumption is consistent with this statutory direction and limited by it, such that the actions that the BLM may take under this framework to assure maximum protection are within the same scope as those that could have been taken without the framework set out in the rule. As discussed in more detail in the [regulatory impact analysis \(RIA\)](#), based on the status of existing leases, most recent lease sales, and the fact that the rule will not alter the terms of

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approved leases or approved development, the BLM does not expect the rule to have a substantial impact on exploration and production from the Reserve. Therefore, the final rule will not change the supply, distribution, or use of energy.

Public Comments on E.O. 13211

The BLM received comments that the proposed rule constitutes a significant energy action as it would affect the supply, distribution, and use of energy, and thereby fails to comply with E.O. 13211. One commenter specified that "actions taken to restrict and limit oil and gas development, access to the NPR-A for oil and gas development, and codification of BLM's authority to restrict, deny, and minimize oil and gas development in the NPR-A would logically have an impact on the Nation's energy supply." Commenters also asserted that oil production from the NPR-A will extend the economic lifetime of the Trans-Alaska Pipeline and enable domestic oil to reach the rest of the United States. For the reasons stated above, the rule will not change the supply, distribution, or use of energy.

Other commenters cited an estimate from the U.S. Geological Survey that there are 8.7 billion barrels of undiscovered oil in the NPR-A, an important reserve created specifically by Congress for energy production. Commenters added that "...by denying development in the region, BLM is denying the State of Alaska, and the U.S., billions of dollars in revenue." Furthermore, comments stated that BLM's proposed plan will also deny American consumers affordable and reliable energy at a time of persistently high fuel prices; the rule "undermines the reality that oil produced from the NPR-A can displace imports and will increase the likelihood of imports from less environmentally regulated regions of the world."

These comments misunderstand the rule; it does not prohibit exploration for and development of oil and gas in the Reserve. Rather, it allows oil- and gas-related activities

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to continue consistent with the NPRPA by establishing procedures for the BLM to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities on the surface resources of the Reserve and to provide maximum protection for surface values within Special Areas for proposed oil and gas activities.

The BLM received comments discussing the Russian invasion of Ukraine and the importance of energy security and strengthening the supply chain for the U.S. and its allies. Commenters indicated that “as one of the largest exporters of petroleum in the world, the United States’ ability to facilitate global diversification from Russian energy can only be enhanced by NPR-A development.” Again, these comments misunderstand the rule; it does not prohibit exploration for and development of oil and gas in the Reserve.

List of Subjects in 43 CFR Part 2360

Alaska, Oil and gas activity, Protection of surface resources, Special areas, Tribes,

Delegation of Signing Authority

This action by the Principal Deputy Assistant Secretary is taken pursuant to an existing delegation of authority.

Steven H. Feldgus,

Principal Deputy Assistant Secretary,

Land and Minerals Management,

For the reasons set out in the preamble, the Bureau of Land Management revises

43 CFR part 2360 to read as follows:

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA

Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska

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43 CFR Part 2360¶
Alaska, Oil and gas activity, Protection of surface resources,
Tribes, Special Areas¶

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Sec.

2361.1 Purpose.

2361.3 Authority.

2361.4 Responsibility.

2361.5 Definitions.

2361.6 Effect of law.

2361.7 Severability.

2361.10 Protection of surface resources.

2361.20 Existing Special Areas.

2361.30 Special Areas designation and amendment process.

2361.40 Management of oil and gas activities in Special Areas.

2361.50 Management of subsistence uses within Special Areas.

2361.60 Co-stewardship opportunities in management of Special Areas and subsistence.

2361.70 Use authorizations.

2361.80 Unauthorized use and occupancy.

Subpart 2362 [Reserved]

Authority: 42 U.S.C. 6501 *et seq.* and 43 U.S.C. 1701 *et seq.*

PART 2360—NATIONAL PETROLEUM RESERVE IN ALASKA

Subpart 2361—Management and Protection of the National Petroleum Reserve in Alaska

§ 2361.1 Purpose.

The purpose of the regulations in this subpart is to provide procedures for protection and control of the environmental, fish and wildlife, and historical and scenic values of the National Petroleum Reserve in Alaska from significantly adverse effects of oil and gas activities on the surface resources of the Reserve and assuring maximum

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protection of significant resource values in Special Areas pursuant to and consistent with the provisions of the Naval Petroleum Reserves Production Act of 1976 (90 Stat. 303; 42 U.S.C. 6501 *et seq.*), Alaska National Interest Lands Conservation Act (94 Stat. 2371, 16 U.S.C. 3101 *et seq.*), and other applicable authorities.

§ 2361.3 Authority.

The primary statutory authority for *this subpart* is the Naval Petroleum Reserves Production Act of 1976, as amended by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514). Additional authority is provided by the Federal Land Policy and Management Act (43 U.S.C. 1701 *et seq.*)—other than the land use planning and wilderness study requirements, which do not apply to the Reserve under 42 U.S.C. 6506a(c)—and the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 *et seq.*).

§ 2361.4 Responsibility.

The Bureau of Land Management is responsible for the surface and subsurface management of the Reserve, including protecting surface resources from environmental degradation and assuring maximum protection of significant resource values in Special Areas. The Act authorizes the Bureau to prepare rules and regulations necessary to carry out surface management and protection duties.

§ 2361.5 Definitions.

As used in this subpart, the term:

Act means the Naval Petroleum Reserves Production Act of 1976 (as amended and codified at 42 U.S.C. 6501-6508).

Authorized officer means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties of this subpart.

Bureau means the Bureau of Land Management (BLM).

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Co-Stewardship broadly refers to cooperative and collaborative engagements of Bureau land managers and Tribes related to shared interests in managing, conserving, and preserving natural and cultural resources under the primary responsibility of Federal land managers. Such cooperative and collaborative engagements can take a wide variety of forms based on the circumstances and applicable authorities in each case. Forms of co-stewardship may include, among other forms, sharing of technical expertise; combining Tribal and Bureau capabilities to improve resource management and advance the responsibilities and interests of each; and making Tribal knowledge, experience, and perspectives integral to the public's experience of Federal lands.

Exploration means activities conducted on the Reserve for the purpose of evaluating petroleum resources, including crude oil, gases (including natural gas), natural gasoline, and other related hydrocarbons, oil shale, and the products of any such resources.

Indigenous Knowledge (IK) means a body of observations, oral and written knowledge, practices, and beliefs developed by Tribes and Indigenous Peoples through interaction and experience with the environment. It is applied to phenomena across biological, physical, social, and cultural systems. IK can be developed over millennia, continues to develop, and includes understanding based on evidence acquired through direct contact with the environment and long-term experiences, as well as extensive observations, lessons, and skills passed from generation to generation. IK is developed by Indigenous Peoples including, but not limited to, Tribal Nations, American Indians, and Alaska Natives.

Infrastructure means a permanent or semi-permanent structure or improvement on BLM-administered lands within the Reserve that is built to support commercial oil and gas activities, such as pipelines, gravel drilling pads, man camps, and other structures

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or improvements. Infrastructure does not include exploratory wells that are drilled in a single season; or construction, renovation, or replacement of facilities on existing gravel pads at previously disturbed sites where the facilities will promote safety and environmental protection. Additionally, infrastructure does not include: structures or improvements intended for use by subsistence hunters, trappers, fishers, berry-pickers, and other subsistence users to facilitate subsistence activities; construction that is ephemeral (such as snow or ice roads); infrastructure constructed in support of science or public safety; or infrastructure that will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve.

Integrated Activity Plan (IAP) means a land use management plan that governs the management of all BLM-administered lands and minerals throughout the Reserve.

Reserve means those lands within the National Petroleum Reserve in Alaska (prior to June 1, 1977, designated Naval Petroleum Reserve No. 4) which was established by Executive order, dated February 27, 1923, except for tract Numbered 1 as described in Public Land Order 2344 (the Naval Arctic Research-Laboratory - surface estate only) dated April 24, 1961.

Secretary means the Secretary of the Interior.

Significant resource value means any surface value, including subsistence, recreational, fish and wildlife, historical, scenic, or other surface value that the Bureau identifies as significant and supports the designation of a Special Area.

Special Areas means areas within the Reserve identified by the Secretary or by statute as having significant resource values and that are managed to assure maximum protection of such surface values, to the extent consistent with the requirements of the Act for the exploration and production of the Reserve.

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Use authorization means a written approval of a request for use of land or resources.

§ 2361.6 Effect of law.

(a) Subject to valid existing rights, and except as provided by the Department of the Interior Appropriations Act, Fiscal Year 1981 (Pub. L. 96-514), all lands within the exterior boundaries of the Reserve are reserved and withdrawn from all forms of entry and disposition under the public land laws, including the mining and mineral leasing laws, and all other acts.

(b) Notwithstanding the provisions of paragraph (a) of this section, the Secretary is authorized to:

(1) Make dispositions of mineral materials pursuant to the Act of July 31, 1947 (61 Stat. 681), as amended (30 U.S.C. 601), for appropriate use by Alaska Natives and the North Slope Borough.

(2) Make such dispositions of mineral materials and grant such rights-of-way, licenses, and permits as may be necessary to carry out the Secretary's responsibilities under the Act.

(3) Convey the surface of lands properly selected on or before December 18, 1975, by Native village corporations pursuant to the Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601, *et seq.*).

(4) Grant such rights-of-way to the North Slope Borough, under the provisions of title V of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1761 *et seq.*) or section 28 of the Mineral Leasing Act, as amended (30 U.S.C. 185), as may be necessary to permit the North Slope Borough to provide energy supplies to villages on the North Slope.

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(c) All other provisions of law heretofore enacted and actions heretofore taken reserving such lands as a Reserve shall remain in full force and effect to the extent not inconsistent with the Act.

(d) To the extent not inconsistent with the Act, all other public land laws are applicable.

§ 2361.7 Severability.

If a court holds any provision of the regulations in this part or their applicability to any person or circumstances invalid, the remainder of ~~the regulations in this part~~ and their applicability to other people or circumstances will remain unaffected.

§ 2361.10 Protection of surface resources.

(a) In administering the Reserve, the Bureau must protect surface resources by adopting whatever conditions, restrictions, and prohibitions it deems necessary or appropriate to mitigate reasonably foreseeable and significantly adverse effects of proposed oil and gas activities. Such conditions, restrictions, or prohibitions may involve conditioning, delaying action on, or denying some or all aspects of proposed oil and gas activities, and will fully consider community access and other infrastructure needs, after consultation with the North Slope Borough and consistent with § 2361.6.

(b) The Bureau will use the following procedures to protect surface resources from the reasonably foreseeable and significantly adverse effects of proposed oil and gas activities:

(1) The Bureau will maintain an Integrated Activity Plan (IAP) addressing management of all BLM-administered lands and minerals throughout the Reserve. When issuing a use authorization, the authorization must conform to the IAP and ~~this subpart~~, including any subsequent designation or modifications of Special Areas. To the extent there is any inconsistency between the IAP and ~~this subpart~~, ~~this subpart governs~~.

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(2) In each decision concerning proposed activity in the Reserve, the authorized officer will document consideration of, and adopt measures to mitigate, reasonably foreseeable and significantly adverse effects on fish and wildlife, water, cultural, paleontological, scenic, and any other surface resource. The authorized officer will take particular care to account for, and mitigate adverse effects on, surface resources that support subsistence uses and needs; and

(3) In assessing effects of a decision concerning proposed activity in the Reserve, the authorized officer will document consideration of any uncertainty concerning the nature, scope, and duration of potential effects on surface resources of the Reserve and shall ensure that any conditions, restrictions, or prohibitions on proposed oil and gas activities account for and reflect any such uncertainty.

(c) When affected surface resources are located in a Special Area, the authorized officer must comply with the procedures and requirements of §§ 2361.20 through 2361.60.

(d) The authorized officer must include in each decision and authorization related to proposed oil and gas activity in the Reserve such terms and conditions that provide the Bureau with sufficient ability to fully implement the requirements of this subpart.

(e)(1) To the extent consistent with the requirements of the Act, other applicable law, and the terms of any applicable existing authorization, and after consultation with appropriate Federal, State, and local agencies, federally recognized Tribes, and Alaska Native Claims Settlement Act corporations, the authorized officer may limit, restrict, or prohibit the use of or access to lands within the Reserve, including Special Areas. Upon proper notice, as determined by the authorized officer, such actions may be taken to protect fish and wildlife breeding, nesting, spawning, lambing or calving, or migrations; subsistence uses and resources; and other environmental, scenic, or historic values.

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(2) The consultation requirement in paragraph (c)(1) of this section is not required when the authorized officer determines that emergency measures are required.

(f) No site, structure, object, or other values of historical, cultural, or paleontological character, including, but not limited to, historic and prehistoric remains, fossils, and artifacts, shall be injured, altered, destroyed, or collected without authorization under an appropriate Federal permit and without compliance with applicable law governing cultural items, archaeological resources, and historic properties.

§ 2361.20 Existing Special Areas.

Any lands within the Reserve designated as a Special Area as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], will continue to be managed as a Special Area except as modified pursuant to § 2361.30, including:

(a) *Colville River Special Area.* The Colville River Special Area encompasses the area within the boundaries depicted on maps that are published as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER], and available for public inspection at the Arctic District Office. The Colville River Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:

(1) Important habitat for raptor species, including, but not limited to, the Arctic peregrine falcon;

(2) Important habitat for other bird species, including, but not limited to, neotropical migratory birds, shorebirds, loons, waterfowl, inland dwelling sea birds, and passerines;

(3) Important habitat for moose;

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(4) Important habitat for fish;
 (5) Important subsistence activities;
 (6) Important recreational activities;
 (7) World-class paleontological deposits; and
 (8) Significant cultural resources, including numerous sites from the prehistoric and historic eras.

(b) *Kasegaluk Lagoon Special Area*. The Kasegaluk Lagoon Special Area encompasses the area within the boundaries depicted on maps that are published as of [INSERT ~~DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER~~], and available for public inspection at the Arctic District Office. The Kasegaluk Lagoon Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:

- (1) Important habitat for marine mammals;
- (2) Unique ecosystem for the Arctic Coast;
- (3) Opportunities for primitive recreational experiences;
- (4) Important habitat for migratory birds; and
- (5) Important subsistence activities.

(c) *Peard Bay Special Area*. ~~The Peard Bay Special Area encompasses the area~~ within the boundaries depicted on maps that are published as of [INSERT ~~DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER~~], and available for public inspection at the Arctic District Office. The Peard Bay Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:

- (1) Haul-out areas and nearshore waters for marine mammals; and

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(2) High-use staging and migration areas for shorebirds and waterbirds.

(d) *Teshkepkuk Lake Special Area*. The Teshkepkuk Lake Special Area encompasses the area within the boundaries depicted on maps that are published as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE ~~FEDERAL~~ REGISTER], and available for public inspection at the Arctic District Office. The Teshkepkuk Lake Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:

- (1) Important nesting, staging, and molting habitat for a large number of migratory and other waterbirds;
- (2) Important caribou habitat;
- (3) Important shorebird habitat;
- (4) Subsistence hunting and fishing activities;
- (5) Pit Dunes; and
- (6) Overwintering habitat for fish.

(e) *Utukok River Uplands Special Area*. The Utukok River Uplands Special Area encompasses the area within the boundaries depicted on maps that are published as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE ~~FEDERAL~~ REGISTER], and available for public inspection at the Arctic District Office. The Utukok River Uplands Special Area shall be managed to assure maximum protection of the following significant resource values, as well as additional values identified through the process set forth in § 2361.30:

- (1) Important habitat for the Western Arctic Caribou Herd;
- (2) Subsistence hunting activities;
- (3) Grizzly bear habitat; and

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(4) Important wilderness values.

§ 2361.30 Special Areas designation and amendment process.

(a) In designating, de-designating, or otherwise changing boundaries or management of Special Areas, the authorized officer must:

- (1) Rely on the best available scientific information, including Indigenous Knowledge, as well as the best available information concerning subsistence uses and resources within the Reserve;
- (2) Provide the public and interested stakeholders with notice of, and meaningful opportunities to participate in, the evaluation process;
- (3) Consult with any federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area; and
- (4) In designating, de-designating, or otherwise changing boundaries of Special Areas, base their decisions solely on the presence or absence of significant resource values and not the existence of measures that have been or may be adopted to protect or otherwise administer those values.

(b) The Bureau must evaluate lands within the Reserve for the presence of significant subsistence, recreational, fish and wildlife, historical, or scenic values and shall designate lands as Special Areas containing such values in accordance with the following procedures:

- (1) Every 10 years, or sooner if the authorized officer determines that changing conditions warrant, the authorized officer must evaluate and determine whether to:
 - (i) Designate new Special Areas;
 - (ii) Expand existing Special Areas;

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(iii) Recognize the presence of additional significant resource values in existing Special Areas; or

(iv) Require additional measures or strengthen existing measures to assure maximum protection of significant resource values within existing Special Areas.

(2) The authorized officer may, but is not required to, conduct the evaluation and otherwise designate and amend Special Areas through amendment of the IAP.

(3) The authorized officer must provide the public and interested stakeholders with the opportunity to recommend lands that should be considered for designation as a Special Area, significant resource values that the authorized officer should consider recognizing for existing Special Areas, and measures that the authorized officer should consider requiring to assure maximum protection of significant resource values within Special Areas. The authorized officer will evaluate and respond to recommendations that are made in completing its evaluation. Such recommendations should identify and describe:

(i) The size and location of the recommended lands;

(ii) The significant resource values that are present within or supported by the recommended lands;

(iii) Measures that may be necessary to assure maximum protection of those values; and

(iv) Any other pertinent information.

(4) If, at any point after receipt of an internal or external recommendation, the authorized officer determines that interim measures are required to assure maximum protection of significant resource values in lands under consideration for designation as a new or modified Special Area, the authorized officer may implement such measures that are consistent with the governing management prescriptions in the IAP during the period

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for which the lands remain under consideration; provided, however, that the authorized officer will provide public notice that interim measures are in place and such measures will be reassessed to determine if they are still needed if they remain in place for more than 5 years.

(5) When the authorized officer designates lands as Special Areas or recognizes the presence of additional significant resource values in existing Special Areas, the authorized officer must adopt measures to assure maximum protection of significant resource values. Such measures are not constrained by the provisions of the current IAP. Once adopted, these measures supersede inconsistent provisions of the IAP then in effect for the Reserve and will be incorporated into the IAP during the next revision or amendment.

(6) For any lands designated as a Special Area, the authorized officer will publish a legal description of those lands in the *Federal Register*, along with a concise summary of the significant resource values that support the designation. The Bureau will also maintain a map of the Special Area on its website and available for public inspection at the Arctic District Office.

(c) The Bureau may not remove lands from the Teshekpuk Lake and Utukok River Uplands Special Areas unless directed to do so by statute. The Bureau may remove lands within other Special Areas only when all of the significant resource values that support the designation are no longer present. When determining whether to remove lands from a Special Area designation, the authorized officer must:

(1) Prepare a summary of its proposed determination, including the underlying factual findings;

(2) Provide the public and interested stakeholders with the opportunity to review and comment on the proposed determination; and

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(3) Issue a determination that documents how the views and information provided by the public, federally recognized Tribes, Alaska Native Claims Settlement Act corporations, federally qualified subsistence users, and other interested stakeholders have been considered.

§ 2361.40 Management of oil and gas activities in Special Areas.

The management priority within Special Areas is to assure maximum protection of significant resource values, consistent with the requirements of the Act for exploration and production of the Reserve. The Bureau must fulfill this duty at each stage in the decision-making process for oil and gas activities in the Reserve, and in accordance with the following procedures:

(a) The authorized officer must, to the extent consistent with the Act, take such steps as are necessary to avoid the adverse effects of proposed oil and gas activities on the significant resource values of Special Areas. This includes, but is not limited to, conditioning, delaying action on, or denying proposals for activities, either in whole or in part, and ensuring that leasing and production is approved only subject to the provisions of this section.

(b) The authorized officer will identify and adopt maximum protection measures for each significant resource value that is present in a Special Area when Special Areas are designated. The authorized officer will update maximum protection measures as appropriate thereafter, including in the LAP, lease terms, and permits to conduct oil and gas activities.

(c) Maximum protection may include, but is not limited to, requirements for:

(1) Rescheduling activities, including specifying rates of development, and requiring use of alternative routes;

(2) Limiting new infrastructure and roads;

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- (3) Limiting extraction of sand and gravel or withdrawal of water;
- (4) Limiting types of vehicles and loadings;
- (5) Limiting types of aircraft in combination with minimum flight altitudes and distances from identified places; and
- (6) Applying special fuel handling procedures.

(d) Subject to any revisions made pursuant to § 2361.30, oil and gas leasing and authorization of new infrastructure in Special Areas will conform to the land use allocations and restrictions identified on the maps published as of [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*], and available for public inspection at the Arctic District Office.

(e) On lands within Special Areas that are allocated as closed to leasing or unavailable to new infrastructure, certain uses may be authorized under limited circumstances:

- (1) The authorized officer may issue oil and gas leases in Special Areas if drainage is occurring. Any lease issued for drainage purposes will include provisions that prohibit surface-disturbing oil and gas activities on the entire lease tract.
- (2) The authorized officer may approve new roads, pipelines, transmission lines, and other types of infrastructure in Special Areas provided that:
 - (i) The infrastructure will primarily be used by and provide a benefit to communities located within or in close proximity to the Reserve or will support subsistence activities; and
 - (ii) Appropriate measures are adopted to assure maximum protection of significant resource values.

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(3) The authorized officer may approve new permanent infrastructure related to existing oil and gas leases only if such infrastructure is necessary to comport with the terms of a valid existing lease.

(f) On lands within Special Areas that are allocated as available for future oil and gas leasing or new infrastructure, the authorized officer will presume that proposed oil and gas activities should not be permitted unless specific information available to the authorized officer clearly demonstrates that those activities can be conducted with no or minimal adverse effects on significant resource values or unless they are necessary to comport with the terms of a valid existing lease.

(g) When preparing an environmental analysis of proposed leasing, exploration, development, or new infrastructure in Special Areas, and reaching a final decision, the authorized officer will:

(1) Provide the public with a meaningful opportunity to review and comment, and consider and respond to any relevant comment they receive;

(2) Consult with federally recognized Tribes and Alaska Native Claims Settlement Act corporations that use the affected Special Area for subsistence purposes or have historic, cultural, or economic ties to the Special Area;

(3) Evaluate potential adverse effects and measures to avoid, minimize, or otherwise mitigate such effects to achieve maximum protection of significant resource values;

(4) Document how the proposal falls within one of the exceptions in [paragraph \(e\) of this section](#) or the justification for overcoming the presumption in [paragraph \(f\) of this section](#), such as if the proposed infrastructure is necessary to comport with the terms of a valid existing lease, or if it will primarily be used by and provide a benefit to

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communities located within or in close proximity to the Reserve, and the proposal has been conditioned to avoid, minimize, or otherwise mitigate adverse effects;

(5) Document and consider any uncertainty concerning the nature, scope, and duration of potential adverse effects on significant resource values of Special Areas and ensure that any actions taken to avoid, minimize, or mitigate such effects account for and reflect any such uncertainty; and

(6) Prepare a Statement of Adverse Effect, if the authorized officer determines that the proposal cannot avoid adverse effects on significant resource values in a Special Area. The Statement of Adverse Effect will describe the:

- (i) Significant resource values that may be adversely affected;
- (ii) Nature, scope, and duration of those adverse effects;
- (iii) Measures the Bureau evaluated to avoid the adverse effects, including whether any practicable alternatives exist that would have less adverse impact on significant resource values of the Special Area;
- (iv) Justification for not requiring those measures;
- (v) Measures the authorized officer will require to minimize, to the maximum extent possible, adverse effects on significant resource values of the Special Area; and
- (vi) Measures the authorized officer will require to mitigate any residual adverse effects that cannot be avoided or minimized, including compensatory mitigation, along with an explanation of how those measures will assure maximum protection of significant resource values.

(h) The authorized officer must include in each decision and authorization related to oil and gas activity in the Reserve terms and conditions that provide the authorized officer with sufficient authority to fully implement the requirements of this section.

§ 2361.50 Management of subsistence uses within Special Areas.

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(a) The Bureau will ensure that Special Areas are managed to protect and support fish and wildlife and fish and wildlife habitat and associated subsistence use of such areas by rural residents as defined in 50 CFR 100.4.

(b) The Bureau will provide reasonable access to and within Special Areas for subsistence purposes.

§ 2361.60 Co-stewardship opportunities in management of Special Areas and subsistence.

In accordance with the Bureau's co-stewardship guidance, the Bureau will seek opportunities to engage federally recognized Tribes in co-stewardship for management of Special Areas and subsistence resources throughout the Reserve. Co-stewardship opportunities may include co-management, collaborative and cooperative management, and tribally led stewardship, and can be implemented through cooperative agreements, memoranda of understanding, self-governance agreements, and other mechanisms. The Bureau may also partner with Alaska Native Claims Settlement Act corporations, local governments, or organizations as provided by law.

§ 2361.70 Use authorizations.

(a) Use authorizations must be obtained from the authorized officer prior to any use within the Reserve. Only uses that are consistent with the purposes and objectives of the Act and ~~this subpart~~ will be authorized.

(b) Except as may be limited, restricted, or prohibited by the authorized officer, use authorizations are not required for:

- (1) Subsistence uses (e.g., hunting, fishing, and berry-picking); and
- (2) Non-commercial recreational uses (e.g., hunting, fishing, backpacking, and wildlife observation).

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(c) Applications for use authorizations shall be filed in accordance with applicable regulations in this chapter. In the absence of such regulations, the authorized officer may consider and act upon applications for uses allowed under the Act.

(d) In addition to other statutory or regulatory requirements, approval of applications for use authorizations shall be subject to such terms and conditions as the authorized officer determines to be necessary to protect the environmental, subsistence, recreational, fish and wildlife, historical, and scenic values of the Reserve and to assure maximum protection of significant resource values within Special Areas.

§ 2361.80 Unauthorized use and occupancy.

Any person who violates or fails to comply with regulations of this subpart is subject to prosecution, including trespass and liability for damages, pursuant to the appropriate laws.

Subpart 2362 [Reserved]

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Secretary HAALAND. Thank you.

Senator MURKOWSKI. Thank you.

Senator MERKLEY. Thank you, Senator.

And Secretary Haaland, and your team, thank you for coming, and addressing so many different issues. It is a vast swath of America that you have responsibility for, and it is so much more the case in the western part of the United States. And so I am pleased that Senator Murkowski and I both come from the West so we can work on these issues together. And we are entering another fiscal year in this challenge.

So I know there will be lots of follow up from many members on the topics raised today. And thank you for striving to respond to our queries and our concerns.

ADDITIONAL COMMITTEE QUESTIONS

If there are no other statements, the hearing record will be open until close of business on May 15, 2024.

QUESTIONS SUBMITTED BY SENATOR JACK REED

Question. I am encouraged to see the Administration helping to develop offshore wind energy... which is bringing with it thousands of jobs and significant investment in our port and grid infrastructure, particularly in my home State of Rhode Island.

As you know, we must make these investments thoughtfully, while minimizing interference with other ocean users, including fisheries. In 2022, the Bureau of Ocean Management (BOEM) proposed guidance for mitigation to commercial and recreational fisheries from offshore wind development.

Issuing final guidance will provide clarity for all stakeholders during the review process for new offshore wind projects.

Answer. BOEM is developing guidance for mitigation of potential impacts from offshore wind energy projects on commercial and recreational fishing communities. The guidance will provide detailed processes that offshore wind lessees can follow to avoid, minimize, and mitigate impacts to fisheries in the areas of project siting, design, navigation, access, safety, and financial compensation.

As noted, in June 2022, BOEM published the draft guidance document for public comment. BOEM received public comments and conducted virtual meetings and in April 2023, BOEM expanded engagement with Tribal communities to ensure meaningful feedback. The Bureau's goal is to have the final guidance available by the end of this year.

All projects approved to date have included fisheries mitigation plans. BOEM is ensuring that lessons learned from implementation of those plans are incorporated into the guidance. BOEM intends to have a public meeting after the final guidance is issued to explain the changes made by the Bureau based on the comments received.

QUESTIONS SUBMITTED BY SENATOR KYRSTEN SINEMA

Question. Domestically sourced and processed critical minerals and metals are essential for U.S. national security and energy independence. Do you agree that critical minerals are a key part of our National security strategy? What concrete steps has the Department taken to streamline the permitting burden on domestic mining projects to meet the growing need for critical minerals? What is DOI doing to collaborate with the Department of Defense to develop domestic critical minerals capabilities by leveraging extraction and processing as a part of reclamation activities on Federal lands?

Answer. The BLM established a pre-planning process to improve the efficiency and effectiveness of processing plans of operations under the surface management regulations, 43 CFR subparts 3802 and 3809. Although pre-plan submittal meetings are voluntary on the part of the operator, they have proven beneficial in identifying issues in the early stages of a project to help facilitate the permitting process. The pre-planning process has demonstrated that this approach leads to shorter review and processing times for plans of operations and the associated National Environmental Policy Act (NEPA) analysis.

We are committed to working collaboratively with the Department of Defense to develop domestic critical minerals capabilities.

Question. Given that the Department of Energy now considers copper as a critical material for the energy transition, and recent analysis of the copper market shows copper's supply risk exceeding USGS' threshold for inclusion on the Critical Minerals List (CML), why have you not exercised your statutory authority to add this critical material for the energy transition and national defense to the CML?

Answer. The USGS appreciates that copper is an essential mineral commodity to U.S. economic and national security interests and notes that many types of copper deposits can also host several byproduct critical minerals. The USGS devotes significant effort within its Mineral Resources Program portfolio to the assessment of copper resources, the study of copper deposits, the investigation of the potential to ex-

tract critical and other minerals from copper mine waste, and detailed tracking of copper supply chains. Although copper did not meet the criteria for inclusion on the 2022 list of critical minerals, ongoing supply chain concerns are prompting reasonable questions over whether key commodities' supply chain risks should be reevaluated before the 3-year update cycle established by the Energy Act of 2020.

In the analysis for the 2022 list of critical minerals, the USGS assessed copper as having a relatively high economic vulnerability score, indicating that the U.S. manufacturing sector is vulnerable to a supply disruption. In the years leading up to the 2022 list, this vulnerability was mitigated by a relatively low U.S. net import reliance on foreign supplies and a diversity of foreign supply sources.

The most recent data for copper supply chains show a decrease of 11% in U.S. copper mine production in 2023 relative to 2022, equivalent to a decrease in value of \$1.3 billion. The decrease can be ascribed to a number of factors, including unusual weather conditions, major equipment failures, and declining ore grades and mining rates. Similarly, copper production at U.S. refineries decreased by an estimated 7% in 2023 compared to 2022 production, due in part to a major smelter rebuild. As a result of these changes, net import reliance for copper imports to the United States, which are predominantly refined copper, increased to 46%.

This evolving situation will be factored into the analysis which is currently in preparation for the 2025 list of critical minerals. The criticality analysis requires a comprehensive look across all mineral commodities and relevant sectors of the economy. This means that there is no simple way to evaluate the critical mineral status of copper in isolation, and rerunning the 2022 analysis at this time would delay completion of the 2025 list, which is due in less than 1 year and incorporates an updated, forward-looking methodology.

The Department of Energy (DOE) list of critical materials is focused on materials needed for energy technologies and categorizes energy materials as "not critical", "near critical", and "critical" in both the near term (2020–2025) and medium term (2025–2035)¹. The DOE analysis evaluates copper as "not critical" in the near term and "near critical" in the medium term, based on the expectation of increasing copper demand associated with the energy transition. Although, as mentioned above, there are concerning trends in domestic copper production, copper consumption in the U.S. has yet to return to its pre-pandemic levels. As a result, it is not yet clear when, and to what degree, energy transition demands will have significant impacts on the copper market. As with domestic production, USGS will continue to monitor both domestic consumption and prices and incorporate those data in the evaluation of copper for inclusion in the 2025 list of critical minerals.

Question. The GAO has examined the impact of low pay on recruitment and retention of qualified wildland firefighters. I was proud to secure the temporary pay increase in my bipartisan infrastructure law, and to introduce a permanent pay fix for wildland firefighters, the Wildland Firefighter Paycheck Protection Act. This legislation passed out of the Homeland Security and Governmental Affairs Committee last year with broad bipartisan support, and it is urgent that the Senate consider this legislation quickly.

In your experience, how has the temporary increase in pay impacted the ability of the fire services to recruit qualified candidates, and how has the promise of Congress working towards a permanent solution impacted workforce morale? What would be the impact to our Federal wildland firefighting workforce if these much-deserved pay increases were to go away?

Answer. By all accounts, the temporary pay increases authorized and funded by the Bipartisan Infrastructure Law and continued for Fiscal Year 2024 with regular appropriations have had a positive impact within the wildland fire workforce. The temporary pay supplements have increased our ability to recruit and retain employees. The Department of the Interior has been able to increase our workforce capacity over the last few years, and these pay supplements are an important reason for that. However, wildland firefighters deserve permanent pay increases like the reforms and proposed legislation included in the President's Fiscal Year 2025 Budget, and authorized in bi-partisan legislation similar to the bill you introduced.

We cannot be certain of the effects of not enacting a permanent pay fix, but we hear from many employees that they will look for employment elsewhere if the increased pay they are now receiving does not continue. Entry-level personnel need permanent pay increases so they can be appropriately compensated for this arduous and sometimes dangerous line of work without having to worry about whether their pay rate will continue every year. Because our wildland firefighters develop highly specialized experience and qualifications it is very difficult to replace mid-level and senior-level employees. These personnel play a significant role in fireline leadership.

¹ <https://www.energy.gov/cmm/what-are-critical-materials-and-critical-minerals>

We cannot afford to lose the Federal investment in these employees, which would set back ongoing efforts to build the pipeline of the entry-level and early-career workforce needed to advance interagency wildland fire management.

Question. Does the Department have adequate resources to, in concert with the Department of Agriculture, set up and manage the Baaj Nwaavjo I'tah Kukveni—Ancestral Footprints of the Grand Canyon National Monument? Please provide a timeline of recent administrative actions taken, and if there is insufficient funding, an estimate of what is needed.

Answer. Reductions in appropriated dollars and new special areas designations impact the BLM's capacity to administer these areas and provide for their appropriate care and protection. The BLM is making progress on the following administrative actions for Baaj Nwaavjo I'tah Kukveni—Ancestral Footprints of the Grand Canyon National Monument described below. As work continues to advance and the National Monument develops, additional resources will be needed. Recent administrative actions taken include:

- The BLM has initiated the development of the Monument Advisory Committee (MAC) Charter. We anticipate the MAC will meet up to four times annually, and at other times as determined necessary to support the development of the monument management plan and the subsequent management of the monument.
- The BLM is collaborating with the U.S. Forest Service and Arizona Game and Fish Department on drafting a memorandum of understanding with respect to fish and wildlife management, per direction in the establishing proclamation.

The BLM is coordinating with 13 Tribes on the formation of the Baaj Nwaavjo I'tah Kukveni—Ancestral Footprints of the Grand Canyon National Monument Commission. Thus far, the BLM has entered into co-stewardship agreements with 9 of the Tribes and is working on co-stewardship agreements with the remaining 4 Tribes.

Going forward, the monument will require resources to support the monument planning process and associated environmental review under NEPA, additional signage, and maintain dedicated staffing.

Question. In recent years, Congress expressed concern that 105(l) Payments for Tribal Leases have placed the House and Senate Committees on Appropriations in the difficult position where rapidly escalating requirements for lease costs are negatively impacting the ability to use discretionary appropriations to support core Tribal programs, including health, education and construction programs, or provide essential fixed cost requirements. Congress has acknowledged that both the language of the section 105(l) of the Indian Self-Determination Act and decisions from litigation appear to create an entitlement to compensation for 105(l) leases that is typically not funded through discretionary appropriations. Appropriators have directed both the Department of the Interior and the Indian Health Service to formulate a long-term solution to address the requirement to meet lease payments under the 105(l) program, including consideration of whether to reclassify 105(l) payments as an appropriated entitlement. As a result, this Administration has consisted proposed classifying 105(l) payments as mandatory funding. Please respond to the following questions which will help describe the impacts of leaving section 105(l) lease payments as discretionary appropriations:

Please explain the impact that increasing 105(l) payments have had on discretionary appropriations for the agencies with the Department of the Interior (including the Bureau of Indian Affairs, Bureau of Indian Education and any other impacted agency with the Department).

Please describe the current status of Tribal requests to enter into leases with the Department including the number of leases requested and the impact existing and new leases will have on the Department's staffing and funding.

Please project the growth of the 105(l) program over the next 5 years.

Answer. The 105(l) program currently has over 1,400 leases in the backlog for requests from 2021–2024. We are still receiving new requests at a faster rate than we can process them. The program is not just growing but growing at an accelerated rate, with requests from three Tribes in 2019 to one hundred twenty-eight Tribes as of the end of FY 2024. This significant growth underscores the importance of our collective efforts to manage it. We have requested additional FTE to implement the program through BIA's Operation of Indian Programs account in the 2025 President's Budget.

Discretionary appropriations for the 105(l) program for recent years have grown from \$21.6 million in 2021 to \$36.6 million in 2022, to the projected amounts of \$82.5 million in 2024, and, \$120.0 million in 2025. The impact of 105(l) payments will be greater in future years. Once initiated, most leases will likely continue into

future years, so the total program will only increase as new leases are added to the program, as existing rents increase, and as existing leases grow in scope. Appropriation needs for 105(l) are expected to grow rapidly based Tribes' interest expressed in the program and the volume of lease applications. BIA is statutorily obligated to pay lease costs.

As mentioned in the question, recent President's Budgets, including for FY 2025, have proposed reclassifying 105(l) lease costs as mandatory funding. If 105(l) funding remains on discretionary, the expected rapid growth of lease costs will continue to exert pressure on topline total for BIA's discretionary appropriations as well as the topline discretionary total for all of DOI.

As stated above, 105(l) leases costs are expected to be \$120 million in FY 2025. Projected costs for 105(l) leases for FY 2026–FY 2030 are difficult to construct because they depend on Tribes' engagement in the program. The total number of leases, and therefore total estimated lease costs, are difficult estimate into the out-years.

QUESTIONS SUBMITTED BY SENATOR LISA MURKOWSKI

Question. The Executive Summary of the Ambler Road FSEIS includes just a one sentence explanation on why the No Action Alternative has been recommended, saying: "any of the action alternatives would significantly impact resources, including important subsistence resources and uses, in ways that cannot be adequately mitigated." I understand and empathize with the concern from Alaskans who rely upon the Western Arctic Herd and have watched the herd size decrease over the past few years. However, that isn't the result of a road that hasn't been built yet and the Ambler Access Project (AAP) shouldn't be penalized as a result.

The WAH peaked 15 years after construction and operation of the Delong Mountain Transportation System, and as we've seen with roads like the Dalton Highway or up on the North Slope, caribou populations have grown and can thrive alongside responsible resource development.

Why exactly does the BLM believe that impacts to subsistence resources cannot be mitigated?

How does the SEIS account for the natural, cyclical fluctuations in caribou herd population?

How does the SEIS reconcile the proven mitigation measures that other roads throughout Alaska have demonstrated?

Why exactly does the BLM believe that impacts to subsistence resources cannot be mitigated?

Answer. The Ambler Road Supplemental EIS Appendix N: Potential Mitigation identifies and discusses potential measures that could be applied to mitigate adverse impacts to natural, social, and cultural impacts from the Ambler Road Project. As part of the analysis, the effectiveness of each potential mitigation measure is noted, and in each resource section or subsection, the expected effectiveness of the mitigation measures if collectively applied is discussed. For this analysis, it is assumed that the measure would be implemented by Alaska Industrial Development and Export Authority (AIDEA) and enforced by the BLM. The discussion includes consideration of whether and how the effectiveness of mitigation on BLM-managed land would be affected if the same mitigation is not applied off BLM-managed land. The landowner discussion is necessary because the BLM manages only part of the land along each alternative and its authority is limited to mitigating impacts to BLM-managed lands and resources.

For subsistence resources such as caribou, fish, and waterfowl, the proposed mitigation was found to be only partially effective at reducing impacts. Most importantly, for mammals, including caribou, no combination of mitigation measures could substantially reduce the potential for behavioral disturbance, displacement, injury, or mortality as a result of the Ambler Road. Even with the adoption of mitigation measures, the construction and operation of the Ambler Road could cause population level impacts to the Western Arctic Caribou Herd and a reduction in the abundance of caribou available for residents of several communities, as well as population level impacts to fish and a reduction in the abundance of harvestable fish and their availability for several communities.

The Record of Decision (p. 24) concludes:

"As discussed in Section 4.4 of this ROD, under Section 1104(g)(2) of ANILCA and implementing regulation 43 CFR 36.7, there are nine factors an agency is to consider in making a decision on an application for a transportation and utility system submitted under Title XI of ANILCA. Having

closely considered each of these factors (see Section 4.4 above), in this Decision the BLM disapproves the application for a ROW across BLM-managed lands and terminates the previously issued BLM ROW Grant. In doing so, the BLM finds that, even if the agency were to adopt all reasonable mitigation measures analyzed in the Final Supplemental EIS intended to reduce impacts to important resources and subsistence uses (see 43 CFR 36.7(a)(2)(vii)), under each alternative route analyzed (see 43 CFR 36.7(a)(2)(ii)) the proposed road's significantly adverse short and long term social and environmental impacts, including impacts on fish and wildlife and their habitat and on rural, traditional lifestyles including subsistence uses, and associated adverse impacts to public values in the affected communities (see 43 CFR 36.7(a)(2)(iv), (viii) and (ix)) substantially outweigh other relevant factors including the need for and potential economic benefits of the road and impacts on national security interests (see 43 CFR 36.7(a)(2)(i), (iv) and (v)). For the same reasons, approving the ROW across BLM-managed lands would not be in the public interest."

Question. How does the SEIS account for the natural, cyclical fluctuations in caribou herd population?

Answer. The Supplemental EIS contains a detailed discussion of natural fluctuations in caribou herd populations, including those of the Western Arctic Caribou Herd, as well as long term declining trends in many caribou herd populations throughout North America thought to be attributable to a warming climate. See Supplemental EIS, Section 3.3.4, pages 3–131 through 3–138. The Supplemental EIS analyzes impacts to caribou in the context of these fluctuations and trends. See, e.g., Supplemental EIS, Section 3.3.4, pages 3–141 through 3–149.

Question. How does the SEIS reconcile the proven mitigation measures that other roads throughout Alaska have demonstrated?

Answer. As explained in Section 3.3.4 of the Supplemental EIS, notwithstanding the adoption of mitigation measures, other roads in Alaska have resulted in significant effects on caribou movements and migrations, including delays or refusals to cross roads and route deflections. The 211-mile length and geographic orientation of the proposed Ambler Road to Western Arctic Caribou Herd migration routes makes it particularly likely to result in these impacts.

Question. One of the reasons that your department voluntarily remanded the Record of Decision for the AAP was an alleged deficiency with regards to consultation. In the original EIS, the BLM determined that 27 communities along the proposed road corridor could be impacted by development of the AAP. However, in the SEIS, the BLM expanded that scope to 66 communities—including villages that are hundreds of miles away or on an island in the Chukchi Sea—that could be impacted based on their subsistence practices.

—Did the BLM visit each of those 66 communities and hold government-to-government consultation while drafting the SEIS?

—[If not] Given that consultation was the reason for the voluntary remand, why didn't they visit each community?

—Did the BLM visit each of those 66 communities and hold government-to-government consultation while drafting the SEIS?

Answer. While the original EIS analyzed impacts to 27 primary study communities, the Supplemental EIS analyzes impacts on 66 study communities, including the original 27 primary subsistence study communities, caribou subsistence study communities, and fish subsistence study communities.

These are shown in Appendix F, Table 23 of the Ambler Road Supplemental EIS and on Map 1. Primary subsistence study communities are those located within 50 miles of the project alternatives, or with subsistence use areas documented within 30 miles of the project alternatives. In addition to the primary subsistence study communities, the Supplemental EIS analyzes communities that may experience indirect and/or downstream impacts resulting from changes in caribou and fish abundance, distribution/migration, and health. For caribou, these are the 42 communities that are members of the Western Arctic Caribou Herd Working Group (WACH WG). For fish, these are the 32 communities that are located downstream from where the project crosses tributaries in the Kobuk, Selawik, Koyukuk, and Yukon River basins.

The BLM did not visit or hold government to government consultation with every one of the 66 study communities. However, through the ANILCA 810 evaluation process the BLM identified 31 communities that had substantial levels of utilization for caribou, fish, moose, vegetation, and other subsistence resources that would have been affected by the proposed Ambler Road. For these communities, the BLM considered the three factors of abundance, availability, and access when determining if a significant restriction of subsistence may result from the proposed action, alter-

natives, or the cumulative case. As required by ANILCA, after determining that 30 or more communities may experience significant restriction of their subsistence use, the BLM held 12 hearings in the vicinity of these communities.

Question. [If not] Given that consultation was the reason for the voluntary remand, why didn't they visit each community?

Answer. While consultation was one of the deficiencies identified as the basis for voluntary remand, the only consultation deficiency identified was inadequate government-to-government consultation prior to executing the National Historic Preservation Act Section 106 Programmatic Agreement. In November 2022, 80 letters were sent to federally recognized Tribes, Tribal non-profits, and ANCs to reinstate the Section 106 consultation process. Follow-up phone calls occurred every 2 weeks for 3 months to all entities, and follow-up emails were sent in December and January. As a result of this outreach the BLM held 21 government to government consultation meetings, 19 that occurred in the communities, and two that were virtual.

Question. As you know economic development in Alaska is a very challenging proposition and the Ambler Access Project not only would provide access to world class critical minerals needed for the green energy transition and defense technologies—like copper, cobalt, and germanium—but would provide extraordinarily high paying jobs and tax revenue in rural Alaska. We know that responsible resource development can positively impact Alaskans for generations. Take the North Slope, for example, where the life expectancy for Alaska Natives has grown more than any other region of the country thanks to the economic opportunity and jobs that have been provided by natural resource development and associated improvements to education, healthcare, and search and rescue.

How does Interior view economic development in Alaska?

Did the BLM consider the health benefits—like expanded access to telecom and telehealth—to Alaska's rural residents when the No Action Alternative was recommended?

How about the decreased cost of household goods?

What alternative economic development initiatives for the Upper Kobuk communities will you be pursuing in light of this damaging recommendation?

How does Interior view economic development in Alaska?

Answer. The Department of the Interior views economic development in Alaska as part of the BLM's mission to sustain the health, diversity, and productivity of public lands for the use and enjoyment of future generations. BLM Alaska supports many uses of the public lands, such as recreation, nonenergy minerals mining and development, oil and gas development, timber/wood product sales, and rights-of-way. In Fiscal Year 2022, activities on public lands in Alaska supported \$1.5 billion in economic output and almost 4,000 jobs (see BLM's "Valuing America's Public Lands 2023" available on the BLM.gov website).

Question. Did the BLM consider the health benefits—like expanded access to telecom and telehealth—to Alaska's rural residents when the No Action Alternative was recommended?

How about the decreased cost of household goods?

Answer. Yes, and yes. BLM's analysis of the economic and health impacts of the proposed road can be found in Section 3.4.5 (Socioeconomics and Communities) of Volume 1 of the Final EIS available on the BLM.gov website.

Through public meetings, ANILCA 810 hearings, Talking Circles, and the public comment period, many commenters discussed the potential economic benefits of the road, which are captured in Appendix Q of the Supplemental EIS). Many people expressed hope that the road would bring jobs for local residents, while at the same time potentially lowering the cost of goods such as fuel or groceries and allow for costly items like new vehicles or construction materials to be brought to communities with a lower shipping charge. This hope was tempered by the observation that an influx of new workers in the region comes with an influx in substantial social, economic, and environmental harms. Other commenters expressed skepticism that the economic benefits touted by the project would be realized and the concern that local employment could lead to increased outmigration by those employed once they have a steady income. Importantly, commenters voiced concerns that economic benefits, even if realized, will not outweigh the likely impacts of mining and road development.

On the health front, potential benefits would come from socioeconomic improvements in household income and employment during active road construction and operation. Increased economic benefits may decrease the number of food-insecure households but could also change the use of traditional foods. BLM also heard concerns about the impacts the proposed road could have on subsistence and public health, including stress, subsistence-food insecurity, and potential exposure to toxins from the road, which would disproportionately negatively affect low-income and mi-

nority populations, specifically Alaska Native villages in and near the project area that depend on the surrounding area for their subsistence lifestyle.

Question. What alternative economic development initiatives for the Upper Kobuk communities will you be pursuing in light of this damaging recommendation?

Answer. The Department of the Interior will continue to support economic development opportunities for the Upper Kobuk Region and throughout Alaska through our various bureaus and offices as funding from Congress allows.

Question. A programmatic agreement was signed to execute the work under Section 106 of the National Historic Preservation Act. This was intended to streamline and avoid duplicative work, but is instead being used to prevent any of the cultural work from moving forward.

Interior is preventing AIDEA from doing work on private [State, NANA, and Doyon] lands—how is it ok for Interior to prevent a State agency from doing work on private lands? Do you expect that work prohibition to continue this summer?

In the draft revision to the area of potential effect released earlier this year, the area that could potentially be impacted is growing from a 1-mile buffer on either side of the road to 10 miles. Why is there such a significant change? When do you expect the new programmatic agreement to be finalized?

Interior is preventing AIDEA from doing work on private [State, NANA, and Doyon] lands—how is it ok for Interior to prevent a State agency from doing work on private lands? Do you expect that work prohibition to continue this summer?

Answer. On July 11, 2024, the BLM sent a letter to Ambler Access Programmatic Agreement (PA) Signatories and Consulting Parties providing notice that the PA would be terminated in 30 days in light of the June 28, 2024, Record of Decision, which terminated the Federal undertaking.

Question. In the draft revision to the area of potential effect released earlier this year, the area that could potentially be impacted is growing from a 1-mile buffer on either side of the road to 10 miles. Why is there such a significant change? When do you expect the new programmatic agreement to be finalized?

Answer. The BLM reconsidered the project area of potential effects (APE) based on consulting party input, which included public and Tribal concerns. The proposed changes to the APE account for potential visual impacts to traditional cultural properties and other ethnographic resources not identified during the initial Section 106 review. The visual impact modeling takes into consideration a maximum 10 mile viewshed. The one-mile APE would remain for direct impacts to historic properties. AIDEA recently requested the BLM to suspend work on modifications to the PA, and thus it is unknown when those changes might be finalized. However, as noted above, the BLM has provided notice of termination for the PA.

Question. Your Department has taken multiple actions that have a negative impact upon Inupiat people of the North Slope of Alaska. Has the Department conducted a full economic analysis of the cumulative impacts of those actions and the direct and indirect costs to the communities, Tribes and other Inupiat organizations? This includes working through the NEPA processes, consultations, and legal bills.

Have you considered the cumulative negative impacts to providing basic infrastructure to communities of the North Slope Inupiat?

How much taxpayer funding have you expended to deny economic stability, community infrastructure and limited access to subsistence resources for the North Slope Inupiat people?

In the 1976 National Petroleum Reserve Production Act of 1976 (NPRPA), did Congress intend for an oil and gas leasing program in the National Petroleum Reserve- Alaska (NPR-A)?

When the NPRPA was passed was the land status for the Inupiat people of the Arctic Slope of Alaska and the State of Alaska settled and lands conveyed?

Since you control the Bureau of Land Management, please provide the land status in the NPR-A at the time of passage of the NPRPA. In the report language for the NPRPA, did Congress recognize that the land pattern in the NPR-A was not settled and therefore, that the surface lands should be protected until the lands were conveyed to the appropriate indigenous people?

Does it make sense that Congress would use language in the NPRPA for “maximum surface protections” until such time as the leasing program began and lands were conveyed?

Did the Bureau of Land Management fail to conduct timely survey and conveyance of lands and stall the leasing program in the NPR-A, culminating in multiple laws to force the BLM to convey lands instead of creating de-facto wilderness? (i.e. 1981 Omnibus Appropriations Act, ANILCA, ALTAA, Tax Act of 2017)?

Did Congress exempt the NPR-A from sections 203 and 602 of the Federal Land Management Policy Act (FLMPA)? Please explain how the Integrated Activity Plan

process is different from sections 203 and 602 of FLPMA as well as the process being used in the NPR-A rule.

Given that there was an oil embargo when the NPRPA was passed and Congress was attempting to provide for national security, do you believe that Congress exempted FLPMA in the NPR-A to efficiently begin an oil exploration program anticipating as much production as soon as possible or to turn the National Petroleum Reserve-Alaska into a de-facto wilderness area?

Is the Department of the Interior (DOI) using a few words in report language to completely change the intent of Congress for the NPR-A?

Please describe the view of the Department regarding Congressional Intent for the NPR-A in the 1981 Omnibus Appropriations Act.

Will all of the above considerations, how does the Department expect for the NPR-A rule to hold up to a legal challenge? Is the rule legally sufficient and do you have the legal opinion that supports it?

Has the Department considered the totality of all the rule-makings, Environmental Impact Statements, Integrated Activity Plans, Biological Integrity and Environmental Health policies, wildlife connectivity corridors, on the Inupiat people of the Arctic Slope?

Answer. Yes, the BLM conducted economic analyses for the proposed rule and the final rule. The analyses examined the incremental effect that the rule would have relative to the current management framework.

The Naval Petroleum Reserves Production Act of 1976 (NPRPA), as amended, gives the Secretary three overarching mandates for managing the Reserve: (1) conduct an expeditious oil and gas exploration, leasing, and production program; (2) mitigate reasonably foreseeable and significantly adverse effects from those activities to the surface resources of the NPR-A; and (3) assure maximum protection for significant subsistence, recreational, fish and wildlife, historical, or scenic values in identified special areas of the NPR-A, to the extent consistent with the requirements for oil and gas exploration and development in the Reserve. Our team ensured the rulemaking process was robust, legal, and defensible.

In 1976, when the NPRPA was passed, the processes established in the Alaska Native Claims Settlement Act (ANCSA) and the Alaska Statehood Act for settling land status for the Inupiat people of the Arctic Slope of Alaska was well underway. Under ANCSA Section 12(a)(1), Village Corporations for each Native Village were required to identify their initial land selections by December 18, 1974. Similarly, under the Statehood Act, the State of Alaska was in the process of selecting its entitlement lands. Additionally, the BLM had begun to convey lands to the Alaska Native Village and Regional Corporations.

Additionally, in the mid-1970s the ANCSA corporations were amending their selection applications and BLM was adjudicating the selection applications, identifying 17(b) easements to be reserved, and issuing decisions approving approximately 264,000 acres for conveyance.

Within 9 months after the NPRPA was enacted, the BLM had conveyed approximately 3,224,000 acres. Details below:

- 11 June 1974—BIA issued final decision declaring Atqasuk to be eligible for land and benefits under ANCSA.
- 11 June 1974—BIA issued final decision declaring Nuiqsut to be eligible for land and benefits under ANCSA.
- 25 March 1975—Patent 50-75-0153 issued to Barrow/Utqiagvik for 2.80 acres.
- 18 March 1976—Decision issued approving approximately 154,000 acres for conveyance to Barrow/Utqiagvik.
- 18 March 1976—Decision issued approving approximately 110,000 acres for conveyance to Wainwright.
- 25 March 1976—Wainwright decision modified to delete approximately 5,000 acres.
- 05 April 1976—NPRPA enacted.
- 26 April 1976—Wainwright decision appealed.
- 12 May 1976—Wainwright appeal dismissed.
- 20 May 1976—Interim Conveyance No. 042 issued for approximately 105,000 acres to Wainwright.
- 27 August 1976—Decision issued approving approximately 1.5 million acres for conveyance to the Arctic Slope Regional Commission (ASRC).
- 17 September 1976—Decision approving approximately 1.4 million acres for conveyance to ASRC.

- 16 November 1976—Decision issued approving approximately 66,000 acres for conveyance to Atqasuk.
- 19 November 1976—Interim Conveyance No. 045 issued for approximately 153,000 acres to Barrow/Utqiagvik.
- 29 November 1976—Interim Conveyance Nos. 47 and 48 issued for a combined total of 12.9 million acres to ASRC.
- 10 January 1977—Interim Conveyance No. 49 issued for approximately 66,000 acres to Atqasuk.

The BLM is required by law to fulfill an approximately 105-million-acre entitlement to the State of Alaska and an approximately 45-million-acre entitlement to ANCSA corporations across the entire State of Alaska and is unaware of any intent within NPRPA to only provide for maximum surface protections of special areas until all entitlements have been fulfilled.

As you can see from the above timeline, the BLM conducted the timely survey and conveyances to the Native Corporations within NPR-A under the legal constraints and processes created by ANCSA. The BLM has never intentionally held up the conveyance of those lands to prevent leasing or other activities within NPR-A.

Question. The House Natural Resources Committee asked you Questions for the Record during a hearing in November 2023. You responded to the QFRs in February 2024 without providing specific details of your engagement with Tribes and communities. You simply stated that: “the BLM presented project summaries- including renewing the invitation for Tribal consultation-twice to the NPR-A Working Group.

Is the NPR-A Working Group a Tribe or an ANC?

Answer. The NPR-A Working Group is neither a federally recognized Tribe nor an ANC. The NPR-A Working Group is an advisory body to the BLM established pursuant to the Federal Advisory Committee Act (5 U.S.C. Appendix 1), the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.), as amended, and Section 2 of the Reorganization Plan No. 3 of 1950 (5 U.S.C. Appendix, as amended; 64 Stat. 1262). The Working Group consists of representatives from North Slope local governments, Native corporations, and Tribal entities. The NPR-A Working Group provides a forum for North Slope communities to provide meaningful, regular input to on-going management decisions, proposed activities, and developments in the NPR-A. In response to comments and in consultation with local governments, Native corporations, and Tribal entities, the group was established by the February 2013 NPR-A Integrated Activity Plan/Environmental Impact Statement (IAP/EIS) Record of Decision.

Question. Why would you use the NPR-A Working Group, as government to government engagement with Tribes and ANCs?

Answer. We never characterized interactions with the NPR-A Working Group as meeting the requirements of government-to-government Tribal consultation or ANC consultation. We have used interactions with the group as an example of one of the many different ways we reach out to Tribes and ANCs for their input.

Question. Are you attempting to cover your lack of engagement with the Inupiat Tribes and ANCs?

To the contrary, there has been an abundance of engagement by the BLM and the Department with North Slope communities throughout this process. The Department is committed to strengthening relationships with Tribes and honoring our trust responsibilities. My team engaged extensively with Alaska North Slope communities prior to issuing the final NPR-A Rule. The following list of engagements was provided in that same February 2024 QFR response that you reference in your question—with the addition of two Working Group meetings, where we continued to invite Tribes and ANCs to consult.

Before publishing the proposed NPR-A Rule, on August 25, 2023, the BLM invited 45 Tribes and 30 Alaska Native Corporations to engage in consultation via mail. Since the announcement of the proposed rule, we have continued to offer consultation via phone, email, and in-person invitations to the following: Native Village of Atqasuk; Atqasuk Corporation; Village of Wainwright; Olgoonik Corporation; Native Village of Nuiqsut; Kuukpik Corporation; Native Village of Barrow; Ukpeagvik Inupiat Corporation; Arctic Slope Regional Corporation (ASRC); and Inupiat Community of the Arctic Slope (ICAS).

The BLM held the following consultation meetings on the NPR-A Rule:

- November 1, 2023, in Nuiqsut: Native Village of Nuiqsut
- November 3, 2023, in Utqiagvik: ICAS
- November 21, 2023 (virtually via videoconference): Village of Wainwright

- December 19, 2023, in Anchorage: Olgoonik Corporation
 - December 21, 2023, in Anchorage: ASRC
 - February 6, 2024, (virtually via videoconference) ICAS
- The BLM held the following public meetings on the NPR–A Rule:
- October 6, 2023—Public Information Session (virtually via videoconference)
 - October 10, 2023—Public Information Session in Anchorage, Alaska
 - November 1, 2023—Public Comment Meeting in Nuiqsut (originally scheduled for October 13, rescheduled due to weather)
 - November 2, 2023—Public Comment Meeting in Utqiagvik
 - Monday, November 6, 2023—Public Information Session (virtually via videoconference)
 - December 4, 2023—Public Comment Meeting in Wainwright (originally scheduled for November 3, rescheduled due to a death in the community)

In addition, BLM staff met with the NPR–A Working Group, consisting of representatives from North Slope local governments and Alaska Native Corporations and Tribes (intended to provide a forum for North Slope communities to provide input to management of the Reserve), to discuss the NPR–A Rule on the following dates:

- September 26, 2023
- October 17, 2023
- December 1, 2023
- February 13, 2024
- March 14, 2024
- April 9, 2024

Finally, BLM and Department staff met with ICAS, the North Slope Borough (NSB), Voice of the Arctic Inupiat, and ASRC on September 21, 2023 in Washington D.C. Acting Deputy Secretary Laura Daniel-Davis and BLM leadership met with representatives from ICAS, NSB, Voice of the Arctic Inupiat, ASRC, Olgoonik Corporation and Anaktuvuk Pass, and their lobbying representation in Washington D.C. on November 8, 2023, where they were joined by Representative Peltola.

Question. You also stated: “More recently, on August 25, 2023, the BLM invited 45 Tribes and 30 ANCs to engage in Tribal consultation regarding the proposed NPR–A rule”.

You purport that a letter was mailed through the United States Postal Service on Friday August 25, 2023 to the Tribes and ANCs. The proposed rule was published on Wednesday, September 6, 2023. A total of 8 working days.

Your own Secretarial Order which was placed in Departmental Manual Part 512 Chapter 4 States: “4.4 Policy. It is the policy of the Department to recognize and fulfill its legal obligations to identify, protect, and conserve Tribal trust resources; carry out its trust relationship with Federally recognized Tribes and Tribal members; and invite Tribes to consult on a government-to-government basis whenever there is a Departmental Action with Tribal Implications. All Bureaus and Offices shall make good-faith efforts to invite Tribes to consult early in the planning process and throughout the decision-making process and engage in robust, interactive, predecisional, informative, and transparent consultation when planning actions with Tribal implications. It is the policy of the Department to seek consensus with impacted Tribes in accordance with the Consensus- Seeking Model.

Please share with us whether you believe that 8 working days is sufficient engagement with Tribes and ANCs in accordance with Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and Departmental Manual 512 Chapter 4 which you signed on November 30, 2022.

Answer. As noted in the responses to a-c, we have engaged with Tribes and ANCs within the NPR–A consistently and continuously since the August 25, 2023, letter—and we continue that engagement today. We have not declined any requests for consultation from a federally recognized Tribe or ANC. Further, while it is the Department’s policy to engage in robust consultation with Alaska Native Tribes and ANCs and to seek consensus, it is not always possible to achieve consensus given the often-differing viewpoints involved.

Question. You have stated under oath that the economic impact of the NPR–A is less than \$100 million and therefore “not significant” nor will it affect current leases.

With the expansion areas of “Surface Occupancy” for infrastructure, please explain how it is possible current leases will not be affected.

Answer. The NPR-A Rule does not change any management provisions in the April 2022 NPR-A Integrated Activity Plan (IAP), which provides the current management direction for the Reserve, including for management of infrastructure. The rule recognizes valid existing rights and will be implemented in a manner that is consistent with the terms of current oil and gas leases in the NPR-A. Areas closed to leasing and new infrastructure under the current IAP remain closed, and conversely, areas open to leasing and new infrastructure under the current IAP remain open.

Question. You included Mitigation Measure #27 in the Willow Supplemental Environmental Impact Statement (Willow SDEIS). The NPR-A rule will negate that mitigation impacting existing leases and projects. Did you consider this in the economic analysis?

Answer. Mitigation Measure #27 would preclude new oil and gas leasing and development in an area comprising Teshekpuk Lake and a band of land surrounding it, in a manner consistent with land use designations in the current IAP. The NPR-A Rule does not affect implementation of Measure #27.

Question. Did the economic analysis include the Iñupiat people and their communities in the Arctic Slope of Alaska?

Answer. The BLM conducted an economic analysis for the proposed rule and made it available for public review and comment, along with the proposed rule. We received approximately 69 comments associated with the economic analysis—and addressed any issues raised in the preamble of the final rule. The economic analysis explains that the welfare effects of the rule include the increased protection of the ecological, subsistence, cultural, and other significant resource values. Additionally, the final rule establishes a framework that will protect and enhance access for subsistence activities throughout the Reserve.

Question. On March 5, 12, 27, 28, and April 3, 2024, the Office of Regulatory Affairs heard from Tribes and Alaska Native Claims Settlement Act Corporations and Communities about the economic, social and cultural impacts to Iñupiat people. In spite of that, you finalized the NPR-A rule, why didn't OIRA or the Department listen to their concerns?

Answer. My team listened to their concerns—as well as feedback from the other organizations and industry who met with OIRA, from the consultation and public meetings listed in the response above, as well as from the more than 100,000 written comments we received during the robust 90-day public comment period.

To reiterate, the NPR-A Rule does not change any management provisions in the April 2022 IAP. Areas closed to leasing and new infrastructure under the 2022 IAP Record of Decision remain closed, and conversely, areas open to leasing and new infrastructure under the current IAP remain open. The rule recognizes valid existing rights and will be implemented in a manner consistent with the terms of current oil and gas leases in the NPR-A. Under the rule, oil and gas leasing and development can still proceed, consistent with the 2022 IAP Record of Decision.

Question. You have touted the NPR-A rule as a win for the 30X30 initiative, in the America the Beautiful Report, a counter action to the approval of the Willow Master Development Plan, and a win for the environment. You stated under oath that the Department granted itself a categorical exclusion for the NPR-A rule under 43 CFR 46.210(i). The CFR reads as follows: on referrals of legislative proposals. (i) Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case-by-case.

By giving yourself a categorical exclusion to the NEPA process for the NPR-A rule, but touting it as a major win for the environment, how can you cite the CFR stating that the rule is speculative, conjectural and too broad to lend itself to meaningful analysis?

Answer. An action can have potentially beneficial environmental effects and still be categorically excluded. The Department often relies on the categorical exclusion listed at 43 CFR 46.210(i) for NEPA compliance when promulgating regulations that set forth procedures for taking action rather than regulations that approve specific management actions. The final NPR-A Rule is not self-executing, in that it does not result in immediate changes to management of any public lands, does not itself authorize any on-the-ground actions, and does not restrict the BLM's discretion to undertake or authorize future on-the-ground actions. The rule only modifies the standards and procedures for managing and protecting surface resources and Special Areas in the NPR-A. It does not implement any management activities or alter any existing Special Areas within the NPR-A.

The current IAP is the instrument that allocates land uses in the Reserve and includes oil and gas lease stipulations and infrastructure restrictions that apply to

BLM authorizations in Special Areas and other areas throughout the Reserve. The rule codifies those current allocations, requires the BLM to maintain an IAP on an ongoing basis, and outlines a process for establishing, managing, and protecting the NPR-A's Special Areas. Any future change in management or authorization of on-the-ground activities would be subject to a separate decision-making process.

Further, the rule would not directly result in any environmental effects. Any environmental impacts from this rulemaking would depend on BLM decisions implementing the rule, which would be fact-specific, making them too speculative or conjectural to lend themselves to meaningful analysis at the time the rule was issued. NEPA and other applicable environmental laws will apply on a case-by-case basis to those future Integrated Activity Plan level decisions and individual project-level decisions made pursuant to the processes established by the rule. As such, the rule is administrative and procedural in nature within the meaning of the Department's categorical exclusion, and no extraordinary circumstances are present that would prevent reliance on that categorical exclusion.

Question. How does BLM have authority to manage or regulate lands in the NPR-A under the Federal Land Policy and Management Act (FLPMA)? Where in the law is Interior—or BLM—authorized to manage NPR-A under FLPMA?

Answer. FLPMA applies to all lands managed by the BLM unless otherwise provided by law. (see 43 U.S.C. 1702(e); 43 U.S.C. 1732). The 1980 amendment [§6506a(c)] to the NPRPA States only that FLPMA sections 202 and 603 (43 U.S.C sections 1712 and 1782) shall not be applicable to the Reserve, meaning that the NPR-A is exempt from the land use planning and wilderness study provisions in FLPMA. The remainder of FLPMA applies to the BLM's management of NPR-A. See, for example, Pub. L. 98-366, § 4(a), July 17, 1984, 98 Stat. 470—which specifically directs the BLM to manage rights-of-way within the NPR-A under Title V of FLPMA.

Question. When is BLM going to hold the next lease sale in the NPR-A? Will BLM offer lease blocks in Special Areas?

Answer. There are no lease sales currently planned for the NPR-A. For future lease sales the BLM could offer lease tracts in those portions of Special Areas that are available for leasing under the then-applicable IAP. The BLM would determine which tracts to offer in future lease sales based on tract nominations from industry and public comments submitted during the call for nominations and comment process for specific sales.

Question. The new NPR-A rule adds new processes and decisions that BLM must undertake and make when permitting activity in the NPR-A. Did BLM perform any analysis of the added time and cost for permitting activities in the NPR-A as a consequence of the new rule?

Answer. Yes, as detailed in the economic analysis for the final NPR-A Rule, while the rule alters the procedural steps needed to change management of oil and gas activity within Special Areas in the future, it does not substantially affect the permitting requirements, including a public process, consultation, and appropriate NEPA analysis.

Question. If an existing leaseholder proposes a new development in a Special Area, does the new rule's presumption against new infrastructure in Special Areas apply?

Answer. The presumption will apply. However, the rule recognizes valid existing rights and will be implemented in a manner that is consistent with the terms of current oil and gas leases in the NPR-A. The current IAP allocates land uses in the Reserve and includes oil and gas lease stipulations and infrastructure restrictions that apply to BLM authorizations in Special Areas and other areas throughout the Reserve. The rule only codified these allocations, and it did not change the management allocations outlined in the current IAP or change them going forward.

Similarly, the rule did not modify the terms of existing leases. The application of the presumption must be consistent with the terms of an existing lease.

Question. Does BLM believe there will be no socio-economic consequences to Alaska Native communities as a result of this new rule?

Answer. As described in the economic analysis for the final NPR-A Rule, this rule incorporates aspects of the 2022 IAP, which is the current management framework for the NPR-A and forms the baseline for the economic analysis. Compared to the baseline, there is either no, or minimal, change in oil and gas management or projected socio-economic impacts as a result of the rule. The rule will not alter the terms of existing leases and will have no effect on currently authorized oil and gas operations in the NPR-A, or future operations authorized consistent with the terms of valid existing leases. The rule establishes a framework for future decision-making processes that would result in management changes, such as requiring the BLM to maintain an IAP, which guides on-the-ground management and which could be up-

dated in the future through a NEPA process, and establishing the process by which Special Areas would be designated, de-designated, or modified in the future. These future decision-making processes will require a public process, consultation, and appropriate NEPA analysis at that time.

Question. The new rule purports to give BLM new authority to deny or delay activities when there is “uncertainty” about the effects? Please define and clarify the types of “uncertainty” that could cause BLM to delay or deny an action under the new rule? Does “uncertainty,” as used in the new rule, include uncertainty about potential climate change impacts

Answer. Considering uncertainty is a standard practice for any Federal agency that completes NEPA analysis. Agencies are required to use high quality information and science and data when conducting their analysis. To the extent there are uncertainties, current regulations in 40 CFR 1502.21(a) address incomplete or unavailable information and state, “When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement, and there is incomplete or unavailable information, the agency shall make clear that such information is lacking.” The text in the regulation builds on the language in the NEPA regulations to require more specific discussion of how the BLM is taking uncertainties into account in making decisions, which is within the BLM’s authority and beneficial in light of the rapidly changing conditions in the Arctic.

Question. Under what statutory authority does BLM believe it can require compensatory mitigation for permitted activities in the NPR-A?

Answer. The BLM Mitigation Policy establishes consistent principles and procedures for considering and implementing mitigation early in its decision-making processes to address reasonably foreseeable impacts to resources and their values, services and/or functions. The BLM takes a landscape-scale approach to mitigation, utilizing best management practices, ensuring that mitigation measures are durable, monitoring mitigation measures for compliance and effectiveness, and adaptively managing mitigation measures. Principal authorities that relate to or authorize mitigation by the BLM include: the Federal Land Policy and Management Act (FLPMA), the National Environmental Policy Act (NEPA), and the Endangered Species Act, among others. For activities in the NPR-A, the NPRPA, as amended, provides additional authority to require mitigation, both within and outside Special Areas. Depending on the type of permitted activity within the NPR-A and potential impacts, FLPMA, the NPRPA, and ESA may potentially authorize compensatory mitigation.

Question. Under the rule, could BLM require compensatory mitigation for the estimated GHG-emissions associated with a new activity? Could mitigation or restoration leases be required as forms of compensatory mitigation for projects within the NPR-A. If so, would those mitigation or restoration leases required to also be within the NPR-A?

Answer. Compensatory mitigation for residual impacts is warranted when required to (1) comply with law, regulation, and policy, (2) achieve objectives in a resource management plan—or for the NPR-A in an IAP, or (3) conserve important, scarce, or sensitive resources. The BLM generally considers compensatory mitigation measures only after considering and seeking to address impacts through avoidance and minimization measures.

Under the rule and applicable policy, the BLM will identify the impacts to which mitigation measures relate and explain how the measures avoid, minimize, or compensate for these impacts.

Neither this rule nor the Public Lands Rule contemplate the BLM requiring use of mitigation or restoration leases.

Question. Please provide this committee with a list of meetings in which staff from either the Office of the Secretary, the Office of the Deputy Secretary, the office of the Assistant Secretary for Land and Minerals Management, or the Office of the Bureau of Land Management met with groups not affiliated with the Department of the Interior, or the Federal Government, excluding federally recognized Tribes or Alaska Native Corporations, in which this rule was discussed.

Answer. The BLM held an extensive 90-day comment period on the proposed NPR-A Rule which included 6 public meetings and generated 100,000 public comments from citizens, non-governmental organizations, advocacy groups, government including States and local governments, industry, recognized Tribes and Alaska Native Corporations. The Department did respond to public comments received on the proposed rule (88 FR 62025) and those comment responses can be found in the published final rule (89 FR 38712). The Department did not track or compile a list of meetings in which the rule was or may have been discussed and would have difficulty supplying such information.

Question. President Biden stated that the new NPR-A rule was issued “to honor the culture, history, and enduring wisdom of Alaska Natives who have lived on and stewarded these lands since time immemorial.” How do you reconcile that statement with the fact that almost all Tribal governments, villages, and other entities representing Alaska Natives on Alaska’s North Slope vigorously opposed the rule?

Answer. We are listening to all voices across the North Slope. For these projects, we have met with Tribes, ANCs, and local governments as well as with members of these communities. There are multiple perspectives and multiple voices in the region. Our directive under the NPRPA is to manage the NPR-A in a manner that will balance exploration for and development of oil and gas resources with protecting subsistence, recreational, fish and wildlife, historical, scenic, and other values that are important to subsistence users and Native communities in the Arctic. That is what we are doing.

Question. Did BLM perform any analysis of how reduced leasing and development caused by the new NPR-A rule will affect the critical tax bases of the communities on Alaska’s North Slope?

Answer. As described in the economic analysis, the final NPR-A Rule incorporates aspects of the 2022 IAP, which is the current management framework for the NPR-A and forms the baseline for the economic analysis. Compared to the baseline, the economic analysis demonstrates that there is either no, or minimal, change in oil and gas management or projected tax bases as a result of the rule. The rule will not alter the terms of existing leases and will have no effect on currently authorized oil and gas operations in the NPR-A. The rule establishes a framework for future decision-making processes that would result in management changes, such as requiring the BLM to maintain an IAP, which guides on-the-ground management and which could be updated in the future through a NEPA process, and establishing the process by which Special Areas would be designated, de-designated, or modified in the future. These future decision-making processes will require a public process, consultation, and appropriate NEPA analysis at that time.

Question. BLM recently announced its final Conservation and Landscape Health rule. This rule is remarkably similar to the BLM 2.0 regulation I helped nullify in 2017: it upends decades of BLM precedent by administratively elevating conservation and mitigation into the definitions of multiple use under FLPMA. While I find this rule misguided for multiple reasons, I’m also concerned that BLM did not adequately understand the budgetary impacts that this rule will require on Departmental offices, in particular from the Appraisal and Valuation Services Office, and that it will cause all land management conveyances across land management agencies to slow to a crawl.

The rule States that “informed planning, permitting, and program decisions rest on the agency’s ability to assess land health conditions and consider those conditions when making decisions.” To gather landscape health assessments, the rule requires BLM to conduct watershed condition assessments and land health evaluations at least every 10 years.

Question. Do you have any idea of the cost or the amount of time it would take BLM to conduct a landscape health assessment for all BLM lands in Alaska?

Answer. The BLM envisions that watershed condition assessments will be completed using existing assessment, inventory, and monitoring (AIM) and remotely sensed data. This assessment would be supplemented with locally relevant data by field offices in Alaska to conduct land health evaluations on BLM managed lands. Implementing these requirements of the Public Lands Rule will occur over the course of several years, and the BLM anticipates that it can be done with existing resources.

Question. Does BLM have this data on record, or would they be starting from scratch in Alaska?

Answer. Much of this data already exists, and the BLM would not be starting from scratch in Alaska.

Question. If this information is not available and BLM is unable to incorporate watershed condition assessments or land health evaluations in their decision making, is a BLM resource office compelled to get that information before they are able to make a decision on a project?

Answer. 43 CFR 6103.1.2(c) provides that the BLM must consider available watershed condition assessments and land health evaluations when it makes land management and use decisions; there is no requirement to complete additional assessments or evaluations prior to making a land use decision.

Question. How is the value of a restoration lease calculated?

Answer. 43 CFR 6102.4(j) provides that rent for restoration and mitigation leases will be calculated in the same manner as for land use authorizations issued under 43 CFR part 2920. That provision also provides that restoration leases are eligible

for a rent or fee waiver if they are not used to generate revenue or satisfy the requirements of a mitigation program and the restoration lease will enhance ecological or cultural resources or provide a benefit to the public.

Question. According to a congressional staff briefing, the Department will rely on the AVSO office to determine the value of a restoration or mitigation lease. Do you have any idea of the current backlog of the AVSO?

Answer. The BLM does not anticipate needing to consult AVSO on a regular basis to determine fair market value of a restoration or mitigation lease, and so has not evaluated a potential backlog.

Question. Does your FY2025 budget request incorporate additional funding for the AVSO in anticipation of its increased expected workloads as a result of this rule?

Answer. No, the BLM does not anticipate a significant increase in workload for AVSO as a result of this rule.

Question. Can you commit to me that BLM will not delay a single decision in Alaska due to a lack of information regarding watershed condition assessments or land health evaluations or funding for the offices responsible for carrying out this burdensome rule?

Answer. The BLM does not expect that implementation of the rule will be unduly burdensome or result in delays of decisions. The BLM has prioritized its data collection efforts in ways that ensure decisions are made in a timely manner and based on the best available science and information. The Public Lands Rule is consistent with and improves upon this approach, supporting the BLM's continued development of tools, like watershed condition assessments, that support informed management decisions.

Question. Public Law 108-452; the Alaska Land Transfer Acceleration Act required the Secretary of the Interior to provide congress a report to reviewing the remaining withdrawals pursuant to section 17(d)(1) of ANCSA and determine if their withdrawal is still needed to protect the public interest in those lands. This report was provided in 2006 and refreshed again in 2019. The report notes that was prepared with public notice and its recommendations are to be "consistent with the protection of the public interest in these lands," and concludes that "there are a total of 158,958,000 acres of d-1 withdrawals in Alaska. Approximately 152,181,400 acres or 95% of these withdrawals could be lifted consistent with the protection of the public's interest."

Why after more than a decade's worth of work from the Alaska BLM team going back to 2013, when this process kicked off, did the Bureau of Land Management publish a final SEIS that did not recommend lifting any of the public land orders?

Answer. After careful consideration, final SEIS recommends a partial revocation of the ANCSA 17(d)(1) withdrawals within the Central Yukon Planning Area for the limited purpose of allowing Alaska Native Vietnam-era veterans to select allotments under Section 1119 of the Dingell Act, but to otherwise stay withdrawn. The Proposed RMP/FEIS determined that it is in the public interest to continue the protection afforded by the ANCSA 17(d)(1) withdrawals for the majority of the lands in the planning area, particularly with regards to ensuring subsistence access and maintenance of subsistence resources.

Question. What is necessary in your view to lift the remaining 17(d)(1) withdrawals and why was it not done in the Central Yukon RMP?

Answer. Per the previous answer, revoking the 17(d)(1) withdrawals has the potential for significant social, economic, and environmental impacts—including impacts to Federal subsistence users who would lose their Federal subsistence priority if State top-filings become effective State selections.

Question. Year after year, we hear testimony about strained budgets and how that impacts the agency's ability to undertake certain work. In 2020 the cost of the Draft SEIS was estimated to be \$5.1 million. So, on top of that investment, an additional three and a half years of work under this administration produced a product that still failed to meet the basic intent of a 20 year-old law.

Answer. The Central Yukon Proposed RMP and Final EIS, released on April 19, 2024, reflects public input and discussion and input from Tribes, cooperating agencies, and stakeholders collected over more than a decade, and balances development, recreational access, and resource protection, with an emphasis on landscape connectivity and protection of subsistence resources. After being informed by additional input received during the 30-day protest period and 60-day Governor's consistency review, the BLM anticipates issuing a Record of Decision later this year that fully complies with all applicable laws.

Question. I have heard that BLM intends to restart this process as soon as it's finished because this past summer progress has been made with the state of Alaska on the PLO 5150. Is this correct?

Answer. Over the last year, the BLM and DNR have been engaged in regular conversations about the State's request to partially revoke PLO 5150 and the public process BLM would use to consider the DNR's request. BLM appreciates the collaborative spirit that DNR has brought to those discussions and the commitment they have shown to negotiating a solution that works for all stakeholders.

The BLM is taking the time we need to thoughtfully develop the 5150-project proposal. The effort's success depends upon taking the time needed to engage Tribes, subsistence users and stakeholders in that work. It will also require deep engagement of the Bureau and the Department.

Question. Please provide an accounting of the total cost to produce the Central Yukon RMP and an estimate for the future work associated with restarting the process, if applicable.

Answer. The total cost of the Central Yukon RMP EIS process to date is \$6.7 million dollars, with an estimated cost of \$87,000 to publish the Record of Decision. Any additional effort aimed at analyzing a recommendation to revoke or partially revoke a withdrawal would involve a separate NEPA process tiered to a Final RMP/EIS. The BLM does not yet have a cost estimate for this additional process, but that will be evaluated along with considerations of schedules and workload priorities, among other variables.

Question. The additional ACECs in this plan are extremely problematic in the way that they are purposely intended to block off huge swaths of land that will create additional land management challenges, issues for subsistence access, and make regional economic development plans challenging and more expensive. How did your department coordinate with the State and regional entities to ensure that this proposed RMP does not interfere with state or regional infrastructure development projects, most notably broadband?

Answer. Areas of critical environmental concern (ACECs) are public lands where special management is needed to protect important resources and unique scenic landscapes, or to protect people and property from hazards. The designation is unique to FLPMA and allows the BLM to conserve important and relevant resource values through tailored, site-specific management. The purpose of the ACECs in the Central Yukon Proposed RMP is to provide management prescriptions for lands and resources that are critical to the existence or health of various natural and cultural resources. There are very limited circumstances in which designation of an ACEC would prevent subsistence use and none exist in the Central Yukon planning area. In fact, most of the ACECs in the proposed RMP are associated with preserving critical subsistence resource habitat. In some cases, ACECs contain ROW or mineral development avoidance or exclusion zones that would need to be accounted for while analyzing future land use applications, but the Alaska National Interest Lands Conservation Act section 1323(b) guarantees reasonable access to non-federally owned land surrounded by public lands. As most implementation-level decisions are discretionary, the BLM works with applicants to identify locations and means of access that accommodate the applicants' needs while protecting ACEC values.

Question. According to DOI's website, "the DOI International Technical Assistance Program works with partners around the world to build technical capacity on energy and minerals governance"-and, through the Mineral Security Partnership, among other activities, it is no secret that this administration is pushing other nations to produce minerals for the U.S. to import.

Answer. Since 2010, the U.S. Department of State's (DOS) Bureau of Energy Resources (ENR) has paid the Department of the Interior's International Technical Assistance Program (DOI-ITAP) to provide procurement services and technical expertise to counterparts in foreign governments on issues particular to DOI's areas of expertise, including oversight of mineral resource extraction.

Under these contracted work agreements, State identifies countries that currently extract or plan to extract mineral resources to receive DOI technical assistance. Projects aim to help develop governmental capacity to effectively regulate and manage the extractive activity. In some cases, a DOI contractor provided economic or geologic analyses to inform resource development decision-making and support the implementation of sound, effective regulations. Such support ensures that recipient countries will develop rules that encourage participation by responsible operators, thus levelling the playing field for mineral-producing countries.

Question. Please list all foreign governments DOI is currently engaged with, or has previously engaged with during this administration, on mining or mineral development-including engagement on best practices and methods to attract investment in those nations' resource sectors.

Answer. At the direction of State, DOI's ITAP has engaged with Argentina, Democratic Republic of the Congo, Fiji, Greenland, Indonesia, Mongolia, Philippines, Viet-

nam, Zambia. DOI employees participate(d) in projects with Argentina, Greenland, and Indonesia.

Question. Please list all minerals that DOI has sought to help develop, or provided guidance on, in foreign nations during this administration.

Answer. At the direction of State, DOI provided guidance regarding lithium and contracted with commercial vendors to address topics related to nickel, rare earth elements, and copper.

Question. Please describe how DOI has worked with Indonesia on to help develop foreign supplies of nickel that could be imported into the United States. Please provide specific topics and areas of engagement.

Answer. At the direction of State, the ITAP procured technical consulting services in 2021 to advise Indonesia's Ministry of Energy and Mineral Resources (MEMR) on topics related to mineral exploration, extraction, tailings disposal, mine closure, and land reclamation. A contractor provided this expertise, and the project concluded in September 2023. The information was included in a contractor-drafted report detailing best practices for mining oversight from various jurisdictions around the world.

Question. Why is DOI proactively encouraging the growth and development of other countries' mining sectors instead of addressing inefficiencies in U.S. permitting processes for domestic mines, which would produce the same minerals under higher environmental and labor standards?

Answer. The work directed by the Department of State's Bureau of Energy Resources prioritizes engagements according to foreign policy considerations, consultation with embassies, and decision-making processes internal to the agency.

Question. Why is DOI prioritizing engagement with countries that take non-market actions- including, in the case of Indonesia, export bans-to undermine U.S. competitiveness and risk our supply chain security? Are you aware that some of these countries DOI is engaged with, like Indonesia, have documented deep connections with the Chinese Communist Party (CCP), which exerts control over their mining sector?

Answer. DOI continues its efforts to implement the recommendations published by the Interior-led Interagency Working Group on Mining Laws, Regulations, and Permitting (IWG) to improve the way mining is conducted on U.S. public lands. The IWG's final report is informing efforts to modernize the Mining Law of 1872 and related Federal permitting processes to increase domestic supplies of critical minerals and uphold the strongest environmental, labor, and community engagement standards. To further support timely permitting and development of these minerals in an environmentally responsible manner, the 2025 BLM budget request also proposes a \$3.0 million increase (fully offset by mine claim holding fees) to enhance BLM's capacity to review notices and review and approve mining plans of operations, as well as to implement recommendations from the IWG.

Question. Is DOI as actively engaged in prioritizing efficient development and permitting at home for copper, cobalt, nickel, graphite, and other mining projects across the U.S. as it is overseas?

Answer. All work related to minerals carried out by ITAP is funded by the State Department through Interagency Agreements and includes occasional limited time from DOI bureaus to describe U.S. oversight practices, for example. This State Department funded work leverages the U.S. experience to illustrate how other countries can involve local communities in developing mining plans, and implement high labor and environmental standards and is separate from work accomplished by DOI bureaus domestically with DOI appropriations.

Earlier this year, the United State Geological Survey (USGS) launched CriticalMinerals.gov on behalf of the White House Office of Science and Technology Policy-led National Science and Technology Council's Critical Minerals subcommittee. The USGS leads the development of a list of critical minerals that are essential to the U.S. economy and national security, conducts assessment of the potential for critical minerals in the ground, and conducts critical minerals supply chain forecasting. Most recently, USGS announced \$4.25 million of Bipartisan Infrastructure Law (BIL) funding for geospatial mapping projects across the Kuskokwim Mountains (Alaska) and \$10.0 million of BIL funding for State geologic, geochemical mapping projects through the Earth Mapping Resources Initiative to locate critical minerals.

Question. On May 6, my delegation colleagues and I sent a letter urging DOI to reconsider the Fish and Wildlife Service's (FWS) proposed BIDEH rule. I do not believe any one-size-fits- all rule is appropriate for Alaska, expect this rule to impact virtually every refuge in Alaska, and believe it is unlawful under multiple Federal statutes. As part of our letter, we urged FWS to engage in consultation with both

the State of Alaska as well as Tribes and Alaska Natives on the impacts of this rule prior to moving forward with it.

Why did FWS not engage in consultation with Alaska Native and American Indian Tribes and State governments that are affected by the proposed rule, which would alter refuge management and introduce new restrictions on permissible refuge uses?

Answer. Before publishing the proposed Biological Integrity, Diversity, and Environmental Health (BIDEH) regulations and policy updates (BIDEH proposal) in the Federal Register, the U.S. Fish and Wildlife Service (FWS) conducted proactive outreach to State and Tribal partners.

In accordance with 601 FW 7, Coordination and Cooperative Work with State Fish and Wildlife Agencies, FWS proactively sought the input of State fish and wildlife agency representatives. Over the past year, the FWS met multiple times with State agency representatives, including from the States of Alaska, Arizona, Wisconsin, and Florida, as well as the Association of Fish and Wildlife Agencies, to engage on pre-publication drafts. This engagement process generated robust discussion of the proposed policy updates and regulations, included question and answer sessions, and resulted in FWS' incorporation of pertinent comments on the draft proposal.

In accordance with 510 FW 1, the FWS' Native American Policy, and Director's Order 227, Fulfilling Trust Responsibility to Tribes and the Native Hawaiian Community (NHC) and Other obligations to Alaska Native Corporations (ANC) and Alaska Native Organizations (ANO), in the Stewardship of Federal Lands and Waters, the FWS also sought the input of Tribes, ANCs, ANOs and the NHC. Comments received from Tribal partners were incorporated into the draft, as appropriate.

During the 90-day public comment period on the proposed rule and policy updates, the FWS provided two government-to-government consultation opportunities specifically for Alaska Tribal Governments and Alaska Native Corporations and offered additional opportunities for one-on-one consultations. The FWS will consider the input from these Tribal consultations, as well as all feedback received during the public comment period, in considering any next steps.

Question. We also urged FWS to complete an analysis of applicable Federal laws implicated by this rule and to assess whether the prohibition on predator control in Alaska refuges is barred by a prior act of Congress (Pub. Law No. 115–20).

Answer. In consultation with the Department of the Interior's Office of the Solicitor prior to drafting the BIDEH proposal, the FWS determined there was no conflict with Public Law 115–20.

Question. How is the proposed rule's prohibition of "predator control" on national refuges not in conflict with Pub. Law 115–20, which Congress passed in 2017 abrogating a prior FWS rule prohibiting "predator control" in all national wildlife refuges in Alaska?

Answer. The predator control provisions in the BIDEH proposal do not conflict with Public Law 115–20, which nullified the 2016 rule entitled "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures on National Wildlife Refuges in Alaska" under the Congressional Review Act (CRA). Rather, the predator control provisions in the BIDEH rule accord with CRA requirements that prohibit reissuance of any rule in substantially the same form or issuance of a new rule that is substantially the same in the future. The predator control provisions under the BIDEH proposal are substantially different from the rescinded 2016 rule in a variety of ways, including scope, framework, standard and process for application, as well as definition, exceptions, evaluation requirements, and potential effects.

Question. Does the proposed rule conform with the unique Federal laws governing refuges in Alaska, such as the Alaska National Interest Lands Conservation Act (ANILCA)?

Answer. The proposed BIDEH rule was reviewed by the Office of the Solicitor for sufficiency and conformity with Federal laws governing national wildlife refuges in Alaska, including the Alaska National Interest Lands Conservation Act (ANILCA).

Question. Has FWS conducted an evaluation assessing the Proposed Rule's compliance with ANILCA, the Alaska Statehood Act, and the Congressional Review Act? If not, please conduct such a review and provide it to my office prior to taking any further action on this rule.

Answer. Yes. During this rulemaking process, FWS coordinated with the DOI Office of the Solicitor to evaluate the proposed rule's compliance with ANILCA, the CRA, and other pertinent State and Federal laws.

Question. Why does this rulemaking not trigger NEPA and require analysis under that statute?

Answer. As indicated in the Federal Register notice for the BIDEH proposal, FWS has determined that the proposal is covered by a categorical exclusion in compliance

with the National Environmental Policy Act (NEPA). Under the proposed rule, FWS actions would be determined at the individual refuge level and their environmental impacts assessed on a case-by-case basis. Therefore, the environmental impacts of the proposal are too speculative to lead to meaningful analysis at this time, qualifying the proposal for a categorical exclusion. FWS would assess the environmental impact of any potential management action mentioned in the proposed regulations prior to taking that action on National Wildlife Refuge System (Refuge System) lands and waters.

Question. I am also seeking to understand how this rulemaking will impact the status quo for recreational hunting programs in Alaska and throughout the United States.

Answer. FWS anticipates the BIDEH proposal will benefit recreational hunting opportunities on national wildlife refuges by improving ecosystem health, increasing climate resilience, and support robust wildlife populations across the Refuge System, thereby contributing to higher quality recreational experiences.

Question. How will refuge managers apply the exception excluding subsistence and recreational hunting or fishing from the rule's definition of "predator control"?

Answer. The predator control provisions in the BIDEH proposal contain explicit sideboards to ensure compatible recreational hunting and fishing opportunities and subsistence uses continue on national wildlife refuges. The evaluation of whether actions or programs qualify as predator control would continue to occur through context specific analysis during refuge management planning, NEPA, and compatibility determinations, as appropriate and consistent with the current, existing process that all refuges should follow. The definition of, and exceptions to, predator control would assist refuge managers in guiding such analysis. For example, the proposed predator control provisions specifically exempt compatible, refuge-approved taking of fish and wildlife for subsistence uses under Federal or State subsistence regulations, as well as compatible, refuge-approved recreational hunting and fishing opportunities on the refuge. In this manner, refuge managers will continue to provide for hunting, fishing, wildlife observation, photography, environmental education, interpretation, and subsistence, which are priority public uses enshrined in Refuge System law.

Question. Are state-authorized hunting or fishing opportunities entirely outside the definition of "predator control" or will refuge managers conduct a preliminary evaluation to assess if such opportunities are "disguised" forms of predator control?

Answer. Please see the response to question 23h above.

Question. In determining whether hunting or fishing opportunities are "compatible uses," will refuge managers need to first assess if those activities are forms of predator control?

Answer. No. Under the BIDEH proposal, refuge managers would not conduct a separate assessment of hunting and fishing opportunities to determine whether they qualify as predator control.

Question. Under the Inflation Reduction Act, the Department of Interior received \$150 million to accelerate environmental reviews and authorizations by the Department's bureaus. (see IRA section 50303). The Department has obligated \$58 million in funds through FY24, with at least \$90 million in remaining budget authority that must be used before the funds expire in FY2026.

Has the \$62 million in obligated funds by the Department improved permitting timelines in any meaningful way for project applicants?

Answer. Section 50303 of the Inflation Reduction Act (IRA) provides funding to facilitate timely and efficient environmental reviews and authorizations by the National Park Service, the Bureau of Land Management, the Bureau of Ocean Energy Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement. Under Section 50303, the Department allocated roughly \$43.0 million to the U.S. Fish and Wildlife Service (FWS), primarily to facilitate consultation under the Endangered Species Act and permitting under migratory bird statutes. These funds have enabled the bureau to hire dedicated staff to facilitate environmental reviews for Department of the Interior (DOI) bureaus.

Supported by the IRA 50303 funds, FWS is developing Offshore Wind Development Guidance, best management practices guidance for the improvement of broadband services, and a geographic information system and web map tracker for wind energy development projects in California. The Service hired dedicated positions in high workload offices around the country, including West Virginia, to facilitate consultations. Examples of larger projects the Service has completed include complex reviews related to Abandoned Mine Land reclamation grants provided through the Office of Surface Mining Reclamation and Enforcement; and the De-

partment's significant efforts to address ongoing drought conditions and protect the Colorado River System

A portion of the Section 50303 funding provided to the FWS is dedicated to enhance and modernize the FWS' Information for Planning and Consultation (IPaC) system to expedite environmental reviews for DOI bureaus. IPaC serves an external user base that is growing by about 1,000 users a month (82,000 users as of May 2024). DOI partners are increasing their users of the IPaC system and expediting their consultations as a result. Current trends are on track to outpace the 165,582 streamlined consultation documents IPaC delivered in fiscal year 2023 and the reviews of DOI bureau projects have similarly increased. Section 50303 funding is being used to improve IPaC's functionality to reduce the time to complete consultation for qualifying projects. Bureaus and other partners using IPaC have saved a substantial amount of time by being able to obtain documents directly in a matter of minutes. FWS conservatively estimates that in generating the more than 600,000 documents issued by IPaC in the last 5 fiscal years, the system saved over 200,000 hours (100 FTE) work of staff time. FWS expects further improvements once the new IPaC functionality is in place.

In May, the FWS implemented its first 'automated' or 'self-service' permit in ePermits which was a general eagle incidental take permit resulting from recent rulemaking. With this new permit, applicants can apply, pay fees, and receive their permits fully online and in real time, without any up-front review by a FWS permit specialist. In the first month that the general eagle permit was available to the public, the FWS issued nearly 50 wind energy permits, far more than are typically issued in a month. The FWS used IRA 50303 funding to develop the necessary system requirements for ePermits to implement this innovative and expeditious approach to permitting.

Question. Notably, FWS was not included in the IRA legislative text even though FWS can be a severe bottleneck for permit approvals. Has the department transferred any funds to FWS to accelerate permits? If so, what is the status of these funds?

Answer. FWS received \$42.9 million in IRA funds transferred from the bureaus identified in the legislation to work on projects. Of these funds, FWS received \$19.9 million to support regional ESA section 7 consultations for DOI projects. These funds will support dedicated staff to improve the environmental review process on DOI's IRA projects, including dedicated positions to support the heavy environmental review workload in West Virginia and work associated with the Colorado River initiative.

The bureau transferred IRA funds included \$11.9 million to enable FWS to improve the IPaC System to better support the permitting needs of the bureaus specified in Section 50303. As described earlier, this includes modernizing and improving IPaC to expand consultation streamlining, including features such as the ability to interact with a FWS biologist and request consultation directly through IPaC.

FWS also received \$10.9 million of the transferred IRA section 50303 funds to address migratory bird permitting and reviews. As of May, FWS had obligated \$3.0 million for these activities. Funding is also being used to implement new incidental take permitting of eagles, and hire regional biologists focused on renewable energy and improving environmental reviews.

Question. What is the department's plan to spend the remaining unobligated \$92 million in funding between FY25 and FY26?

Answer. The Department is on track to obligate the remaining \$80.7 million by the end of fiscal year 2026.

The Department was appropriated \$150 million Section 50303 of the Inflation Reduction Act. Of that funding \$69.3 million is obligated. Funding was allocated to several bureaus to support timely and efficient environmental reviews and authorizations. As of the middle of September 2024:

- BLM received \$41.1 million and has obligated \$24.8 million
- BOEM received \$40.8 million and has obligated \$18.9 million
- FWS received \$42.9 million and has obligated \$14.8 million
- NPS received \$5.0 million and has obligated \$0.9 million

The remaining funds, about \$20.2 million, will support crosscutting projects in support of timely and efficient environmental reviews and authorizations, and program administration.

QUESTIONS SUBMITTED BY SENATOR KATIE BRITT

Question. Please describe the anticipated impact a ban on traditional ammunition and fishing tackle would have on Pittman-Robertson revenue that is apportioned to States and provide any supporting analysis.

Answer. The U.S. Fish and Wildlife Service (FWS) has not banned the use of lead ammunition and tackle across FWS lands and waters and is not developing a rule to do so.

Question. Can the FWS please discuss which studies have been considered showing causal linkages between human health outcomes and consuming wild game harvested with lead component ammunition?

Answer. Consistent with its wildlife conservation mission, the FWS' primary basis for any decisions regarding the use of lead ammunition and tackle on FWS lands and waters is the impact of lead on fish and wildlife health, based on the best available science. At the few stations where the FWS has implemented phase-outs of lead ammunition and/or tackle, it made those decisions to reduce a known threat to a wildlife species while still providing access to hunters and anglers.

Question. The US Department of Agriculture, Customs and Border Protection, and the Fish and Wildlife Service (FWS) are jointly responsible for overseeing processes with respect to clearing imported wood products at U.S. ports of entry. In recent years, coordination across the three agencies on allowing or declining imports has led to delays for U.S. importers and additional storage costs.

What is FWS doing to better coordinate on the importation process with respect to the wood importation process with the two other agencies?

What steps has FWS considered implementing to provide a clear process and procedures for agency coordination?

Answer. The broadening of the Lacey Act in 2008 extended protections to a broad range of plants and plant products, making it unlawful to import into the United States any plant or plant product that was illegally harvested. It also makes it unlawful to import certain products without a declaration to the appropriate Federal agency.

The FWS is responsible for implementation of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) on behalf of the U.S. Under the Endangered Species Act (ESA), the Secretary of the Interior, specifically the FWS, is designated as the primary CITES wildlife enforcement agency while the U.S. Department of Agriculture (USDA) is designated as the primary CITES plant enforcement agency. After agency consolidation in 2002, the USDA delegated CITES plant importation regulatory authority to the U.S. Customs and Border Protection (CBP) Agriculture Specialists.

The FWS does not have the authority to collect plant declaration data and is generally advised of timber shipments entering the U.S. upon consultation by a partner government agency on a possible CITES, ESA, or Lacey Act violation. FWS wildlife inspectors, who have authority to hold and inspect imports under the ESA and Lacey Act, currently have limited access to the CBP Automated Commercial Environment, International Trade Data Systems, Automated Targeting System, and Automated Export System databases. These systems contain the import, export, and entry data that the brokers, freight forwarders, and commercial carriers use to enter information for shipments. With limited access to these databases, FWS wildlife inspectors are restricted in their ability to obtain information about shipments, identify shipments for inspection, and coordinate with CBP on the movement of shipments.

The FWS is working to optimize interagency communication by developing a Memorandum of Understanding with CBP that defines responsibilities and communication channels for each agency. The FWS also regularly participates in the Border Interagency Executive Council (BIEC) meetings and working groups. The BIEC is tasked with innovating and implementing enhanced cooperation between partner government agencies to measurably improve supply chain processes and the identification of illicit and non-compliant shipments.

The FWS has also met with representatives from the timber industry to discuss ways to improve import processing and communication. The FWS sends wildlife inspectors to timber industry trade events to provide outreach and education on CITES regulations, enforcement, and the permitting process. Additionally, the FWS' National Fish and Wildlife Forensics Laboratory established a mobile forensics lab that can be positioned at key ports of entry to reduce the time required to identify species in timber shipments to allow for faster processing of those shipments. The FWS' Office of Law Enforcement can deploy the mobile forensics lab in a limited capacity given the operational costs and logistics required to deploy it.

The FWS is also working with timber industry representatives to analyze instances where communication and notification issues have occurred and to audit the process and identify procedures that could be improved. The FWS is also looking to incorporate further training of CBP Agriculture Specialist officers on CITES regulations during their basic training as well as attending subsequent in-service trainings that may arise.

Question. On May 9, 2024, the updated OSMRE Ten Day Notice rule took effect. This new rule is an update to the 2020 Ten Day Notice rule that all participants, State, Tribes and OSMRE, worked together to agree upon. OSMRE's preamble reports that it is proposing "non- substantive" changes and changes to "improve" readability. However, this new rule fundamentally alters the nature of state primacy under SMCRA whereby States are given exclusive rights over its regulatory program, and instead, the rule provides OSMRE with expanded powers over regulation of State programs not envisioned under SMCRA.

Why does OSMRE believe this rule is necessary? How does the Department believe this new rule is in compliance with SMCRA when it comes to state primacy over regulatory matters?

Answer. After evaluating the rule as prescribed by the President in Executive Order 13990, OSMRE determined that revising the Ten-Day Notice (TDN) rule was necessary to reduce burdens for citizens to report potential violations under SMCRA and establish procedures to more swiftly evaluate and process citizen allegations about those SMCRA violations, while continuing to minimize duplication of inspections, enforcement, and administration of SMCRA.

As discussed in the Response to Comments in the final rule, because SMCRA specifically exempts the TDN process from States' exclusive jurisdiction at 30 U.S.C. 1271 and 1273, this rule is not inconsistent with SMCRA or any binding legal precedent on this topic. OSMRE will continue to honor state primacy and perform its statutorily mandated oversight under SMCRA to ensure appropriate SMCRA implementation in the primacy States.

Question. Please describe the process by which States are informed of their Title V funding levels under SMCRA, how the timeline relates to the Department's known funding levels, and any impediments to communicating funding levels and actually allocating those funds.

Answer. The States and Tribes are generally informed of their Title V funding levels around March of the fiscal year in which those funds are to be awarded, although that can be earlier depending on the date a full year appropriations bill for OSMRE is enacted. Once the appropriations bill is enacted, States and Tribes are informed of their Title V funding levels via issuance of the Regulatory Grant Notice of Funding Opportunity.

When OSMRE is operating under a continuing resolution, contingent on the availability of previous years' appropriations, OSMRE provides States and Tribes with 25% of their previous year's funding level per quarter, at the start of a State's fiscal year.

The timing of the enactment of an appropriation is the key factor driving the funding level, and how quickly OSMRE can inform the States and Tribes of their allocations.

Question. Throughout last year, the Department ignored calls and emails from Congressional staff related to questions the Department chose not to answer. What is the average time and median time it takes the Department to respond to Congressional inquiries? Does the Department have a policy related to performance of individuals or offices that choose to ignore Congressional inquiry? If the Department lacks a policy, what authorizations or appropriations are needed to help the Department respond to Congress and create staffing policies related to ignoring Congressional inquiries?

Answer. The Department is committed to providing timely and responsive service to not only Congress but to States, local governments, Tribes, stakeholders, and the general public. It is integral to the success of our agency and is a factor considered in employee performance reviews as it relates to the performance of their duties.

Question. The Department has made clear in conversations with Congressional staff that it views court cases as requiring the Social Cost of Carbon (SCC) to be used in Environmental Assessments (EA) and Environmental Impact Statements (EIS), even for leases and minerals not relating to fossil fuels burned for energy. Further, a full EIS will be needed to properly take the SCC into account. In conversations at the staff level, the Department has noted that it reviews all lease applications and other reviews on a "case by case" basis but also acknowledged that the policies the Department was pursuing would require all leases to go through a full EIS.

Does the Department continue to have the understanding that it will need to require a full EIS for all mineral and mining leases? If the Department has a policy of evaluating mineral and mining leases on a case by case basis, what is the framework that would result in a lease not requiring an EIS?

Has the Department approved any leases in the last year without doing a full EIS?

Has the Department approved any leases in the last 5 years without doing a full EIS?

Answer. The BLM analyzes projects on a case-by-case basis to determine the level of NEPA analysis necessary for each project. The framework used to determine if an action requires an EA or an EIS is the Department's NEPA implementing procedures at 43 CFR Part 46, as well as the Departmental Manual part 516 that addresses NEPA compliance. NEPA procedures specifically applicable to the BLM are at 516 DM 11. Sections 516 DM 11.7 and 11.8 address when an EA or EIS is to be prepared.

Mineral development projects approved by the BLM that did not require an EIS in the last year include 622 mineral materials disposal contracts and free use permits and 11 mining plans of operation for locatable minerals.

Leases or other mineral development projects approved by the BLM that did not require an EIS in the past 5 years (fiscal year 2019 through fiscal year 2023) include:

- 5,901 mineral materials disposal contracts and free use permits;
- Five non-energy leasable materials leases;
- 29 mining plans of operation for locatable minerals; and
- 72 Oil and Gas Lease sales.

QUESTION SUBMITTED BY SENATOR DEB FISCHER

Question. The Nebraska Public Power District (NPPD) has proposed to construct a 226-mile, 345-kilovolt transmission line in Nebraska. This project will cross the habitat of the American burying beetle, so NPPD has applied to the U.S. Fish and Wildlife Service (USFWS) for an Incidental Take Permit (ITP) under the Endangered Species Act. NPPD started the process of obtaining an ITP in 2012, which it initially received in 2019. But, due to a court remand, additional analysis is required for USFWS to issue a revised ITP. NPPD has previously sent correspondence on this matter to Acting Deputy Secretary Laura Daniel-Davis. Can you please provide an updated timeframe for the USFWS to complete the National Historic Preservation Act process so that it can issue the ITP expeditiously?

Answer. The U.S. Fish and Wildlife Service (FWS) anticipates completing a programmatic agreement under Section 106 of the National Historic Preservation Act by August 2025. Based on this timeline, the Incidental Take Permit (ITP) decision is anticipated in late 2025. The timeline and next steps towards an ITP decision were conveyed to the Nebraska Public Power District (NPPD) in late May 2024. FWS is currently working with NPPD on actions necessary to be able to issue an ITP decision by late 2025.

SUBCOMMITTEE RECESS

Senator MERKLEY. This hearing is adjourned.

[Whereupon, at 12:16 p.m., Wednesday, May 8, the subcommittee was recessed, to reconvene subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

THURSDAY, MAY 23, 2024

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

The subcommittee met at 10:30 a.m., in Room SD-138, Dirksen Senate Office Building, Hon. Jeff Merkley (chairman) presiding.

Present: Senators Merkley, Tester, Van Hollen, Heinrich, Peters, Sinema, Murkowski, Hoeven, and Fischer.

INDIAN HEALTH SERVICE

STATEMENT OF THE HON. BRYAN NEWLAND, ASSISTANT SECRETARY FOR INDIAN AFFAIRS

ACCOMPANIED BY ROSELYN TSO, DIRECTOR

OPENING STATEMENT OF SENATOR JEFF MERKLEY

Senator MERKLEY. Good morning, and welcome to the last hearing on the Interior Environment Appropriations Subcommittee on the fiscal year 2025 President's budget.

Director Tso and Assistant Secretary Newland, welcome to today's appropriations hearing. I am happy to have you both here. Your presence underscores the significance of our collaborative efforts in support of Indian Country. Also, welcome to Jillian Curtis from the Indian Health Service and Jason Freihage from the Department of the Interior who are accompanying today's witnesses and bringing their expertise to bear. Working together is paramount for the benefit of our tribal communities.

The challenges faced by Native Americans and Alaska Natives are multifaceted, spanning healthcare, education, and economic stability. Therefore, our solutions must also be multifaceted and coordinated across various agencies. Your two agencies are inextricably linked. The social determinants of good health involve good education, a thriving community, a sense of belonging for Native-American youth, safety and security, and access to good roads, clean air, and safe drinking water. By aligning our efforts, we can amplify the impact of our initiatives and address the root causes of the systemic disparities that tribal communities face.

The Indian Health Service request for fiscal year 2025 is \$7.9 billion, which is a 14-percent increase. The request would make up for losses that flat funding in fiscal year 2024 have stressed the Agency given the required pay increases and medical inflation. The

considerable increase requested for fiscal year 2025 also would make strides in reducing health disparities by expanding services such as primary care, disease prevention, drug treatment, dental care, pharmacy, and the list goes on. Another cost driver in the request is an electronic health records modernization effort, which proposed to be increased by \$213 million to keep that important effort on track.

The Indian Health Service serves a population with unique and pressing healthcare needs. Native-American and Alaska-Native populations are facing health outcome disparities as compared to the cross-section of the American population, higher rates of diabetes, maternal mortality, cancer, and overdoses not seen elsewhere. Over the last 5 years, the IHS Service's account increased just 19 percent. That is not enough over a 5-year period to address the rising healthcare costs and the health disparities that I noted. For comparison, the VHA account, the Veterans Health Account, increased 42 percent over the same time period. The VA also has greater flexibility to hire, to retain, to recruit healthcare professionals, authorities that IHS does not have.

Director Tso, I am pleased to see that your request includes several legislative proposals to improve on the status quo, such as a request to provide tax exemption for IHS health professions scholarships and loan repayment programs. The budget also proposes to make IHS funding exempt from sequestration, which the VA has already gained under the Fiscal Responsibility Act, while IHS was forgotten. I strongly support the critical funding needed to take care of our Nation's veterans. We should adopt a number of the VA reforms, afford the same dignity to Native Americans and Alaska Natives. As Supreme Court justice, Sonya Sotomayor, said in March at oral argument for an IHS-related case, "The amount spent on tribal healthcare is about a third of what is spent on the average American. We need to do better."

Turning to the Department of Interior's tribal programs, the request includes \$2.9 billion for the Bureau of Indian Affairs, a \$485 million increase, and \$1.5 billion for the Bureau of Indian Education, a \$154 million increase. These investments are the building blocks of continued economic development and the well-being of tribal communities. This funding will help improve student academic outcomes, address maintenance needs, and expand native language revitalization efforts. Teachers across the country dedicate each day to their students and provide them with the tools to succeed. It is only fitting that we give the teachers the tools to be successful in their often thankless work.

I want to also touch today on the in-lieu and treaty fishing sites along the Columbia River. Thank you, Assistant Secretary Newland, for your continued attention to these sites and providing maintenance, law enforcement services, and repairs. It is vitally important that we make these sites operable and safe for tribal members to exercise their treaty rights along the Columbia River. I have visited a number of those sites and was appalled at what I found a few years ago, and greatly appreciate our efforts to do better.

And speaking of the Columbia River, as I told Secretary Haaland, I am pleased to see the administration has pledged a bil-

lion dollars in new Federal investments as part of the Columbia River Basin Initiative in partnership with the six sovereigns. We have long sought a resolution to the destruction of homelands, disruption of salmon runs, loss of traditional subsistence practices, and a loss of culture that will never be replaced. I hope you will continue to work closely with the tribes to ensure that their needs are met as part of this initiative.

For the second year in a row, both budgets propose to reclassify tribal sovereignty payments to the mandatory side of the budget. These are the payments necessary to exercise tribal self-governance and are the reasonable overhead costs to administer essential government services. As Chair Murray said in our hearing with Secretary Haaland last week, we are adamant that we must reclassify these funds to the mandatory side of the budget where they legally belong. This is even more pressing given the pending Supreme Court case that could substantially increase contract support costs by \$800 million to \$2 billion or more per year. That is like an asteroid aimed at the Interior budget. These escalating costs limit our ability to increase investments in tribal programs.

Finally, I want to repeat that I am calling for significant increases to the Fiscal Responsibility Act budget caps. These caps are not at all responsible, and, as I am sure we will hear today in this very room, that they are harming Indian Country. They are limiting our ability to meet the needs of tribal communities, which means we are falling short of fulfilling our treaty and trust responsibilities. I look forward to our discussions and the opportunity to work together towards comprehensive solutions. And we are going to now turn to your comments, Assistant Secretary Newland, but I will defer, when Senator Murkowski arrives, if she wants to hold her opening statement or to pause in order to present it.

SUMMARY STATEMENT OF HON. BRYAN NEWLAND

Mr. NEWLAND. [Speaking native language.] Good morning, Chairman Merkley and members of the committee. I appreciate the opportunity to appear before you today on behalf of the Department of the Interior to provide a statement on the President's budget request for fiscal year 2025 for Indian Affairs. And before I begin, Mr. Chairman, I just want to acknowledge our deputy assistant secretary, Jason Freihage, who is here with us today to help fill in the details if we get down that far, but I will do my best to answer any questions members of the committee have.

The President's fiscal year 2025 budget request for Indian Affairs totals \$4.6 billion, an increase of \$651 million over the fiscal year 2024-enacted level of funding. This represents funding for the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and the Bureau of Trust Funds Administration (BTFA), as well as funding for the Office of the Assistant Secretary, which includes a number of program offices.

The funding requested is an important step forward to meet our obligation to Tribes and supports the President's Executive Order to reform Federal funding and promote the next era of tribal self-determination. I have submitted a written statement for the record, and I want to use my limited time here today to focus on important areas of the budget: mandatory funding for legally-required pay-

ments, funding for public safety programs, Indian water rights settlements, and funding for Bureau of Indian Education and management improvements.

First, as you just noted, Mr. Chairman, we have proposed reclassifying Tribal contract support costs and 105(l) lease payments as mandatory funding beginning in 2026. We are required by law to provide these payments to tribes upon their request, and in recent years, those costs have grown significantly. In fiscal year 2025, the Department will need an additional \$232 million just to cover those costs in addition to water settlement costs to avoid cutting funding for existing programs, like public safety, transportation, and education. Reclassifying these funds as mandatory aligns our appropriations with our legal obligations, and it protects funding for other programs that are essential for Indian Country.

I also want to speak directly to funding necessary to meet our trust obligations to protect people across Indian Country. In fiscal year 2022 and 2023, we were able to work with Congress to secure an additional \$131.2 million for public safety programs for Indian Country, and I want to thank Congress and this Committee for working with the Administration on those increases. But even with those increases, our most recent report to Congress under the Tribal Law and Order Act shows that the United States funds public safety and justice programs at only 13 percent of the total need and obligation to Indian Country. In addition, the appropriations directed 52 percent of that increased funding to just 16 tribes. That left only \$11.5 million in additional funding to distribute to 182 tribes across the country.

The President's fiscal year 2025 request would increase public safety and justice funding by 17 percent over the fiscal year 2024-enacted amount. That would include a \$33.5 million program increase in criminal investigations and police services—boots on the ground. Those are specifically targeted to increase the number of officers and investigators all across Indian Country. That would fund an additional 222 Federal and Tribal officers in Tribal communities across the Nation. The proposed budget would also fund an additional 120 Federal and Tribal corrections staff at detention and corrections facilities. The 2025 request would get us from 13 percent to 19 percent of the overall public safety and justice need reported in the Tribal Law Order Act report. Without this requested increase, the Department will not be able to afford as many law enforcement officers, will not be able to meet court-ordered requirements to the Navajo Nation, and would delay maintenance and operating requirements at Tribal courts.

The Administration is interested in working with Congress to find a solution to meet Federal commitments regarding current and future Indian water rights settlements, including the Hualapai settlement. The 2025 budget proposes legislation to provide mandatory funding for Indian Water Rights settlements, building on the Indian Water Rights Settlement Completion Fund, established in the Bipartisan Infrastructure Law. That settlement completion fund went a long way in clearing the backlog of settlement obligation. The Department has allocated over \$2.4 billion of the \$2.5 billion appropriated, however, more remains to be done.

At this time, there are four Indian water rights settlements pending before Congress, and a number of other water rights settlements are in negotiations and likely to be introduced soon. The proposal would provide the Fund additional \$2.8 billion: \$250 million annually over 10 years for existing and future water right settlements and \$34 million per year over 10 years for ongoing requirements implemented by the Bureau of Reclamation associated with the operation maintenance and repair costs of settlements.

The 2025 budget for the BIE is \$1.5 billion in current appropriations, a \$154.6 million increase from the fiscal year 2024 enacted. This increase is critical to improving BIE school operations and modernizing facilities. For example, the requested increase of \$36.5 million for Indian School Equalization Program (ISEP) formula funds is critical for helping schools achieve competitive teacher salaries, which is a top priority of our schools, and the Tribal Interior Budget Council. To improve school facilities, the budget includes a \$5.5 million increase for facility operations and maintenance and an additional \$75.5 million for school construction. These facility increases are critical to continuing progress toward ensuring our BIE students are in modernizing, inspiring, and culturally-appropriate schools.

I also want to note the importance of reauthorizing, the Great American Outdoors Act (GAOA) and the National Parks and Public Land Legacy Restoration Fund. BIE currently receives about \$95 million a year from GAOA funds, which is less than the average cost of completion of the most recent schools being built. Given these costs, replacing BIE schools in poor conditions will take decades, about 30 years at our current pace, so securing the fiscal year 2025 budget increases and GAOA reauthorization will help ensure the timeline is not extended further.

I want to highlight the work our Indian Affairs leadership team is doing to improve operations. We are prioritizing recruitment and retention of staff in critical areas like law enforcement, awarding officials who move money from the BIA to tribal governments, as well as realty staff. Within law enforcement programs, we have worked to ensure BIA officer salaries are in line with their counterparts at other DOI bureaus to help improve our retention rates and to be competitive in recruitment. We are focused on infrastructure investment by exploring opportunities to address the growing number of 105(l) leases and needed data improvements related to facilities. We are also improving timelines for land into Trust and other realty activities, and we approach these issues from multiple angles, including resource and staffing levels, process improvements, and making better use of technology.

Finally, the increased funding requested in this budget is an important step to meeting our trust obligations to Tribes. To support fully meeting our obligations, the President has signed Executive Order 14112, which directs Federal agencies to increase their deference to Tribal decisionmaking, streamline application processes for Tribes to obtain funding, and removing restrictions and cost-sharing requirements consistent with the law. The Executive Order also directs the establishment of a one-stop Tribal funding clearinghouse and requires agencies to measure and report annually on Tribe-related funding shortfalls. I look forward to reporting to you,

Mr. Chairman and Ranking Member Murkowski, on further progress to meet the requirements of the EO.

Mr. Chairman, I have submitted a written statement for the record highlighting how the fiscal year 2025 budget request continues to focus on these priorities. I want to thank you again for the opportunity to testify and look forward to answering any questions you have.

[The statement follows:]

PREPARED STATEMENT OF HON. BRYAN NEWLAND

Good afternoon, Chair Merkley and members of the subcommittee. Thank you for the opportunity to provide a Statement on the President's Budget Request for Fiscal Year 2025 (FY 2025) for Indian Affairs. The FY 2025 budget request for Indian Affairs programs totals \$4.6 billion, which is an increase of \$651 million over the FY 2024 Enacted level of funding.

As the Assistant Secretary for Indian Affairs, I oversee the numerous programs within the Bureau of Indian Affairs (BIA), the Bureau of Indian Education (BIE), and the Bureau of Trust Funds Administration (BTFA) along with other programs within the immediate Office of the Assistant Secretary for Indian Affairs (IA or Indian Affairs). All of these programs play important roles in carrying out Federal trust, treaty, and other responsibilities to 574 federally recognized Indian Tribes. Programs serve more than two million American Indians and Alaska Natives in Tribal and Native communities. The BIA provides direct services and funding for compacts and contracts for Tribes to provide Federal programs for a wide range of activities necessary for strong Tribal communities, including natural resource and land management, public safety, and social service programs, among many others in Indian Country. BIE manages and serves a school system of 183 schools, funds 29 Tribal Colleges and Universities (TCUs) and two Technical Colleges, delivering educational services and resources to approximately 40,000 K–12 students, as well as thousands of pre-school children and post-secondary college students. The BIE also operates two post-secondary schools. The BTFA is responsible for the financial management of approximately \$8.8 billion of Indian trust funds held in about 4,200 Tribal accounts (approximately \$7.2 billion) and about 411,000 Individual Indian Money (IIM) Accounts (approximately \$1.5 billion). Indian Affairs programs are built on strong and productive government-to-government relations with Tribes.

The FY 2025 budget request continues to invest in programs that are a foundation of Indian Country's strength. The request for the individual organizations is as follows: IA/BIA—\$2.9 billion, an increase of \$485.1 million above FY 2024 Enacted; BIE—\$1.5 billion, an increase of \$154.6 million above FY 2024 Enacted; and BTFA—\$111.3 million, an increase of \$11.3 million above FY 2024 Enacted.

The funding requested is an important step forward to meet our obligation to Tribes. To support fully meeting our obligation to Tribes, the President signed Executive Order 14112 (EO), *Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination*. The EO directs Federal agencies to increase their deference to Tribal decision-making, streamline application processes for Tribes to obtain funding, and remove some restrictions and cost-sharing requirements, consistent with applicable law or to recommend changes to existing law. The EO also directs the establishment of a one-stop Tribal funding clearinghouse and requires agencies to measure and report annually on Tribe-related funding need shortfalls. We have already established an initial clearinghouse and will continue to expand its contents and make it more user friendly to utilize for Tribes. I look forward to reporting to you on our further progress to meet the requirements of the EO.

Before I dive into the details of the budget, I want to stress the importance of mandatory funding proposals for Indian Affairs and underline my focus on management improvements. Regarding mandatory funding, Contract Support Costs, payments for 105(l) Tribal leases and Water Rights Settlements costs are growing, legally required payments. These three programs should have mandatory funding to align with the mandatory legal requirements associated with each. If the funding associated with these programs is not transitioned to mandatory funding, it could force cuts to other critical operations such as law enforcement and school operations.

Regarding continual management improvements, I want to let you know that our Indian Affairs leadership team is focused on operational improvements. One key area of focus is on improving recruitment and retention of staff in critical areas such as law enforcement, awarding officials and realty staff. Another area is infrastruc-

ture investment, this includes exploring opportunities to address the growing number of 105(l) leases to process and data improvements related to facility improvement and repair and construction. We have also focused on improving timelines for land into trust status and other realty activities. In each of these areas, we are looking at these issues from multiple angles, including appropriate resources and staffing levels, process improvement and better use of technology. Now I will turn to highlights for the FY 2025 budget.

STRENGTHEN TRIBAL COMMUNITIES

Tiwahe means family in the Lakota language and symbolizes the interconnectedness of all living things and one's personal responsibility to protect family, community, and the environment. To empower federally recognized Tribes to realize this potential, IA launched the Tiwahe Initiative in FY 2015. The Tiwahe Initiative is an extensive and bold approach to furthering Indian self-determination. The Tiwahe Initiative fosters systemic change in the delivery of services to children and families through the integration of Tribal practices, customs, values, and traditions. Each participating site's Tiwahe Initiative plan offers Tribes the flexibility to design programming and services to address the gaps and needs of their individual communities. To date, the Tiwahe Initiative has focused on improving collaboration and coordination across core programs like social services, Indian Child Welfare Act (ICWA), recidivism, housing, and job placement and training. The 2025 Budget requests an increase of \$28.6 million to expand the Tiwahe program by extending that coordination to include Healing to Wellness Courts and economic development needs as well as supporting the participation of new Tribes while sustaining the existing 10 Tiwahe Tribes.

FEDERAL BOARDING SCHOOL INITIATIVE

The BIA is uniquely positioned to assist in the effort to recover the histories of Federal Indian boarding schools. In 2023, as part of the Secretary's Federal Boarding School Initiative (BSI), Secretary Haaland and I completed a 12-stop Road to Healing tour, during which we traveled to locations across the country giving Indigenous boarding school survivors the opportunity to share their stories and connect with trauma-informed support. The 2025 budget includes \$7.0 million to continue the Secretary's BSI and its comprehensive review of Federal boarding school policies. This funding will continue to implement recommendations laid out in the May 2022 Federal Boarding School Initiative Investigative Report Volume 1, including continued historical research and documentation, and work to identify and protect the remains of those identified. The funding will also support an oral history project to document and make accessible the experience of the generations of Indigenous children who attended the Federal boarding school system. Through the BSI, the Department is seeking to work with Tribal Nations to begin the long healing process through transparency and accountability.

PROTECT INDIAN COUNTRY

The BIA Office of Justice Services (OJS)-administered public safety and justice programs fund law enforcement, corrections, and court services to support safe Tribal communities and schools serving Indian Country youth. These programs safeguard life and property, enforce laws, maintain justice and order, and ensure detained American Indian and Alaska Native offenders are held in safe, secure, and humane environments. These programs also directly support the Administration's commitments to Indian Country, by increasing safety on Tribal lands and tackling the crisis of violence against Native women, children, and the elderly.

The 2025 budget includes \$651.2 million for Public Safety and Justice (PS&J) operations, an increase of \$95.7 million above the 2024 Enacted level. Operational funding supports the expanding Tribal needs in policing, detention, and Tribal courts. The budget includes a \$33.5 million program increase in Criminal Investigations and Police Services, specifically targeted to increase the number of officers and investigators on the ground in Indian Country. A program increase of \$2.0 million is also requested to enhance functions within the OJS Professional Standards Directorate, including recruitment and retention initiatives, development and evaluation of law enforcement policies, program reviews, and training.

The 2025 budget also includes \$16.5 million to address the crisis of Missing and Murdered Indigenous People. The Missing and Murdered Unit engages in cross-departmental and interagency collaboration to identify gaps in information sharing and data collection to more effectively investigate these cases. As part of the proposed expansion to the Tiwahe Initiative, the budget includes a program increase of \$1.9 million for the Office of Tribal Justice Support to provide technical assist-

ance to Tribes looking to develop and operate Healing to Wellness courts. These courts serve as alternatives to incarceration and provide a culturally appropriate forum to support those within the criminal justice system by assisting in addressing underlying behavioral health and substance abuse issues.

The recently released 2021 Tribal Law and Order Act report identified a total funding need of \$3.5 billion for law enforcement, detention/corrections, and Tribal Court needs. (see: https://www.bia.gov/sites/default/files/media_document/2021_tloa_report_final_508_compliant.pdf). The total requested increase for law enforcement is an important step forward.

ECONOMIC OPPORTUNITIES

The 2025 budget funds the Community and Economic Development activity at \$43.0 million, a \$12.5 million increase above the 2024 Enacted level, to advance economic opportunities in Indian Country. Job Placement and Training is funded at \$13.9 million to assist Tribal members in obtaining job skills and finding and retaining jobs. Economic Development projects are funded at \$24.5 million and include a request for an additional \$11.5 million investment in Native language revitalization, which is crucial to preserve endangered languages, promote self-determination, and strengthen Tribal communities. A \$1.2 million program increase in Community Development Oversight is requested to support the implementation of Native language activities, the administration of the Native American Business Incubators program, and oversight of other grant programs.

MANAGE TRUST RESOURCES AND LANDS

Tribal sovereignty and economic development cannot be achieved without addressing land needs. The FY 2025 budget continues to invest in Indian Land Consolidation with a request of \$11 million to address fractionation and incorporate lessons learned from previous programs. This program has been especially important since the Land Buy-Back Program for Tribal Nations (LBBP), established as part of the Cobell Settlement, ended in November 2022. If the land consolidation program is not funded at a sufficient funding level, all the gains from reducing fractionation from LBBP funding could be lost by 2038, and we project that Indian Country will be back to the same level of fractionated interests as of 2012, preventing Tribes from effectively using large land areas. (see: U.S. Department of the Interior, *Ten Years of Restoring Land and Building Trust 2012–2022, Land Buy-Back Program for Tribal Nations*, pg. 1 (December 2023)) The Land Consolidation program continues to be complimented by the \$2 million provided for land acquisitions within Trust Real Estate Services through the Operation of Indian Programs account in FY 2024 enacted.

TRUST NATURAL RESOURCE MANAGEMENT

The budget includes \$359.3 million, a \$37.0 million increase over the 2024 Enacted amount, for critical trust natural resources activities and investing in climate resilience and environmental justice. Of that amount, \$48.8 million is provided for the Tribal Climate Resilience program. This program includes the Climate Relocation Grant program, which is funded at \$13.5 million, \$4.0 million more than the 2024 Enacted amount, to provide relocation, managed retreat, and protect-in-place support for critically vulnerable communities. Also included in the request is \$26.8 million for the Tribal Climate Adaptation Grant program, which helps Tribes better assess and address their growing adaptation needs. The Tribal Climate Resilience program also includes \$7.8 million for Tribal youth corps programs. The Tribal youth corps program is an important jobs initiative to tackle climate change on the ground, ensure a living wage, and provide skills and a pathway to employment. These funds will also support Tribes in developing science, obtaining tools, training, planning, and implementing actions to build resilience into resource management, infrastructure, and community development activities. The budget supports the America the Beautiful initiative by honoring Tribal sovereignty and supporting the Trust Natural Resources priorities of Tribal Nations.

Included in the budget request are two new elements of the Tribal Climate Adaptation program. First, it includes a \$500,000 increase to fund the BIA's role in the National Seed Strategy. This funding will advance critical scientific requirements by supporting botanists and ethnologists who will seek out Indigenous knowledge to incorporate into restoration practices. The funding will also support co-developed climate adaptation and resilience best management practices for seed production and use in restoration. Second, in support of the White House national strategy to prioritize nature-based solutions (NBS) that benefit people and nature, advance equity, are evidence informed, integrate continuous improvement, and advance col-

laboration/co- stewardship opportunities, the BIA is requesting \$250,000 to establish a Resource NBS expert to implement the NBS roadmap and strategies. The BIA will develop and maintain a tool for Tribes and decision makers that allows access to data needed to invest in protecting, sustainably managing, and restoring natural ecosystems.

The budget also includes \$41.0 million to support Agriculture and Range efforts and \$33.6 million for Energy and Minerals activities, which includes investment in the deployment of clean energy in Tribal communities. IA views renewable energy as one of many tools available to American Indians and Alaska Natives to create sustainable economies on Indian land; many Indian reservations are well positioned to access or provide a stable source of competitively priced, low-carbon clean energy. These efforts also support the Justice40 Initiative, ensuring that at least 40 percent of the overall benefits from certain Federal investments are delivered to disadvantaged communities.

CONSTRUCTION

The 2025 budget includes \$154.8 million for BIA Construction activities. The funding supports replacement and deferred maintenance projects to address needs at PS&J facilities. It also includes the irrigation rehabilitation program, which addresses critical deferred maintenance and construction needs at BIA-owned and operated irrigation facilities, including 17 Indian irrigation projects. The Safety of Dams program is responsible for 141 high-hazard dams on 42 Indian reservations. The Construction program also addresses needs at regional and agency offices serving Tribal programs and operations in Indian Country.

Within Construction activities, the budget includes \$10.0 million to address water-quality issues at BIA-owned water infrastructure, including systems of concern identified by EPA. In addition, \$1.4 million is included to support the Administration's governmentwide goal to accelerate the use of zero-emission vehicles (ZEVs) to enable a clean transportation future. Funds will be used to acquire ZEVs, install solar panels and related charging infrastructure, and perform planning and integration to support the initiative across Indian Affairs.

CONTRACT SUPPORT COSTS AND TRIBAL GRANT SUPPORT COSTS

Contract Support Costs funding is critical for Tribal sovereignty, enabling Tribes to assume responsibility for operating Federal programs by covering the costs to administer the programs. The budget proposes to reclassify Tribal Contract Support Costs from discretionary to mandatory funding beginning in 2026 while estimating \$426.2 million in discretionary funding needs in 2025 to fully cover projected requirements.

The BIE 2025 request includes \$100.7 million in Tribal Grant Support Costs. These funds provide operating and staffing resources to Tribes who choose to operate BIE-funded schools. Nearly 70 percent of all BIE-funded K–12 schools are operated by Tribes.

PAYMENTS FOR TRIBAL LEASES

Section 105(l) of the Indian Self Determination and Education Assistance Act (ISDEAA) provides that Tribes and Tribal organizations carrying out Federal functions under a self-determination contract or self-governance compact may enter into a lease agreement with the Department for the Tribally owned or rented facility used to carry out those functions. This critical Tribal sovereignty payment is allowing IA to get Tribes closer to meeting the full cost of program implementation and improving their facilities. The 2025 budget proposes to reclassify 105(l) lease agreement requirements from discretionary to mandatory funding beginning in 2026 while estimating \$120.0 million in discretionary funding needs in 2025 to fully cover projected requirements. The budget also includes an increase of \$2.2 million in Executive Direction which will help fund additional staff to meet the growing level of requests of Tribes. The annual number of Tribal lease requests currently exceeds 600. This funding for additional staff is critical to meet this demand in a timely manner.

LAND AND WATER CLAIMS SETTLEMENTS

Tribal land and water rights settlements ensure that Tribes have access to land and water to meet domestic, economic, and cultural needs. The 2025 budget proposes \$45.9 million for the Settlements account. The 2025 funding request covers the continuing implementation of the White Earth Reservation Land Settlement Act (Public Law 99–264) and Truckee River Operating Agreement (Public Law 101–

618). The request also includes initial funding of \$45.0 million for Federal payments authorized in the Hualapai Tribe Water Rights Settlement Act of 2022 (Public Law 117–419). The Hualapai settlement authorizes discretionary appropriations of \$317.0 million plus indexing to the Tribe for the construction of the Hualapai Water Project and other domestic water supply infrastructure on the Hualapai Reservation. Payments to satisfy the settlement must be made by April 15, 2029.

The Administration is interested in working with Congress to find a solution to meet Federal commitments regarding current and future Indian water rights settlements, including the Hualapai settlement. The 2025 President's Budget proposes legislation to provide robust mandatory funding for Indian Water Rights Settlements, building on the Indian Water Rights Settlement Completion Fund (IWRSC), established in the Bipartisan Infrastructure Law (Public Law 117–58). The IWRSC went a long way in clearing the backlog of settlement obligations and the Department has allocated over \$2.4 billion of the \$2.5 billion appropriated. However, more remains to be done. At this time, there are four Indian water settlements pending before Congress and a number of other water settlements are in negotiation and may be introduced soon. The proposal would provide the fund \$2.8 billion: \$250.0 million annually over 10 years for existing and future water rights settlements and \$34.0 million a year over 10 years for on-going requirements implemented by the Bureau of Reclamation associated with the operation, maintenance, and repair costs of the Ak Chin Indian Water Rights Settlement Project, the Animas-La Plata Project (Colorado Ute Settlement), the Navajo Gallup Water Supply Project, and annual responsibilities under the Columbia and Snake River Salmon Recovery Project (Nez Perce Settlement).

FOSTER TRIBAL STUDENT SUCCESS

The 2025 budget for the BIE is \$1.5 billion in current appropriations, a \$154.6 million increase from the 2024 Enacted level. The budget includes key investments to strengthen the BIE's autonomy as a Federal agency and improve local services for Tribally controlled and bureau-operated schools while also advancing equity for historically underserved Tribal communities.

The United States has a trust and treaty responsibility to provide eligible Indian students with a quality education. The BIE serves as a capacity builder and service provider to support Tribes in delivering culturally appropriate education with high academic standards to allow students across Indian Country to achieve success. Funding for the BIE supports classroom instruction, student transportation, Native language development programs, cultural enrichment, gifted and talented programs, behavioral health and wellness services, school safety, security, and education technology investments. The BIE operates two postsecondary institutions, administers grants for 29 Tribally controlled colleges and universities, funds two Tribal technical colleges, and supports multiple scholarship programs for highly qualified Native American students.

The 2025 budget invests in improved educational opportunities and service delivery for Native American students from their earliest years through college. Under the BIE, the FY 2025 budget includes \$310 million for Education Construction activities, supporting critical school construction, deferred maintenance for schools and TCUs, and new employee housing and repair to support teacher recruitment and retention in underserved communities. With the 2025 budget request and Great American Outdoors Act Funding anticipated through 2025, the BIE expects to support the planning, design, and construction work at four BIE schools and address inflationary cost increases at schools funded in prior years. As the BIE continues to strengthen delivery of services to underserved communities as an independent bureau, the 2025 request includes a \$6.3 million program increase in Education Program Management, which includes additional support for critical grant specialists, facilities specialists, and education information technology specialists. To ensure current and additional resources are well targeted, the BIE has developed and recently completed Tribal consultation across Indian Country regarding its 2024–2029 strategic plan, which will be published this summer. The BIE strategic plan creates a roadmap for the future to support Tribes in educating their youth and to deliver a world-class and culturally appropriate education.

TRUST FUND MANAGEMENT

The 2025 budget includes \$111.3 million, an \$11.3 million increase from 2024 Enacted, to support Tribal and Individual Indian Money financial functions managed by the Bureau of Trust Funds Administration (BTFA). The BTFA was established within the Office of the Assistant Secretary—Indian Affairs in 2020 to house the ongoing financial trust management functions of the Office of the Special Trustee

for American Indians. Trust funds include payments from judgment awards, settlements of claims, land-use agreements, royalties on natural resource use, other proceeds derived directly from trust resources, and financial investment income. Trust financial management functions include receipting, investing, disbursing, reconciling, and reporting of trust funds on behalf of individual Indians. We appreciate Congress's full recognition of BTFA as a bureau in the FY 2024 Enacted Appropriation, which will allow the organization to focus on its mission of serving Indian Country.

CONCLUSION

This FY 2025 budget request maintains strong and meaningful relationships with Native communities, strengthens government-to-government relationships with federally recognized Tribes, promotes efficient and effective governance, and supports nation-building and self-determination. The request delivers community services, restores Tribal homelands, fulfills commitments related to water and other resource rights, executes fiduciary trust responsibilities, supports the stewardship of energy and other natural resources, creates economic opportunity, expands access to early childhood, K-12, and post-secondary education, and assists in supporting community resilience in the face of a changing climate.

Thank you for the opportunity to appear before you today. I am happy to answer any questions the subcommittee may have.

Senator MERKLEY. Thank you very much, Secretary Newland, and we are going to turn now to ranking member, Senator Murkowski.

STATEMENT OF SENATOR LISA MURKOWSKI

Senator MURKOWSKI. Thank you, Mr. Chairman. My apologies for being tardy here this morning. Thank you for your presence here, for your leadership at both BIA and in the Department of Interior, to welcome Director Tso, Assistant Secretary Newland. It has been a busy couple of weeks in the Approps Committee with the focus on the 2025 budget. I think this hearing marks the last one before we start to write a bill for the next fiscal year, and with the two agencies responsible for tribal programs under the subcommittee's jurisdiction. So we got a lot to do here, but I think one of the things that we have seen is a commitment, a priority to work together to fund essential programs that serve tribes and native communities.

It is no secret that fiscal year 2024 was a lean year for the agencies that were funded by this subcommittee. We had to make a lot of tough choices, but we did our best to maintain funding for the programs that are critical to Indian Country and Alaska, including health, economic development, education, and workforce development, as well as water and sanitation infrastructure. And as we work to uphold the Federal Government's trust responsibilities, we have made great progress on the challenging issues related to contract support costs and 105 tribal lease payments. But the challenges keep coming, so Director Tso, we are going to need to keep in close touch on this, given the pending Supreme Court case regarding contract support costs and responsibilities related to third-party payments.

The President's proposal for IHS is roughly \$8 billion, which represents an increase of over \$1 billion above enacted and, again, proposes to shift the entire Agency to mandatory funding beginning in fiscal year 2025. And while I agree that there is far more need than funding levels can meet and have supported advanced appropriations for the Agency, I am not sure how the constraints of the Fis-

cal Responsibility Act would provide for that level of increase now or how we pay for a shift to mandatory funding in the out-years.

A couple Alaska-specific issues with IHS that I have raised with you previously, Director Tso, and the first is IHS' consultation policy and the definition of "Indian tribe" in that policy. I think you know IHS has been using the ISDEA definition of "Indian tribe" for many years now. It allows Alaska's entire tribal health system to participate in consultation. You well know the unique structure that we have for delivery of healthcare that involves Alaska tribes, tribal organizations, and intertribal consortia. We have heard no clear reason to change from the definition of "Indian tribe" after years of productive tribal relations with IHS under the current policy, so I would urge IHS to not undermine the existing robust tribal consultation process. Just do not do it. I am going to mention the Alaska Native Medical Center, but we will do that in questions.

Then turning to the Department of Interior, the proposed fiscal year 2025 funding for Indian Affairs, about \$4.5 billion, close to \$588 million above enacted. I also recognize the importance and the need for the resources for activities funded by DOI, but, again, do not see how current law provides a path to that level of funding. The only promise that I can make as we look to write this bill is that we will continue our bipartisan tradition to prioritize the needs of native communities.

Sitting as the ranking member on Indian Affairs, I am proud of all that we have been able to achieve together for missing and murdered indigenous people, but as we mentioned yesterday at the hearing, Assistant Secretary, I think we are just scratching the surface right now. As I talk with native communities in Alaska and across the country, public safety and justice investments are a top priority. And again, the hearings that we have had there in Indian Affairs have been important, talking about everything from adequate funding for PL 280 States to address the inequities with respect to public safety and justice with non PL 280 States. This is a top concern. I have included funding for tribal courts in PL 280 States in the Interior bill for the last 10 years. I think we are making some progress there.

We also mentioned the VAWA 2022, which established the Alaska Pilot Program and an Alaska Intertribal Technical Assistance Working Group. I am not quite sure if we are going to have a good acronym for that, but we are hoping to see DOI actively participate in those programs, too. And we are going to continue to support sufficient funding for the small and needy tribe supplement, subsistence, and programs that support native languages. It is also important to me that tribal management programs are effectively contributing towards economic development while meeting natural resource goals.

A lot of ground to cover. Mr. Chairman, I appreciate the good work of the committee and our staffs as we work to build out the budget in this subcommittee for these important priorities.

Senator MERKLEY. Thank you very much, Senator Murkowski. Now we are going to turn to the director of the Indian Health Services, Roselyn Tso. Welcome.

STATEMENT OF ROSELYN TSO, DIRECTOR, INDIAN HEALTH SERVICE

Dr. TSO. Good morning, Chairman Merkley, and Ranking Member Murkowski, and members of the committee. Thank you for the opportunity to testify on the President's fiscal year 2025 budget request for the Indian Health Service.

Before I turn to the budget, I want to first acknowledge and thank you for your work over the years to grow the IHS budget, as well as prioritize Indian healthcare across Indian Country. We are especially grateful for the IHS advanced appropriations in fiscal year 2024, this historic achievement that has greatly improved the lives of American Indians and Alaska natives across Indian Country. I am happy to report that because of the fiscal year 2024 advanced appropriations, IHS has made a hundred percent of payments to eligible tribes through compacts and contracts within the first 2 weeks of the fiscal year.

I also appreciate the opportunity to share with you the steps I have taken as the IHS director to improve transparency, accountability, and oversight at the Indian Health Service. As we seek additional funding and new funding authorities, it is critical that the Indian Health Service improve its internal operations to ensure safe and high-quality healthcare, and protect and support the relationships that we have with tribes and urban organizations. To ensure that I fully understand the challenges and successes throughout Indian Country, I appreciate the opportunity to visit with tribal leaders across the country in their space to better understand and also gain their input and perspective. In support of building a high-performing organization, I implemented the first Agency work plan in January of 2023 that achieved three major accomplishments, including total system safety strategy, the IHS patient safety policy, and improvements to our purchase and referred care program, such as updating the medical priority levels, building a financial monitoring tool system, and training staff to obligate PRC funding in a timely manner.

Building on the work plan, our 2024 Agency work plan outlines steps that the Agency is taking to address priorities as well as mitigate risk. The Agency work plan addresses a wide range of issues, but also incorporates the recommendation and principles identified by the GAO with the goal of being removed from the GAO High-Risk List. With your support, the IHS budget has grown by 69 percent in the last decade. We know that this type of growth is challenging to accomplish in a constrained discretionary funding environment. Over the years, the work with our tribes and urban partners underscore our shared goal to improve health outcomes for all American Indians and Alaska Natives. It is with this shared goal in mind that the administrative approach to the 2025 budget request for IHS.

We know that despite our shared efforts, IHS is still underfunded. This underfunding of the Indian health system directly contributes to the stark health disparities in our tribal communities. For example, American Indians and Alaska Natives born today have an average life expectancy that is 10.9 years fewer than U.S. all-race population. Longstanding health disparities were compounded by the pandemic, with American Indians and Alaska Natives experiencing disproportionate rates of COVID-19 infections,

hospitalizations, and death. Addressing these inequities is a moral imperative for our Nation, and it will require bold steps from all of us to ensure we are upholding our commitment to Indian Country. That is why the budget proposes to build on the enactment of advanced appropriations for funding the IHS as discretionary in 2025. Beginning in 2026, the budget will move all funding to mandatory.

The administration continues to stand behind mandatory funding as the most appropriate long-term funding solution for Indian Health Service, and we know it is a significant change that will take time and collaboration with Congress and tribes to accomplish. We believe that this change of this magnitude is overdue, and we must deliver to Indian Country. As we work together towards securing a stable, predictable, adequate funding to meet the needs of Indian Country, we are committed to working closely with our stakeholders. Thank you again for the opportunity to speak with you today, and I am happy to answer any questions that committee may have.

[The statement follows:]

PREPARED STATEMENT OF HON. ROSELYN TSO

Good morning Chairman Merkley, Ranking Member Murkowski, and Members of the Committee. Thank you for your support and for inviting me to speak with you about the President's Fiscal Year (FY) 2025 Budget Request for the IHS.

The Indian Health Service (IHS) is an agency within the Department of Health and Human Services (HHS) and our mission is to raise the physical, mental, social, and spiritual health of American Indians and Alaska Natives (AI/ANs) to the highest level. This mission is carried out in partnership with AI/AN Tribal communities through a network of over 600 Federal and Tribal health facilities and 41 Urban Indian Organizations (UIOs) that are located across 37 States and provide health care services to approximately 2.8 million AI/AN people annually.

On March 11, 2024, the White House released the President's FY 2025 Budget, which builds on the historic enactment of advance appropriations for the IHS by taking a two-pronged approach. In FY 2025, the Budget proposes to fund all IHS accounts (other than the Special Diabetes Program for Indians) as discretionary, building on the advance appropriations already enacted. Beginning in FY 2026, the Budget would make all funding for IHS mandatory. The action taken in the FY 2025 President's Budget demonstrates the Administration's continued commitment to strengthening the Nation-to-nation relationship. This historic proposal addresses long-standing challenges that have impacted communities across Indian Country for decades.

The Indian Health system is chronically underfunded compared to other healthcare systems in the U.S.^{1,2} Despite substantial growth in the IHS discretionary budget over the last decade, 69 percent from FY 2013 to the current FY 2024 enacted level, the growth has not been sufficient to address the well documented funding gaps in Indian Country. These deficiencies directly contribute to stark health disparities faced by Tribal communities. AI/ANs born today have an average life expectancy that is 10.9 years fewer than the U.S. all-races population. AI/AN life expectancy dropped from an estimated 71.8 years in 2019 to 65.2 years in 2021—the same life expectancy as the general United States population in 1944.³ They experience disproportionate rates of mortality from most major health issues, including chronic liver disease and cirrhosis, diabetes, unintentional injuries, assault and homicide, and suicide. AI/AN people also have higher rates of colorectal, kidney, liver, lung, and stomach cancers than non-Hispanic White people.⁴ The pan-

¹Government Accountability Office Report—Indian Health Service: Spending Levels and Characteristics of IHS and Three Other Federal Health Care Programs <https://www.gao.gov/assets/gao-19-74r.pdf>

²U.S. Commission on Civil Rights Report—Broken Promises: Continuing Federal Funding Shortfall for Native Americans <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>

³Centers for Disease Control and Prevention (CDC) Report—Life Expectancy in the U.S. Dropped for the Second Year in a Row in 2021 <https://www.cdc.gov/nchs/pressroom/>

demic compounded the impact of these disparities in Tribal communities, with AI/ANs experiencing disproportionate rates of COVID-19 infection, hospitalization, and death.

LEADERSHIP PRIORITIES

In January, the IHS implemented the 2024 Agency Work plan⁵ and closed out the 2023 plan. The 2023 Agency Work Plan produced remarkable achievements across the Agency, including implementing the Total System Safety Strategy, the IHS Patient Safety Policy in November 2023 to support system level safety for the IHS workforce and patients, and improvements to the Purchased/Referred Care (PRC) program, such as new medical priority levels, a financial monitoring tool, and staff training to obligate PRC funding in a timely way.

The 2024 Agency Work Plan outlines steps the IHS is taking to address priorities as well as mitigate risks. The plan details critical actions that will ensure safe, quality, and patient-centered care, as well as improve IHS operations and communication. The IHS will achieve these goals through rigorous management and oversight of resources to ensure the health care needs of AI/ANs are met. The 2024 Agency Work Plan also includes actions that are necessary to meet the U.S. Government Accountability Office's criteria for being removed from their high-risk list⁶.

As I travel across Indian Country, I see the consequences of decades-long underfunding of the Indian health system. I see the promise of what could be accomplished with appropriate funding for the IHS in the achievements of IHS-operated hospitals and health clinics, Tribal Health Programs, and Urban Indian Organizations, despite resource limitations. I also see the immediate impact of predictable and timely funding through advance appropriations, including the IHS's fastest-ever distribution of annually appropriated funds and the continued focus on patient care uninterrupted by delays or potential lapses in appropriations. The FY 2025 President's Budget moves the Federal Government closer to meeting its responsibilities to Indian Country than ever before.

ADVANCE APPROPRIATIONS AND LONG-TERM FUNDING SOLUTIONS

The FY 2025 President's Budget builds on the historic enactment of advance appropriations. For FY 2025, the Budget includes \$8.2 billion in total funding for the IHS, which includes \$8.0 billion in discretionary funding, and \$260 million in proposed mandatory funding for the Special Diabetes Program for Indians. This is an increase of \$1.1 billion above the FY 2024 Enacted level.

Advance appropriations represent an important step towards securing stable and predictable funding to improve the overall health status of AI/ANs and ensuring that the disproportionate impacts experienced by Tribal communities during government shutdowns and continuing resolutions are never repeated. While the progress achieved through the enactment of advance appropriations will have a lasting impact on Indian Country, funding growth beyond what can be accomplished through discretionary spending is needed to fulfill the Federal Government's commitments to AI/AN communities. Funding for IHS has grown substantially in the last decade, but this growth is not sufficient to address the historic underinvestment and persistent health disparities in AI/AN communities.

The Budget proposes to fully shift the IHS budget to mandatory funding in FY 2026. Under the mandatory proposal, IHS funding would grow automatically to address the growing cost of providing direct health care services, including pay costs, medical and non-medical inflation, population growth, key operational needs, and existing backlogs in both healthcare services and facilities infrastructure. This mandatory formula culminates in a total funding level of approximately \$42 billion in FY 2034. In total, the mandatory formula would provide approximately \$289 billion for the IHS over the budget window. When accounting for the discretionary baseline, the net cost of the proposal is approximately \$208 billion over the budget window.

The Administration continues to support mandatory funding for IHS as the most appropriate long-term funding solution for the agency and will continue to work collaboratively with Tribes and Congress to move toward sustainable mandatory funding. Until this solution is enacted, it is critical that Congress continue to provide

nchs_press_releases/2022/20220831.htm#:text=AIAN%20people%20had%20a%20life,total%20U.S.%20population%20in%201944

⁴ CDC—Cancer Within American Indian and Alaska Native (AI/AN) Populations <https://www.cdc.gov/healthytribes/native-american-cancer.html>

⁵ Indian Health Service—FY 2024 Agency Work Plan https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/factsheets/

advance appropriations for IHS through the discretionary appropriations process to ensure funding for healthcare services and facilities activities are not disrupted.

Mandatory funding for the IHS provides the opportunity for significant funding increases that would be difficult to achieve within the limitations of the discretionary appropriations process. Further, this mandatory funding proposal would ensure greater predictability that would allow IHS, Tribal, and urban Indian health programs the opportunity for long-term and strategic planning. This increased stability and ability to conduct longer-term planning will improve the quality of healthcare, promote recruitment and retention of health professionals, and enhance management efficiencies for individual health programs and the Indian Health system at large. The request also responds to the long-standing recommendations of Tribal leaders shared in consultation with HHS and IHS to make IHS funding mandatory.

The Budget also exempts all IHS funding from sequestration, which is the legislatively mandated process of budget control consisting of automatic, across-the-board spending reductions to enforce budget targets to limit Federal spending. Exempting the IHS budget from sequestration ensures funding for direct health care services for AI/ANs is not reduced and is consistent with the treatment of other critical programs such as veterans' health care benefits.

Lastly, the Budget proposes to reauthorize mandatory funding for the Special Diabetes Program for Indians and increase funding to \$260 million in FY 2025 and \$270 million in FY 2026. This program has proven to be effective at reducing the prevalence of diabetes among AI/AN adults.⁷ Potential net savings to Medicare due to averted cases of diabetes-related end-stage renal disease were estimated to be up to \$520 million over 10 years.⁸ The budget's proposed increases will enable the program to expand to additional grantees and allow local recipients to plan for larger and longer-term interventions more effectively.

PRIORITIZING HIGH QUALITY HEALTH CARE

The Budget prioritizes investments that advance high quality health care and tackle the stark healthcare inequities 2.8 million Americans in the country who are AI/AN face every day.

In FY 2025, the Budget provides \$345 million to offset the rising costs of providing direct health care services. These resources will help the IHS to maintain medical care levels and address increasing costs affecting the operating budgets of IHS, Tribal, and urban Indian health programs.

Similarly, the Budget includes \$153 million to fully fund staffing and operating costs at 10 newly-constructed or expanded health care facilities opening in FY 2024 and FY 2025.⁹ These funds will expand the availability of direct health care services in areas where existing health care capacity is overextended. Beginning in FY 2026, the mandatory funding formula fully funds current services and staffing and operating costs for newly opening facilities in the out-years, which ensure that health care services are maintained and/or expanded.

In FY 2025, the Budget also makes targeted investments to address our Nation's most pressing public health challenges, which disproportionately impact AI/AN communities, including an additional \$10 million to address HIV, Hepatitis C, and sexually transmitted infections and an additional \$10 million to address opioid use in Indian Country.

The Budget also makes numerous investments in high priority areas, such as the expansion of the successful National Community Health Aide Program and other activities that support high quality health care.

Likewise, from FY 2026 to FY 2030, the Budget requests an additional \$11.6 billion in mandatory funding for the Indian Health Care Improvement Fund to address the funding gap for direct healthcare services documented in the FY 2018 level of need funded analysis.¹⁰ The Budget would continue growth for direct services once

⁷ 4 British Medical Journal- Prevalence of diagnosed diabetes in American Indian and Alaska Native adults, 2006–2017 <https://drc.bmj.com/content/8/1/e001218>

⁸ HHS Assistant Secretary for Planning and Evaluation Issue Brief- The Special Diabetes Program for Indians Estimates of Medicare Savings https://aspe.hhs.gov/sites/default/files/private/pdf/261741/SDPI_Paper_Final.pdf

⁹ As the budget was developed before Congress completed action on full year FY 2024 appropriations, the request includes \$61 million to fully- fund staffing costs of 7 new or expanded facilities eligible for funds in FY 2024. Congress provided this funding in the FY 2024 Omnibus, so this funding would become recurring and these increases would not need to be provided again in FY 2025.

¹⁰ Indian Health Service- FY 2018 Indian Health Care Improvement Fund Workgroup Interim Report https://www.ihs.gov/sites/ihcif/themes/responsive2017/display_objects/documents/2018/2018_IHCIF_WorkgroupInterimReport.pdf

the 2018 gap is addressed. This funding would be distributed using the Indian Health Care Improvement Fund formula. The formula targets appropriations to the sites with the greatest need, as compared to the benchmark of National Health Expenditure Data, which is maintained by the Centers for Medicare and Medicaid Services. The formula is the product of longstanding consultation with Tribes.

The Budget also prevents a sharp reduction in services by providing an additional \$220 million in mandatory funding in FY 2026 to partially sustain the one-time American Rescue Plan Act investments that were appropriated to expand access to mental health and substance abuse prevention and treatment services, and to expand the public health workforce in Indian Country.

Lastly, the Budget proposes dedicated funding to address disparities in cancer rates and mortality among AI/ANs, providing \$108 million in mandatory funding in FY 2026 for the Biden Cancer Moonshot Initiative. Through this initiative, the IHS would develop a coordinated public health and clinical cancer prevention program to implement best practices and prevention strategies to address incidence of cancer and mortality among AI/ANs.

MODERNIZING CRITICAL INFRASTRUCTURE

In addition to funding for direct health care services, additional investments are needed to address substantial deficiencies in physical and information technology infrastructure across the IHS system. Outdated infrastructure poses challenges in safely providing patient care, recruiting and retaining staff, and meeting accreditation standards. The Budget includes critical funding increases to reduce or eliminate existing facilities backlogs and modernize the IHS Electronic Health Record (EHR) through implementation of a new system.

The current IHS EHR is over 40 years old, and the GAO identifies it as one of the 10 most critical Federal legacy systems in need of modernization.¹¹ The IHS relies on its EHR for all aspects of patient care, including the patient record, prescriptions, care referrals, and billing public and private insurance for over \$1 billion reimbursable health care services annually. As a result of EHR modernization, patients and staff can expect improved patient safety, improved patient outcomes, better disease management, enhanced population health, improved clinical quality measures, opioid tracking, patient data exchange, third party revenue generation, and agency performance reporting; among others. Additionally, the new system will be interoperable with the Department of Veterans Affairs, Department of Defense, Tribal and urban Indian health programs, academic affiliates, and community partners, many of whom use different health information technology platforms.

In FY 2025, the Budget provides \$435 million in discretionary funding for EHR modernization, an increase of +\$245 million above 2024. Enacted to support licensing, hosting, training, site remediation, implementation, and support costs to implement a modernized system. The Budget then builds funding for EHR by adding \$1.3 billion in mandatory funding each year from FY 2026–FY 2030 to fully fund the modernization effort. Once the EHR modernization effort is fully funded, the Budget maintains sufficient resources for ongoing operations and maintenance of the new system.

The Indian health system also faces substantial physical infrastructure challenges—IHS hospitals are approximately 39 years old on average, which is over three times the average age of hospitals in the United States. Infrastructure deficiencies directly contribute to poorer health outcomes for AI/ANs and limit services that can be provided. Starting in FY 2026, the Budget addresses these needs by fully funding the 1993 Health Care Facilities Construction Priority List over 5 years. The remaining projects on the list include the Phoenix Indian Medical Center, Phoenix, AZ; Whiteriver Hospital, Whiteriver, AZ; Gallup Indian Medical Center, Gallup, NM; Albuquerque West Health Center, Albuquerque, NM; Albuquerque Central Health Center, Albuquerque, NM; Sells Health Center, Sells, AZ; Alamo Heath Center, Alamo, NM; Bodaway Gap Health Center, The Gap AZ; and Pueblo Pintado Health Center, Pueblo Pintado, NM.

Furthermore, the Budget includes an additional \$454 million in mandatory funding over 2 years, from FY 2026 to FY 2027, to fully fund the medical equipment backlog. Many IHS hospital administrators report that old or inadequate physical environments challenged their ability to provide quality care and maintain compliance with the Medicare Hospital Conditions of Participation. The administrators also report that aging buildings and equipment is a major challenge impacting recruitment and retention of clinicians.

¹¹ GAO-21-524T, INFORMATION TECHNOLOGY: Agencies Need to Develop and Implement Modernization Plans for Critical Legacy Systems <https://www.gao.gov/assets/gao-21-524t.pdf>

Maintaining reliable and efficient buildings is also a challenge as existing health care facilities age and the costs to operate and properly maintain health care facilities increases. Many IHS and Tribal health care facilities are operating at or beyond capacity and their designs are not efficient in the context of modern health care delivery. The Budget tackles this challenge by fully funding the 2023 Backlog of Essential Maintenance, Alteration, and Repair for IHS and Tribal facilities of \$2.0 billion over 2 years, from FY 2026 to FY 2027.

The mandatory budget ensures that these facilities investments can be rapidly addressed by providing sufficient administrative support increases. Specifically, the Budget increases the Facilities and Environmental Health Support funding to account for the growth in Health Care Facilities Construction and Sanitation Facilities Construction (SFC). This ensures adequate staff to properly oversee and implement facilities projects, as well as a comprehensive environmental health program within IHS.

Beginning in FY 2027, the Budget provides an additional \$250 million to address operation and maintenance costs for sanitation facilities projects, addressing long-standing recommendations from Tribes. In addition, the Budget dedicates \$10 million in mandatory funding to support a nation-wide analysis to understand the cost implications of implementing section 302 of the Indian Health Care Improvement Act (25 U.S.C. 1632), which authorizes funding for operations and maintenance costs for Tribes who choose to directly compete their own SFC projects. The results of this analysis will be used and implemented as part of the updated mandatory formula structure. These funds would be used by IHS and Tribes to ensure that existing SFC projects are reaching their maximum life-cycle and operations of these projects are sustainable for as long as possible.

SUPPORTING SELF-DETERMINATION

IHS continues to support the self-determination of Tribes to operate their own health programs. Tribal leaders and members are best positioned to understand the priorities and needs of their local communities. The amount of the IHS budget that is administered directly by Tribes through Indian Self-Determination and Education Assistance Act contracts and compacts has grown over time, with over 60 percent of IHS funding currently administered directly by Tribes. Tribes design and manage the delivery of individual and community health services through 22 hospitals, 330 health centers, 559 ambulatory clinics, 76 health stations, 146 Alaska village clinics, and 7 school health centers across Indian Country. In recognition of this, the Budget maintains an indefinite discretionary appropriation for Contract Support Costs and Section 105(l) lease agreements with estimated funding levels of \$979 million for Contract Support Costs and \$349 million for Section 105(l) Lease Agreements in FY 2025. The budget also includes appropriations language to allow IHS not more than \$10 million for management and oversight activities in each of the CSC and Tribal Lease Payments indefinite discretionary appropriations. These resources are critical for providing appropriate technical assistance to Tribes, supporting timely processing of CSC and section 105(l) lease agreements, and overseeing these ever-growing programs. Starting in FY 2026, the Budget would provide mandatory, indefinite funding for these accounts across the 9-year budget window to ensure these payments to Tribes are fully funded.

FUTURE EMERGENCY PREPAREDNESS

Throughout the COVID-19 pandemic, the IHS made incredible achievements to save lives and improve the health of AI/ANs across the Nation. The IHS worked closely with our Tribal and Urban Indian Organization partners, State and local public health officials, and our fellow Federal agencies to coordinate a comprehensive public health response to the pandemic. Our number one priority has been the safety of our IHS patients and staff, as well as Tribal community members.

COVID-19 has disproportionately impacted AI/ANs. Deficiencies in public health infrastructure exacerbated the impact of COVID-19 on AI/ANs. To address the long-term impacts of COVID-19, in FY 2026 the Budget provides an additional \$130 million in mandatory funding to support IHS patients in recovery from the long-lasting effects of the COVID-19 pandemic, including treatment for long haul COVID-19. Based on data from 14 States, age-adjusted COVID-19 associated mortality among AI/AN was 1.8 times that of non-Hispanic Whites.¹² In 23 States with adequate race

¹² CDC- COVID-19 Mortality Among American Indian and Alaska Native Persons—14 States, January-June 2020 <https://www.cdc.gov/mmwr/volumes/69/wr/mm6949a3.htm#:text=Based%20on%20data%20from%202014,persons%20aged%2020%E2%80%93349%20years>

and ethnicity data, the cumulative incidence of laboratory-confirmed COVID-19 among AI/AN was 3.5 times that of non-Hispanic Whites. In the state of Montana, COVID-19 incidence and mortality rates among AI/AN were 2.2 and 3.8 times those among White persons, respectively.

Beginning in FY 2026, the Budget also establishes a new dedicated funding stream to address public health capacity and infrastructure needs in Indian Country. This funding will support an innovative hub-and-spoke model to address local public health needs in partnership with Tribes and urban Indian organizations. Establishing a new program to build public health capacity is a key lesson learned from the COVID-19 pandemic, and a top recommendation shared by tribal leaders in consultation with HHS. This includes \$150 million in FY 2026, and would grow for inflation in the out-years under the formula, for a total of \$500 million over 9 years.

These resources are necessary to develop appropriate public health and emergency preparedness capacity in AI/AN communities to prevent these disproportionate impacts in the future. Tribes do not receive dedicated public health funding from the Federal Government, and the IHS does not currently have sufficient funding to support ongoing public health and emergency preparedness infrastructure. As of 2021, only four Tribal public health agencies are accredited through the Public Health Accreditation Board. Comparatively, 40 State and 305 local public health agencies were accredited as of 2021.¹³ The proposal complements the Budget's proposed investments in public health readiness and pandemic preparedness by ensuring IHS and Tribal communities have comparable resources to prepare for the next pandemic.

LEGISLATIVE PROPOSALS

In addition to proposed investments to ensure IHS has adequate operational capacity, the budget also includes several legislative proposals that would provide IHS with critical new or expanded authorities to address operational issues. Many of these proposals seek to enhance the agency's ability to recruit and retain healthcare providers, and provide parity with other Federal agencies to increase IHS' competitiveness when hiring for key positions. The IHS, as a rural health care provider, experiences difficulty recruiting and retaining health care professionals, physicians and other primary care clinicians in particular. Staffing shortages are particularly prevalent in the behavioral and mental health fields, which has only exacerbated the concurrent substance use crisis and suicide crisis that Tribes across the country are facing in their communities. Workforce challenges—and the impacts on care that come with them—are one of the top concerns raised to the Department by Tribes. The proposed legislative changes would: 1) Extend Title 38 personnel authorities, to enable IHS to offer specialized pay and benefits for health providers; 2) Provide tax exemption for recipients of IHS scholarship and loan repayment benefits, and allow these recipients to meet their service obligations on a half-time basis; 3) Enable IHS to fulfill mission-critical emergency hiring needs; 4) Provide IHS authority to hire and pay experts and consultants; 5) Enable IHS to provide on-call pay to its healthcare providers; and 6) Enable U.S. Public Health Service Commissioned Corps officers to be detailed to Urban Indian Organizations.

CLOSING

The FY 2025 Budget makes critical strides toward the goal of ensuring stable and predictable funding to improve the overall health status of for AI/ANs. The Budget is a historic step and a continuation of an ongoing conversation with Tribes to ensure the IHS system is meeting the healthcare needs in Indian Country. HHS looks forward to working in consultation with Tribes, urban Indian organizations, and Congress to refine the FY 2026 mandatory proposal through the legislative process to strengthen the Nation-to-Nation relationship.

IMPACTS OF CONTINUED LOWER FUNDING IN FISCAL YEAR 2025

Senator MERKLEY. Well, thank you very much to both of you. As I said earlier, I do not love the Fiscal Responsibility Act, which I believe was irresponsible given the challenges that we are facing.

¹³ Office of Disease Prevention and Health Promotion- Increase the number of Tribal public health agencies that are accredited <https://health.gov/healthypeople/objectives-and-data/browse-objectives/public-health-infrastructure/increase-number-tribal-public-health-agencies-are-accredited-phi-03/data>

But I was very pleased with the outcome of our 2024 Interior bill, and it was a pleasure to work with Ranking Member Murkowski as we protected core programs and tried to minimize any negative impacts. But we need more support for tribal schools, for tribal law enforcement, tribal healthcare, and so what do you see happening if fiscal year 2025 has another round of cuts? And you mentioned some of them, and I will just open up with that concern, see what you are all seeing from the executive side, either one of you or both of you.

Dr. TSO. Thank you. Thank you for that question. The immediate that I have seen is, of course, a \$73 million reduction in SCF. SCF, of course, is our water/sewer infrastructure to Indian Country, and any home that does not have water or sewer infrastructure is going to be impacted by some kind of a health issue. So the public health need here to make sure that we protect those sources of funds is absolutely critical.

The second line item that we received a reduction is our electronic health records. Our electronic health records at plural the Indian Health Service is more than 40 years old, and learning today and knowing today how significant that is for any healthcare system is imperative that we continue to stay on track as much as we can with our schedule and keep moving that forward so we can deliver improved healthcare to American Indians and Alaska Natives. Thank you.

Mr. NEWLAND. Thank you, Mr. Chairman. The short answer is that we will see cuts to important services across Indian Country. So at the fiscal year 2024-enacted level, that already limited our ability to hire law enforcement officers across Indian Country, which is laid out in my opening statement and submitted testimony. We are well short, far short of our obligation to Indian Country when it comes to public safety funding. It will limit our ability to replace schools that are in poor condition. We are already 30 years out from replacing all of those schools. It will limit our ability to ensure that people in BIA and Tribal detention centers are in humane conditions. Twenty-three of those jails are already rated in poor condition, and we estimate in today's funds, it will take over \$600 million to replace those. So any cuts or limitations on our ability to make these investments will amplify what is already a big problem in so many tribal communities.

TRIBAL SOVEREIGNTY PAYMENTS

Senator MERKLEY. Now, a big challenge—and those challenges are made potentially higher by the pending Supreme Court case related to third-party billing within IHS programs, which would expand the responsibilities of what we have referred to as tribal sovereignty payments, administrative overhead, and leasing costs that the courts have said we need to pay. I have heard estimates that depending on how this Supreme Court decision comes out, it could result in immediate additional costs of \$800 to \$2 billion. Do you all have any update on that challenge? I think, Director Tso, this is more in your camp, and could you explain why that Court decision might increase the cost so much?

Dr. TSO. Yeah. Thank you for that question. Two things. One, you know, we are definitely waiting for that final decision from the

Supreme Court, but we are relying heavily on our current system that we have in place to calculate contract support costs, and we will continue to review those numbers to make sure that we do get to a more firm number as we move forward. Part of this also will require extensive tribal consultation that I want to be respectful for as we move towards agreement with tribes on how to calculate contract support costs.

Senator MERKLEY. Thank you, and you mentioned the challenge with electronic medical records. I must say this is one of my personal frustrations that we have so many different systems and so many different parts of our government makes absolutely no sense to me at all. We have to reinvent this time and time again. So I am going to ask my team to follow up on that, better understand where we are in that process, why it is we could not just adopt an electronic medical record system that had been developed for another Agency rather than trying to invent it from scratch. Back when we were working on the Affordable Care Act, I really lobbied for us to have one system across America. We ended up instead saying let's just make it free competition, which we have many systems, many systems that do not talk to each other. It does not serve the health of Americans, and it has amplified the overall cost a thousand times over. So just a personal frustration on that part.

LAW ENFORCEMENT CHALLENGES

Secretary Newland, talk a little bit more about the law enforcement challenge that we are facing and what we should be doing and we are not getting done.

Mr. NEWLAND. Thank you, Mr. Chairman. Well, there are so many components to this. I will note that right now, the BIA funds 198 law enforcement programs across Indian Country. That includes 34 direct service Tribes where the BIA is responsible for policing and 164 Tribally-contracted law enforcement programs. That is less than half of all federally-recognized Tribes in the country, and as Ranking Member Murkowski has noted, you know, many Tribes in Public Law 280 States are facing similar challenges without the commitment of Federal funding, and, Mr. Chairman, you and I have spoken about this before as well.

So you know, the need is really high, and it is across the board, from law enforcement officers to Tribal courts to detention facilities, and they all affect one another. When Tribal courts are not fully staffed up, we get a lot more people in jails on pretrial detention. When people are housed in pretrial detention in the jails, that limits the capacity and we have to move staff around, and we have to move inmates around to different locations, which takes officers off the beat to transport them. And so these all feed on each other.

And, you know, we hear regularly from Tribal leaders about the urgent need for more officers in their communities, and for those direct service communities where BIA is responsible, if there is a public safety crisis, we have to pull officers from one Tribe and detail them to respond to that crisis. And so what that does is it creates a law enforcement shortage in the communities from which we have detailed those officers. And the overall level of investment, you know, really leads to this situation, and that is why we have put forward, or the President has put forward in his budget pro-

posal to make these investments, to add hundreds of officers to Tribal communities across the country, make investments in jail construction and operations and maintenance.

Senator MERKLEY. Thank you very much. Let's turn to our ranking member, Senator Murkowski.

CONTRACT SUPPORT COSTS AND 105(L) LEASES

Senator MURKOWSKI. Thank you, Mr. Chairman. I want to talk about contract support costs and 105(l) tribal lease payments. You know, from a budgetary perspective, this is one area that just continues to confound as we see these ever-escalating costs and just the unpredictability of it from a budgetary perspective. The request, again, proposes to reclassify contract support costs and 105(l) lease payments to mandatory beginning in fiscal year 2026.

As I look at this, functionally, there is no difference to tribes if a reclassification happens since the Interior approps bill provides a full funding for these accounts. So can you share with me this is going to be directed to both of you, what the functional difference for your respective agencies would be if we do reclassify that. And then give me some kind of a status update in terms of what you each are doing to meet the legal requirement that was laid out in *Maniilaq v. Burwell* because both IHS and DOI have both been directed to establish these guidelines regarding the parameters for which a lease agreement should be structured and paid for, but it seems that the Agencies are taking a different approach here on how to structure those payments. So talk to me a little bit about CSC and 105(l)s, Director Tso.

Dr. TSO. Thank you, Ranking Member, for that question. With regards to, again, contracts per costs and our request to move it over to mandatory for both CSC and 105(l), we believe that that is the best place for it to be to protect the rest of the Indian Health Service budget, the service and the facilities budget. We have experienced this year that, as a result of meeting those obligations, that we did face the reductions that we had in 2024. So that is our position with respect to believing that that is the best place for it to be to protect the budget for the Indian Health Service.

Senator MURKOWSKI. Assistant Secretary.

Mr. NEWLAND. Sure. Thank you, Ranking Member, for the question. With respect to 105(l) leases, you noted the surge in demand over the last few years. We have gone from fewer than 5 to more than 600 in the pipeline. And so we have seen that, and we would be happy to provide some of the charts and data to you and your team. We have seen the growth and the impact that has on not only our staffing levels, but also, you know, our overall budget. With respect to the requirements from the case that you had mentioned, we have put guidelines in place for how we negotiate and reach these lease agreements with Tribes and provide technical assistance along the way, and will see in the budget requests that we have asked for additional staffing to help us with this because it has become a bottleneck. We are processing these with the same number of staff who did, fewer than five leases, so when they are providing technical assistance that is time away from processing these leases.

Going back to your first question, Ranking Member, about, the impact on the budget given with respect to our mandatory proposal, I am going to ask our deputy assistant secretary to maybe speak on this for just a moment to be responsive.

[The information follows:]

REQUESTS FOR TRIBAL 105(L) LEASES TO INTERIOR FY 2021–FY 2025

The 105(l) program currently has over 1,400 backlogged lease requests from FY 2021–FY 2024. We are still receiving new requests at a faster rate than we can process them. The program is not just growing but growing at an accelerated rate. We had requests from three Tribes in 2019 and have requests from one hundred twenty-eight Tribes as of the end of FY 2024. This significant growth underscores the importance of our collective efforts to manage it. We have requested additional FTE to implement the program through BIA's Operation of Indian Programs account in the FY 2025 President's Budget.

Discretionary appropriations for the 105(l) program for recent years have grown from \$21.6 million in 2021 and \$36.6 million in 2022, to the projected amounts of \$82.5.0 million in 2024, and \$120.0 million in 2025. The interest in 105(l) payments is expected to be greater in future years.

Once initiated, most leases will likely continue into future years, so the total program will only increase as new leases are added to the program, as existing rents increase, and as existing leases grow in scope. The need for appropriations for 105(l) leases is expected to grow rapidly based on current Tribal interest expressed in the program and the existing volume of lease applications. BIA is statutorily obligated to pay these lease costs.

Recent President's Budgets, including for FY 2025, have proposed reclassifying 105(l) lease costs as mandatory funding. If 105(l) funding remains as discretionary appropriations, the expected continued growth of demand for these leases will exert more and more pressure on the overall amounts available for BIA's other programs funded with discretionary appropriations as well as the topline discretionary total for all of DOI.

Mr. FREIHAGE. Our response would be similar to IHS in that by having it in the same discretionary pot along with public safety and justice, law enforcement activities, social services, forestry, the full gamut of BIE schools, the growth of 105(l) is going to squeeze out those other discretionary investments. By realigning them on the mandatory side for what is already a mandatory legal requirement, simply matches the funding framework with the existing legal requirement to pay the leases.

MANDATORY VS. DISCRETIONARY FUNDING

Senator MURKOWSKI. Well, this is an area, again, where I think you have got a lot of attention from this committee. Director Tso, I want to ask you about the mandatory approps versus discretionary and the proposal that is contained. The mandatory formula would increase IHS funding pretty dramatically, \$42 billion in fiscal year 2034. This is an increase of \$35 billion over the 2024 total appropriation of \$7 billion. This switch is going to cost about \$289 billion and would be charged to whichever committee enacted the change to mandatory, but I also note that there is no legislative proposal accompanying the President's budget to accomplish this.

So the question is whether or not you are anticipating transmitting authorization language to account for the proposed shift, and has there been internal conversation about how to pay for the shift to mandatory appropriations because we just cannot talk about it on paper. You do that, it comes from somewhere. So has that been identified?

Dr. TSO. Yes. Thank you, Ranking Member. I am going to ask my colleague, Jillian, to respond. Thank you.

MS. CURTIS: Thank you very much, Director, and thank you, Senator, for that question. The kind of key focus that the IHS, the administration has around preparing a legislative proposal for the mandatory budget request would be to partner with Congress in doing so. I know we have shared some technical assistance in previous years, but we would be happy to continue those conversations with the key staff on both the appropriations and the authorizing side.

Senator MURKOWSKI. So I take it you are not prepared to transmit authorizing legislation at this point in time?

Ms. CURTIS. Not today, no.

Senator MURKOWSKI. Okay. Thank you. We will next turn to Senator Heinrich.

IMPLEMENTATION OF THE STOP ACT

Senator HEINRICH. Thank you. Secretary Newland, in 2022, I passed the STOP Act to stop the illegal export of tribal objects of patrimony, sacred objects. Your budget request does not include any funding to implement the STOP Act. The last time I raised this issue, the Secretary gave me an answer about NAGPRA, but that is not my question. I want to know what your plans are, how you are going to implement the STOP Act, which is current law, and what funding will you use.

Mr. NEWLAND. Thank you, Senator, and we are very grateful for that bill being passed into law, and we have been working with Indian Country on developing regulations as called for in the law in concert with the Department of Homeland Security, the State Department, and the Department of Justice. Our estimate at this time is that that program would be of a similar size and scope as the Department's NAGPRA Program.

Part of the consultation concerning the regulations is about where we house STOP Act implementation at the Department, and what we heard from Indian Country is that it would be best housed within the Indian Affairs Bureaus. And so we are trying to get to publication of these regulations that would formalize that and allow us to place it in our budget someplace. But Senator, I think to get to the heart of your question about the costs to implement this, we estimate that they would be of a similar size and scope as the Department's NAGPRA Program, given the nature of the work, and then as we get into years of implementation, we will get a better sense as to the need. I hope that is responsive.

Senator HEINRICH. I am concerned that we are going to put off getting started for another year, and even without funding, this law has seen some success already. So I would certainly I am going to work with my colleagues here on the committee to start trying to identify funding in this fiscal year so that we can get this up and going.

Mr. NEWLAND. Thank you.

GALLUP INDIAN MEDICAL CENTER

Senator HEINRICH. Director, so you joined me a couple years ago at the Gallup Indian Medical Center. It is shameful the condition

that that facility is in. I know IHS has been working with the Navajo Nation to identify a replacement site. Do you have an update on when a site will be selected, and what is IHS doing to move this forward?

Dr. TSO. Thank you, Senator. It is good to see you again. Yeah, I have been on a regular basis making contact with the Navajo Nation with respect to site selection. This is crucial for us to do the appropriate planning for this. In my recent conversation, I am expecting at any point that the Navajo Nation will complete phase two of the site selection for two locations that they are working on, so I am looking forward to that information as we move forward. However, as I think your staff was informed a couple weeks ago, the situation that we are in at the Gallup Indian Medical Center is absolutely dire. We have actually had to close that facility for 24 hours within the last 30 days and move patients because repair of a water line. It is not going to take much more, and I am not sure it has gotten any better since we were there together.

So I appreciate the \$66 million that we have appropriated for that, but just as we have completed the last planning, we are looking at a billion dollars. Knowing the cost of construction and everything that we are looking at, we are probably looking at least an additional 40 percent onto that to complete that new facility today.

Senator HEINRICH. Well, I look forward to working with you on this. It is long, long overdue and incredibly important for that portion of Indian Country.

LAW ENFORCEMENT CHALLENGES

Secretary Newland, I secured funding in the fiscal year 2024 appropriations bill for four new ballistics testing machines in New Mexico, and that is going to include one in Farmington and one in Gallup. These machines can help solve gun crimes in neighboring tribal communities as well. So I just want to urge BIA law enforcement to look to partner with the New Mexico Attorney General, who is going to be housing and looking after those new machines to come up with an agreement so that BIA law enforcement can spend their time driving to other NIBIN machines. I mean, you know well the challenges of distance and how much time BIA law enforcement spends driving someplace. This is an opportunity for us to turn that around and be able to process evidence fairly close and then have those BIA officers spending more of their time actually enforcing the law, so would love to work with you on that.

Mr. NEWLAND. Thank you, Senator. We are absolutely committed to working with you and also the State on making sure we are keeping people safe in their communities and allowing police officers to be police officers.

Senator HEINRICH. Amen.

Senator MURKOWSKI. Senator Fischer.

Senator FISCHER. Thank you, Senator Murkowski, and thank you all for being here today.

The Santee Sioux Nation, which is located in Northeast Nebraska, has been under a no-drink order since 2019, and that is nearly 5 years. The water from Sante Sioux Nation's wells contains more than 50 times the safe limits of manganese, which, as you know, can cause serious adverse health effects. Multiple studies

from different agencies, including two from IHS, have all shown the same thing. Santee and the surrounding areas are isolated from Nebraska's major population centers, and they must rely on bottled water, which is costly. In fact, the tribe pays \$14,000 a month to buy that bottled water. The tribe received a grant from the BIA during the pandemic for around \$150,000 for the bottled water. The funding from that grant ran out in 8 months. The tribe has a plan to remedy this problem and is pursuing funding from many different sources, and while they have had some success, the total cost of this project will be very expensive. In 2021, I was proud to vote for the Infrastructure Bill, which provided billions to IHS for sanitation projects just like this.

Assistant Secretary Newland and Director, so can I have both of your commitments to work with me and the Santee Sioux Nation to fix this problem once and for all?

Dr. TSO. Yes, certainly with the Indian Health Service.

Senator FISCHER. Thank you.

Mr. NEWLAND. Yes, Senator.

FUNDING FOR TRIBAL COLLEGES AND UNIVERSITIES

Senator FISCHER. Thank you. We look forward to getting this solved. Nebraska is also the home to two tribal colleges, Little Priest Tribal College and the Nebraska Indian Community College. These schools and other tribal colleges, which are often located in very rural areas, do a wonderful job in educating and preparing native and non-native students alike to have successful futures. Funding from the Department of Interior is critical. It is a critical part in these institutions' budgets, particularly in supporting operational costs as well as maintenance and repairs.

For example, many of the campus buildings at Little Priest Tribal College are decades old, with some dating back to the 1950s and in need of continuous maintenance and repair to ensure a safe learning environment for the students. Flat funding from DOI for TCUs means that they have to use other resources to support these operational costs, and it also results in them having to defer key maintenance projects, which leads to higher costs down the road. A budget request is a statement of priorities. While DOI's budget requests for Indian programs flat funds these key programs for TCUs, it proposes funding increases elsewhere, like a nearly \$14 million increase for climate resilience and environmental justice programs at BIA.

Given the limitations of budget caps for fiscal year 2025, I am concerned about the Department's priorities for Indian programs. Mr. Assistant Secretary, can you explain the rationale behind the Department asking for flat funding for our TCUs?

Mr. NEWLAND. Thank you, Senator. First, let me express my gratitude to you for advocating for TCUs. I sat on the board of a Tribal college.

Senator FISCHER. They are fabulous.

Mr. NEWLAND. My wife presently teaches at a Tribal college, and, you know, one of the challenges I think everyone here, including the Committee members, understands is, with limited resources, trying to direct them where they are most needed. We develop our budget proposal in concert with Tribal leaders through the Tribal

Interior Budget Council, and often our priorities are a reflection of that ongoing dialogue. I have heard from a number of Tribal leaders across the country about the present-day impacts of climate change. We have been asked to help them deal with the present-day effects of that, and the budget reflects that, and it is not necessarily a statement that Tribal colleges are not important.

I agree with you that when Tribal colleges have investments and opportunities that really, really good things happen on the ground for people. We have requested \$16 million for Tribal college and university facilities and, want to work with members of the Committee and you, Senator, and leaders of Tribal colleges to make sure that we are continuing to invest in those colleges because, again, they do just amazing things.

Senator FISCHER. I look forward to working with you on that, and for the record, I would like to submit some questions to you as well dealing with a shortage of officers on the Winnebago Reservation. Thank you.

Senator MURKOWSKI. Thank you, Senator Peters.

MISSING OR MURDERED INDIGENOUS PEOPLE

Senator PETERS. Thank you, Senator Murkowski, and to our witnesses, welcome. It is good to have you here, and thank you for your service to our country. Secretary Newland, great to see you, a friend from Michigan, and it is always a pleasure to be in your company and appreciate your work.

In my conversations with tribal leaders in Michigan, the issue of missing and murdered indigenous people MMIP arises, unfortunately, all too often. Indigenous persons, as you know, experience disproportionately high rates of violence and, relatedly, are reported missing or murdered at rates many times the national average. Michigan has not been spared from this crisis. Early this month, hundreds gathered in Grand Rapids, Michigan to demand justice for the crisis and mark May 5, which President Biden proclaimed as Missing or Murdered Indigenous Persons Awareness Act.

So my question for you, sir, is how does your fiscal year 2025 budget request support continuing work to achieve justice in these cases as well as address the broader crisis that we have dealing with?

Mr. NEWLAND. Thank you, Senator, and it is great to see you again as well. First, the budget starts with increased investments in Tribal justice systems, and I want to also note that when we talk about that, we often are thinking about Tribal justice in terms of cops and courts and jails, but it also includes increases to the Tiwahe Initiative, which supports a lot of the work that Tribes are doing on the front end to prevent bad things from happening in the first place.

And so when you include the Tiwahe Initiative increases that we have proposed, that total budget is over \$700 million. It maintains investments in the Missing and Murdered Unit that Secretary Haaland has established, and Ranking Member Murkowski and I discussed yesterday at a separate hearing about our ongoing work to fully staff that up. And then, of course, make sure that we are closely coordinating with the FBI and U.S. attorney's offices on en-

forcement and prosecution of cases, especially when they cross reservation boundaries.

RIGHTS PROTECTION IMPLEMENTATION PROGRAM

Senator PETERS. Very good. I am certainly very proud that Michigan is the home of over 50,000 native people and 12 federally-recognized tribal nations. And several of these tribes, as you well know, benefit annually from the Bureau of Indian Affairs Rights Protection Implementation Program, the RPI. In Michigan, RPI funding enables a number of federally-recognized tribes to establish and enforce conservation-based fishing, hunting, and gathering regulations, invasive species monitoring, and other biological support services.

So my question for you, sir, is could you explain how full funding for the Bureau's Rights Protection implementation program is absolutely critical, not just for our great State of Michigan, but all across the Great Lakes region?

Mr. NEWLAND. Thank you, Senator. I could probably speak all day about how great that is because I think it is an example of—

Senator PETERS. If you can do it a minute-45, that would be great.

Mr. NEWLAND. Yeah.

[Laughter.]

Mr. NEWLAND. It is a win-win because what it does is it also allows Tribes to establish, you know, the departments with professional staff, biologists and wildlife and environmental technicians who go out and do this work, things like spraying boats off at the boat launch to prevent the transfer of invasive species. And really, that is augmenting Federal wildlife and environmental staff, State wildlife and environmental staff, and now you have adding Tribes to the mix, along with their traditional knowledge and practices as well. And it is putting more eyes on a lot of these threats to ecosystems, like the Great Lakes, so we can respond to those threats sooner, and also amplifies the resources we have to respond when we see them.

Senator PETERS. Well, thank you, and thank you for your leadership and working on that. Thank you, Mr. Chairman.

Senator MERKLEY. [Presiding.] Senator Hoeven.

CAMP GRAFTON

Senator HOEVEN. Thank you. Thank you, Mr. Chair. Secretary Newland, as I mentioned to you yesterday at Indian Affairs Committee hearing, 2 weeks ago, I asked Secretary Haaland for a commitment to continue supporting the work of the Advanced Training center at Camp Grafton. Secretary Haaland stated she would speak with you about the advanced training center and have staff work with our team to continue the good work that is being done at Camp Grafton. And as a member of the Approps Committee, I have continued to advocate for growing the number and type of training taking place at the advanced training center. Also, as I noted yesterday, the BIA recorded 5,429 law enforcement public safety personnel participating in training programs offered across all BIA police training facilities. Of this roughly 5,500 participants, about 4,000 training participants, obviously, well more than half, receive

their training at the Advanced Training Center. It is also worth noting that the North Dakota National Guard, which owns and conducts its own training camp at Camp Grafton has been a tremendous partner to both the BIA and the ATC.

Can I once again get your commitment to work with us to leverage the ATC and ensure it has the necessary resources to provide advanced training so we can get more BIA law enforcement officers out on the reservation?

Mr. NEWLAND. Thank you, Senator. Yes.

Senator HOEVEN. Very good. Thank you. I know it has been a long time since yesterday. I just want to make sure.

[Laughter.]

Mr. NEWLAND. I always love also when my boss says, go talk to Bryan.

[Laughter.]

Mr. NEWLAND. Thank you.

PROGRESS ACT IMPLEMENTATION

Senator HOEVEN. Thanks for your help and support on that. Administrator Tso, the PROGRESS Act, we passed, I do not know, a couple years ago. Anyway, it is to streamline 638 contract and giving tribes more control over services on the reservation, right? And so my question is, we passed it and then we passed it a second time because the rulemaking did not get done in time, so we have actually passed it twice. But what is the status? How are coming on that? Again, the whole idea is to expedite, you know, the ability of tribes for self-determination and forth. And like in the Farm Bill, we will probably more with FDPIR and food programs and that kind of thing. So what are we doing on that?

Dr. TSO. Thank you for that question. At present, we have 64 percent of our tribes that have contracted and compacted with the Indian Health Service, so we really are passing money directly to the tribes as they continue to do that. We also, right now, are in a number of negotiations that are working and moving as quickly as we can get them moved forward, and we anticipate that there are at least 11 tribes that are interested in contracting and compacting, and that we will execute those agreements within the timelines required.

SUPPORT FOR TRIBAL HEALTHCARE

Senator HOEVEN. Yeah, it is a good program, and we want to make sure the tribes that want to take advantage of it can do so, yeah, and then my other question for you relates to healthcare services. Over the last decade, funding for IHS has grown, but the life expectancy for American Indian and Alaska Natives is 11 years below that of other populations in the United States. Now, the budget before us is \$ billion, or includes \$8 billion discretionary funding, which is a 14-percent increase over the fiscal year 2024 level. So we are increasing the resources, but, wow, we have not seeing the catch-up in terms of longevity for both American Indians and Alaska Natives.

Dr. TSO. Thank you for pointing that out again, Mr. Senator. I really appreciate that. You know, there are a number of things that Indian Health Service continues to deal with across the board. I

would say that the topics that keep me up at night is our workforce—

Senator HOEVEN. Yeah.

Dr. TSO. [continued] and across the country, how fragile the healthcare system is across the country, let alone that to Indian Country. So really looking at, again, the equities, the legislative proposals that we have asking for to make sure that we are on parity with the—at least the Veterans Administration or other Federal organizations, is very important.

Senator HOEVEN. That is one of my questions.

Dr. TSO. We have yet to talk about mental health today and how that is just absolutely critical right now in terms of the work that we have doing, and everything that we do, it crosses over to the questions about law enforcement and all of these entities that need to come together when we are talking about this.

And then the last thing I would say are the social determinants of health that are directly impacting our people every single day. I was out visiting a food distribution center within the last 45 days, and realizing now that our people in Indian Country either have to choose between food stamps or a food box, and that more of our tribal people are choosing that food box versus securing—using food stamps. That just tells me that we are in such a place now. And of course, I looked at the box that was being provided, and many of those things that were in the box were not exactly healthy items. That then creates other health issues.

Senator HOEVEN. With the indulgence of the chair, I will finish up here quickly, but okay, so you went right to my next question, which was behavioral health. I appreciate that. And that, going back to 638 on the food, is why that is so important because in the Farm Bill, you know, we set up a pilot program, and now in the Farm Bill, we are going to continue to expand that, and that is going to give tribes more control over the food that they can get, you know, for their tribes. So whether it is bison or things that grow on reservation, all those kind of things, that opens that up for them. Thank you.

Senator MERKLEY. Thank you very much, Senator, and we have going to turn now to Senator Sinema.

INDIAN WATER RIGHTS SETTLEMENTS

Senator SINEMA. Thank you, Chairman Merkley, and thank you to our witnesses for being here today. Delivering results for tribal communities in Arizona has been one of my top priorities in the Senate, and I look forward to discussing a number of key issues with you both.

The Federal Government's trust responsibilities to deliver water to our tribal communities is one of our most important duties. Last Congress, I was proud to introduce and secure unanimous support of the Hualapai Tribe Water Rights Settlement Act. This law ratifies the Hualapai Tribe's Colorado River Water Settlement Agreement and delivers approximately 4,000 acre feet of critically-needed water per year to the tribe. The President's budget requests \$45 million for this settlement in fiscal year 2025. Assistant Secretary Newland, what is the BIA's priority for funding this agreement,

and will the Federal Government meet its obligation regarding the enforceability date?

Mr. NEWLAND. Thank you, Senator. First it was my honor to visit Hualapai twice, once before the settlement to discuss it with Tribal leadership and we stood down on the banks of the river, and once to celebrate the settlement, so thank you for that. We have asked for \$45 million to fund this, but on top of that, we have also asked for \$2.8 billion in mandatory funding over the next 10 years to support the implementation of water settlements like the Hualapai bill. And it is every bit our intention to make sure that when a settlement is reached—and Members of Congress work hard to enact it—that we fulfill our obligations to ensure that it is fully implemented.

Senator SINEMA. And so are you on track for the enforceability date?

Mr. NEWLAND. I believe so that we are, and, again, these investments that the President has requested will allow us to help make that happen.

105(L) LEASES AND CONTRACTS SUPPORT COSTS

Senator SINEMA. Thank you. In recent years, 105(l) payments for tribal leases and contract support costs have created the situation where escalating requirements are negatively impacting the ability to use discretionary appropriations to support core tribal programs like health, education, and construction programs, or to provide essential fixed-cost requirements. So Assistant Secretary Newland, in the Department's written testimony for this hearing and in testimony at other Senate and House hearings, you have expressed support for the President's request to reclassify both 105(l) leasing and contract support costs to mandatory funding. Can you explain why this is so important and what impact will be on the Federal budget and the Department's funding if we do not make the change? And then after that, Director Tso, can you provide IHS' view on this matter as well? Thank you.

Mr. NEWLAND. Thank you, Senator. Well, first, these payments are mandatory, so we do not have a choice once a Tribe has requested to enter a 105(l) lease and provide those payments. And if they are mandatory to provide, you know, it is our view that the funding should match that legal obligation. We have seen this program grow exponentially or not exponentially, but significantly over the last 5 years, and that puts a squeeze on our discretionary funding for programs. And without mandatory funding and without this level of investment through appropriations, we are going to be forced to choose between fulfilling our legal obligations or providing the other funding that Congress appropriates for these programs to Tribes. And I do not think that is a position the Department wants to be in, and I do not believe that is a position that Congress wants the Nation to be in either. Thank you.

Dr. TSO. Thank you for that question. Of course, the same as what the assistant secretary is saying. But, you know, we have seen in 2024, the direct impact of where contract support costs in 105(l) sit right now today with a reduction of \$440 million. That impacted IHS. As a result, I was trying to cover our responsibilities for that. We also believe that moving it into mandatory, moving

both of those accounts into mandatory will protect the IHS Service's and facility budget.

CONSTRUCTION BACKLOG

Senator SINEMA. Thank you. Director Tso, I was proud to deliver a historic \$3.5 billion to address the construction and maintenance backlog of IHS sanitation facilities. Can you provide me with a progress report on where IHS is at clearing the project backlog?

Dr. Tso. Yes, thank you for that question as well. In 2024, the Indian Health Service with the 2024 allocation, we are now looking at 91 additional projects that we are working on that will address 10,000 homes across Indian Country. We are also to date tracking 680 projects total that will improve the homes of our tribal communities for 102,000 individuals that live across Indian Country. So we know that we have a ways to go. We are also struggling with a workforce issue, but we also have updates on our website at the IHS that is tracking every project, every dollar, and every timeline, and that is our commitment to make sure that we are accountable and transparent with the dollars that we appreciate receiving. Thank you.

Senator SINEMA. Chairman, I know my time has expired, if I might ask one quick follow-up question?

Senator MERKLEY. Yes, very quickly, please.

Senator SINEMA. Thank you. You know, it is imperative that another backlog does not develop, so what IHS' plan to continue providing for these projects after those infrastructure funds expire?

Dr. TSO. Thank you again for that question. So we have been working to make sure that we are crossing over not just on these dollars, but working across the Federal Government with our partners to make sure we just signed an agreement with BOR of some of the work that we can do to make sure that we are combining all of our resources together and leveraging that to complete projects, not just the ones that are on the current list, but the backlog that is also growing today.

Senator SINEMA. Thank you. Thank you, Mr. Chairman.

Senator MERKLEY. Thank you very much. Senator Tester.

PILI 638 CONTRACTS

Senator TESTER. I thank the chairman and ranking member for having this hearing. I want to thank you all for being here. It is good to see you. Thanks. I am going to ask you a couple questions here, Bryan. It has nothing to do with the budget. I am going to get to that in a minute.

We got tribes in Montana that have 638 contracts for law enforcement, and then we got tribes in Montana that depend on the BIA for law enforcement. On 638 contracts, do you look at that? Do the tribes get the same amount of money as the BIA would normally spend on a 638 contract?

Mr. NEWLAND. Are you asking?

Senator TESTER. So what I am asking is if BIA provides the law enforcement and then they want to go with the 638, do they get the same amount of money the BIA was spending anyway, or do they get nicked back a bit?

Mr. NEWLAND. That is not what the law says. So one of the challenges we face, Senator, is, you know, as new Tribes come into 638 we cannot pull funding from other Tribes that already have a contract.

Senator TESTER. I have got you, but what I am saying is, is BIA spends X amount of dollars for law enforcement, and that tribe does not want the BIA doing it anymore. They think they can do a better job, and they want to do the 638. Is that money for the 638 contract an equivalent amount than what would be spent by the BIA to provide that same law enforcement?

Mr. NEWLAND. It is supposed to be, Senator.

Senator TESTER. Okay. I would like to ask you to look into that because I have had a lot of tribes, not once, not twice, but many times say, look, they spend far less on us than they do. That is one point. Second point is this: is this budget adequate to take care of law enforcement? Now, you know better than anybody, law enforcement in Indian Country is not so good. I think many of the tribes are large land-based tribes are bigger in the States, and they just have a few officers.

[The information follows:]

PUBLIC LAW 638 CONTRACT PAYMENTS

When a Tribe initially contracts or compacts for work related to a [law enforcement or other] BIA program under ISDEAA, 25 U.S.C. Section 5325(a)(1) requires the BIA to fund that contract/compact at the level of funding "that is no less than the appropriate Secretary would have otherwise provided for the operation of the programs or portions thereof for the period covered by the contract" (i.e., Secretarial amount).

This most often equates to the annual amount BIA expended in prior years to provide the service directly to the Tribe. Through negotiations with a Tribe, the "Secretarial amount" is established for the specific program being contracted in the initial contract year and once agreed upon, the amount establishes the Tribe's "base funding" for the program, function, service, or activity (PFSA) contracted, going forward.

Mr. NEWLAND. Right.

Senator TESTER. And what we have seeing is what crooks do. They will go to where they can get away committing crimes, and sometimes that is an Indian Country. So my question for you is, is this budget adequate to take care of the crime issues that are occurring in Indian Country?

Mr. NEWLAND. I will say this, Senator, in response. We have reported to Congress just several months ago that the total need and obligation is \$3.1 billion.

Senator TESTER. Yes.

Mr. NEWLAND. And our budget request through the BIA is over \$600 million dollars. I cannot find the exact number, but \$650 million.

Mr. FREIHAGE. Six-fifty-one.

Mr. NEWLAND. Yeah, \$651 million.

Senator TESTER. So the budget request is \$651 million and need is \$3.1 billion.

Mr. NEWLAND. Correct.

Senator TESTER. How can we expect Indian Country to be now, so where did this come from? So one of the things that I have been on this committee for a while now, and one of the things that I always argue is you can never get what you need unless you tell people what you need.

Mr. NEWLAND. Right.

Senator TESTER. How are you telling us a different story here? I mean, \$650 million versus \$3.1 billion? Now, I am not sure it will take \$3.1 billion, but I am telling you what we got right now is inadequate.

Mr. NEWLAND. Correct. So, Senator, what I will say in response to that is I will voice 100-percent agreement with you and other Members of the Committee that we need more officers. We need more funding for law enforcement in Indian Country, and we have proposed to increase by \$33 million the amount of funding that would allow us to hire more cops.

Senator TESTER. Okay. That is good because I think more cops on the beat are important. The MMIP problem, people have talked about it, I am sure. I was not here for the whole hearing, but they were here when I was here talking about it. It will not ever going to be fixed unless we get some more people on the beat. Would you agree?

Mr. NEWLAND. I would agree with that, Senator.

Senator TESTER. Well, we got a serious problem and it needs to be fixed, and people are dying because of it and that is not an overstatement. People are dying. Lives are being ruined. It is a problem. I need you to be more vocal, okay?

Mr. NEWLAND. Thank you.

Senator TESTER. You got a great chairman and ranking member on this committee. They understand the issues that are out there. We need to drive it home to the rest of this committee and Congress, so that is number one.

HEALTH CARE STAFFING

Now, I have got to talk to you, Director. The statistics show that Native Americans live 17 years fewer. They die 17 years quicker than everybody else. I think it is because of healthcare. Crime is a part of it, but we have just going to assume the healthcare thing. You got a diabetes epidemic. You have got folks—the life and limb stuff, which I have not heard about with the advanced funding, but the truth is, it is still out there. How are you set right now as far as recruitment of doctors and nurses and support staff in Indian Country?

Dr. TSO. Thank you for that question, Senator. We are, across the board, at 29 percent vacancy rate at the Indian Health Service right now.

Senator TESTER. So you are at about a third less. Does this budget get you to a point where you can fill those positions?

Dr. TSO. No.

Senator TESTER. And how much is this? I hate to ask this question. How much is this part of the budget short? The law enforcement was \$2.5 billion short. How much is this one short?

Dr. TSO. In the recent consultation that we had with tribes, their estimate for the healthcare need is at \$53 billion.

Senator TESTER. And how much is in this budget?

Dr. TSO. A little bit over \$8 billion.

Senator TESTER. I mean, how do you fulfill trust responsibilities with those kind of numbers? I do not—you know, I am way over time, and Van Hollen is going to kick me out of here in a minute,

but I do not know what we do about this. I do know that you guys understand this issue, but we have got to do better, and we have got to figure out how to do better. We put you guys in a lose-lose position. We will bring you in front of the committees and we will beat the crap out of you because you are not doing your job, but if you do not have the resources to be able to—now, if you are wasting the money, you have going to hear about it, but the truth is, if you have not wasting the money, we need more cops on the beat, we need more doctors, we need more nurses, the works. Otherwise, these numbers are going to continue to grow. Cartels are going to continue to move into Indian Country. Thank you.

Senator MERKLEY. Senator Tester, thank you very much for really hammering that point home. Much appreciated. Senator Van Hollen.

HEALTH CARE FUNDING NEEDS

Senator VAN HOLLEN. Thank you. Thank you, Chairman Merkley, Ranking Member Murkowski, and thank you, Assistant Secretary Newland and Director Tso for being here and your team. You know, I am proud to say that Maryland is home to American-Indian and Alaskan-Native communities, sizable numbers. People do not think about Maryland that way. We have three State-recognized tribes the Piscataway Indian Nation, Piscataway Conoy Tribe, and the Accohannock Tribe. We have also the proud home of the Indian Health Service. And I do want to associate myself with the remarks of Senator Tester on the budget because I have not served on this subcommittee as long as he has, but there is a chronic underfunding of the Indian Health Service.

And now because you have many members of tribes living off of reservations and in urban settings, ensuring access to comprehensive, culturally-relevant healthcare at the urban Indian organizations is critical for our communities. And it is especially important that American-Indian and Alaska-Native people continue to—because they continue to face the currently the worst health outcomes, as we just heard from Senator Tester and as you know. According to the Kaiser Family Foundation, these communities have the shortest life expectancy compared to all other racial and ethnic groups.

The Indian Health Service spends about 1 percent of its overall budget on the Urban Indian Health Program, so Dr. Tso, what are some of the limitations today to urban Indian—Indian health organizations being able to provide the care they need to, and what are some specific proposals in the administration's budget that might address that issue?

Dr. TSO. Thank you very much for that question. Of course in 2025, we are asking for an increase for the urban programs. As I travel across Indian Country and particularly to our urban programs, the work that they do in our urban communities is amazing with the resources that we give them. And so there is a lot that we can learn from the urban programs in terms of how creative they are and what they can do to stretch that dollars as we move forward. However, what we are looking at, at the Indian Health Service is trying to streamline and improve how the Indian Health

Service works with the urban programs to build those efficiencies to make sure that we support them in everything that they do.

One of the things that I have been working on is making sure that, again, their ability to get reimbursement that is equal or similar to the Indian Health Service is absolutely critical. So when we talk about having a hundred percent FMAP reimbursement or using the Indian Health Service all-inclusive rate is absolutely critical. Again, just building parity across Indian Country is something that I would like to see happen, either one of those, either use the IHS all-inclusive rate or build in the 100 percent FMAP for the urban programs. That would take them a significant ways to meet the needs of the people they serve.

Senator VAN HOLLEN. Well, thank you for identifying that issue. I do look forward to working with you to make that happen because I met recently, you know, with some of our communities that have been, you know, negatively impacted by the lack of resources to the Urban Indian Health services.

As you know, the President's budget for the Indian Health Service includes targeted funding to address some of the most pressing public health challenges, including identifying HIV, hepatitis C, and substance use conditions that are often co-occurring. And I want to focus specifically on hepatitis C because the treatment for Hepatitis C is very effective, nearly 98-percent recovery over a 12-week period. And yet because of barriers to care, including cost and prior authorization requirements, close to 4 million people in the United States are estimated to have chronic hepatitis C. Many do not know that they have the symptoms in time for accurate diagnosis and unintentionally spread the virus. I am actually working on a bipartisan proposal to address this.

But I would like to know more about what you thinking and planning is on these issues because hepatitis C is the leading cause of liver failure and cancer, claiming the lives of almost 15,000 Americans each year. So Dr. Tso, can you talk about the disproportionate impact of hepatitis C on American-Indian and Alaska-Native communities and current barriers to diagnosis, screening, and treatment?

Dr. TSO. Thank you for that question, Senator. So one of the things that we are seeing across, of course, we know that as the 2021 data presents, that American Indians and Alaska Natives have 3 times the rate of other nationalities or other groups of people. And then we also have 3 times the rate of mortality when it comes to hep C, but we also agree that they are absolutely treatable. And of course, the President's 2025 budget asked for additional \$10 million to address this, and we are looking today at expanding screening and testing at every opportunity that we have, and we will continue to do that.

We have also targeting pre- and post-exposure therapies that will help our patients that might fall into this category, and working with our tribal representatives that are on the ground to make sure that we communicate and educate as much as we can. That is absolutely critical in what we do, and, of course, the coordination across a tribal healthcare system, or a community rather, is so important to make sure that there is understanding and education of

how we can beat this, how we can make sure that we are treating hep C for all of our patients.

Senator VAN HOLLEN. Thank you. I appreciate that. And you know, it is a tragedy when you have got a disease that is killing this many people when we have a treatment that we know works, right, almost 100 percent of the time. So people are needlessly dying in the United States from Hep C. We have a cure. We just need to make sure that we identify the people who have it and make sure that they get this treatment. Thank you, Mr. Chairman.

CHALLENGES IMPACTING TRIBAL COMMUNITIES

Senator MERKLEY. Thank you, Senator. I am going to ask just one question given the shortness of time, and then submit the rest of my questions for the record, then I am going to turn over the hearing to Senator Murkowski, and she will close out the hearing when she completes her questions.

I hold a town hall in each of my 36 counties each year, and folks are welcome to come and talk about whatever they want. In Umatilla County this weekend, five young tribal members from the Confederated Tribes of the Umatilla Reservation came and spoke. [The information follows:]



Senator MERKLEY. They are the five who are in the center of this picture above. Their names are Sunhawk, Awna'e, Abigayle, Lisa, and Luka. They asked me the following questions, so I am asking you those questions. They wanted to know what more we can do to address the challenge of missing and murdered indigenous women and girls. They asked what we can do to decrease drug addiction, what we can do better to address suicide, and how we can provide more mental health resources. I will start with you, Director Tso, since these are mostly healthcare questions.

Dr. Tso. Thank you again, Mr. Chairman. Some very tough questions there in terms of the work that we do at the Indian Health

Service. Absolutely this is something that we need to make sure that we have using all available strategies, whether they are telehealth, again, being at the community level to better understand what are the challenges there, what can we do, and to make sure that we are mitigating some of these activities. The education, the mental health, again, I think has so much to do in this space, and more work needs to be done in that—in that particular area to make sure that we are creating a healthy a healthy place for people.

One of the things that I want to do before the end of the year is really look at our ability to utilize joint venture authority to make sure that there are facilities outside the traditional hospitals and clinics, but maybe looking at treatment centers, treatment facilities that need to be built, that need to be available and closer to the homes of tribal community members so they can go and seek treatment. Right now, even those are scarce. So when a patient is ready to go, you have got to have a place for them to go or that time that will pass will probably pass on us. And so I think having more resources on the ground near tribal communities is critical.

Senator MERKLEY. One of the things I am pondering is the fact that we have too few mental health counselors in America, and in particular we need trained tribal members in the context of tribal tradition and how we can possibly help increase the number of counselors. Would you like to add anything, Secretary Newland?

Mr. NEWLAND. Thank you, Chairman. You know, we have been talking a lot about resources and appropriations here. At the Senate Committee on Indian Affairs yesterday, we talked about safety, which you relayed from the young people, and I have spoken with you, Senator, Chairman, and Ranking Member Murkowski about some of the challenges with Public Law 280 and how that makes it difficult for Tribes to keep people safe. That law was passed in a time when Congress and the government were trying to terminate the existence of Tribes altogether. Fifty years ago, we relegated that policy to history's dust bin, but Public Law 280 continues to reach up from that era and hold us back.

And when it comes to safety in communities, we are now trying to build a public safety regime based on self-determination, on the foundation of a law that was passed during termination. And it really makes it difficult for Tribes to keep those young people safe when they do not have the ability to control how public safety is administered in their communities. And so that is one of the responses I would give to the young folks who have spoken to you, Mr. Chairman.

Senator MERKLEY. Well, thank you, and I really compliment these five young tribal members for coming, stepping forward to make their questions at my town hall. And they are questions we should be asking all across America, and I know they have questions that you all are working on, and I will continue to follow up with you on that. With that, let's turn this over to Senator Murkowski.

Senator MURKOWSKI. [Presiding.] Thank you, Mr. Chairman. Those are questions that we all seek answers to, so there is unified support trying to figure this out because it is about safety. It is about life. It is about community.

PROBATE BACKLOG

I want to ask you a question, Assistant Secretary Newland, that I hear a lot about when I am back home, and this is the probate backlog. I mean, the words that I have in my notes are “unreasonably long periods of time.” It is really unacceptably long periods of time. We are hearing that some of our Alaska-Native families are waiting 6 years before BIA is able to assemble their probate case for adjudication. And, okay, we understand that sometimes things just take some time, but think about what happens to these families while they are waiting. Their loved one has passed. There is no denying that. There is no turning back on that, but it then pauses or freezes the ability to do anything. More often than not, it is the home. It is the family home. And so you have a situation where families are denied ownership of their lands. They are unable to build a home or even to renovate an existing home.

And so in one of the communities that I was in just recently, what I heard, we were doing a little drive-by—drive-through in the community, and there was a home that they pointed out no one has lived in for 5 years. Now, the housing issue and this was Minto—very acute as it is in so many other places, and nobody can live in it until they wrap up the probate. And so I looked at the budget to see what you are looking at for probate casework services there at BIA. It is an increase, \$1.2 million above the \$14 million enacted. Just, I mean, you want to talk about a drop in the bucket to solve the problem.

So we have asked BIA to provide us with a cost estimate for the resources that are needed to reduce the probate backlog to less than 2 years. We have not received a response on this, so I would ask that you get back to me in writing with an update. In doing that, I think we need you to share the same urgency that these families have. And I do not know whether you are considering whether the BIA can do more to actually support things like will-writing services or transfer-upon-death deeds to help keep the backlog from getting worse, but you have to admit that this is—this is just a travesty of a process right now.

Mr. NEWLAND. I agree, Ranking Member, and we have asked for that. I think my last check, the number of probate cases was well north of 40,000. And we can get you those exact numbers, and I will go back today, work with our team to make sure we get you a written response to your inquiry.

You know, we work with the Office of Hearings and Appeals at the Department of the Interior on these. One of the other areas, not directly relevant in Alaska, Senator, but with probate is the level of fractionation across Indian Country. And the budget also requests a continuation of what began with the Cobell settlement to invest in land consolidation, which will help on the front end of that.

Senator MURKOWSKI. Right.

Mr. NEWLAND. But you are talking about the back end—

when cases get to probate, and certainly there are—you know, we are trying to add to that, and we were just discussing this, I think, yesterday morning in out-years about how to address this

problem more aggressively. But I will make sure we respond to your written inquiry.

[The information follows:]

ADDRESSING THE BACKLOG IN PROBATE SERVICES

We have developed an estimate of the resources needed to reduce the current probate backlog to less than 1 year. This information is not intended to circumvent or foreshadow the President's annual budget request process under 31 U.S.C. 11, and the resource estimates in should not be construed to imply Administration support for levels of appropriations for this program beyond what is included in the FY 2025 budget request.

The following three Department of the Interior organizations have a role in the probate adjudication process. The Bureau of Indian Affairs (BIA) prepares the probate file; the Department's Office of Hearings and Appeals Probate Hearings Division (OHA PHD), an independent office, holds hearings and issues decisions determining heirs and devisees of trust assets; BIA distributes the trust real property and the Bureau of Trust Funds Administration (BTFA) distributes trust funds in accordance with the OHA PHD division.

The currently estimated caseload backlog is 44,000 cases. Considering factors such as dependence on family members to provide documentation, at current funding and staffing levels, it is estimated to take 5- 6 years to inventory the current backlog of requests needed to develop a plan to get to a shorter time frame like a 2-3 year process backlog. The initial estimate developed assumes there would be an initial need for surge funding, with most of the increased workload on BIA occurring in the first year. The estimate assumes the OHA PHD would also will need to ramp up in the first year to have additional Judges appointed and trained and in place to accommodate the additional workload in the second year, generated by BIA's increase in probate caseload processing. BTFA would start to see an increased load in the third year.

The initial estimate for the work required to reduce the probate backlog to less than 1 year is an annual increase of \$38.1 million to support an additional 131 FTE. Of this annual increase, \$26 million and 74 FTE would be needed in BIA's Probate program.

An increase of \$26 million in the BIA Probate program would allow the organization to hire additional FTE, upgrade IT systems, and provide contractor support to increase probate case work capacity by 2,000 cases each year across the Bureau. Additionally, \$6 million annually would be targeted for the Alaska region because of the significant number of Tribes requiring service and the lack of information infrastructure and connectivity available in the region, which many of the Tribes in the lower 48 already have. The additional funding would also support Streamlining Strategy Projects over a seven-year time period to focus efforts to:

- Develop a centralized team that will handle death notices. This would ensure the timely entry of all reported death notices into the system. This would also allow the Probate field staff to concentrate on case preparation rather than perform research to determine if a person holds trust assets with the Department. This would also eliminate the need to push unnecessary research onto the staff that are working on cases that have trust assets.
- Establish a team to gather documentation and family information by going out to the urban areas. Rather than waiting for potential heirs to come to us, we would go out to them leveraging Indian Centers to assist in developing outreach for the urban areas that would be visited. The team will also work with Tribal enrollment offices to gather information. This would allow the probate staff to concentrate on actual case development for submitting cases for adjudication.
- Establish a team to encode data into the Trust Asset Accounting Management System from the information that is gathered. This would assist the Probate staff to more efficiently prepare the cases for submission to the Office of Hearings and Appeals.

This initial estimate assumes the Office of Hearing and Appeals would need an additional \$7.3 million annually to support an increase of 31 FTE. Independent of BIA, the OHA-PHD plays a critical role in the probate process. Probate cases originate with the BIA Division of Probate which, after notification of death, prepares a case file by identifying potential heirs and sends the case file to OHA PHD. OHA PHD judges adjudicate the cases—hold hearings and issue decisions determining the rightful heirs of the trust or restricted property. OHA PHD legal staff notify all

potential heirs of the Judge's decision and send the case file back to BIA and BTFA to distribute trust assets.

OHA-PHD would require increased funding per year to keep pace with an increased caseload of 7,000 per year from BIA Probate and continue to meet mission critical needs. This additional funding would support 7 new Judge Units for a total of 14 Judge Units. An OHA PHD Judge Unit is comprised of 1 staff Judge, .5 attorney advisor, 1.75 Legal Assistants, and 1 Paralegal, and each Judge Unit can process and adjudicate approximately 500 cases per year. This funding would also support additional planning with BIA to improve collaboration, as well as fund the associated equipment, training, information technology needs, hearing support, and additional office space requirements.

The estimate assumes the BTFA would require an additional \$4.8 million per year to meet mission critical needs while reducing the time an Indian heir must wait for processing, adjudication and distribution of trust or restricted property after the death of someone who owns trust or restricted property. The additional FTE would allow BTFA to ramp up capacity in anticipation of an increased workload of approximately 2,000 additional probate cases which would be distributed on an annual basis. These funds would also allow BTFA to explore automation options to improve the efficiency of certain manual estate distribution processes. With these changes, BTFA anticipates that processing times for probate distributions would improve, and directly impact Indian trust beneficiaries (many of whom reside in some of the poorest communities in the country and often depend on timely distributions for daily necessities and subsistence).

Senator MURKOWSKI. What about support for some kind of assistance, again, whether it is will writing? It seems to me that there are little things that we can do.

Mr. NEWLAND. Right.

Senator MURKOWSKI. That we might not going to change you from your 6-year backlog to 2-year, but is the Agency looking at doing any more of this?

Mr. NEWLAND. I know that is something that, the first time I was at the Department of the Interior, that we had worked on. I can get you an answer on how that work goes.

Senator MURKOWSKI. Okay.

Mr. NEWLAND. And I know a big challenge in the past has been trust in the BIA, you know, when we show up and offer help, you know, building that that license and that trust in communities so that they view it as help and not as something else.

Senator MURKOWSKI. Well, it is something that we have failed in that trust responsibility. We have just absolutely failed there.

BUILD AMERICA BUY AMERICA

Another issue that kind of tangentially relates on the housing side is the BABA, Build America, Buy America. And what we have seen is that you have got multiple agencies that have issued waivers from the application of the BABA requirements as applied to the tribal recipients. That is good, that helps, but the problem is that many of these are set to expire this summer, which is coming up pretty quick. And this includes HUD's Tribal General Applicability Waiver and a whole bunch of others. So I am sending a letter today to OMB requesting a 5-year waiver of BABA preferences for all Federal financial assistance programs for tribes of infrastructure projects.

So you know the issue. You know how challenged and challenging these requirements are. I think we all agree we would love to see more that is built here in this country and bought here. But when I have tribal housing authorities come and say the stove that will provide heat to these little houses, believe it or not, is only

available in Japan, and so we do not have anything right now, so what am I going to do to get this house that we have now finished, give it a little bit of heat.

So I guess the question to you is, how is the White House Council on Native American Affairs and the Bureau of Indian Affairs working with OMB on a more comprehensive approach to address the BABA implementation issues?

Mr. NEWLAND. Thank you, Senator. We are actually engaged or kicking off a tribal consultation process right now on this.

Senator MURKOWSKI. Okay.

Mr. NEWLAND. I think our first session is in June. We will be happy to get your team information on those dates and where they are going to be held and follow up on that. But this has been a source of or a subject of conversation at the Department and through the White House Council for some time.

[The information follows:]

IMPLEMENTATION OF BUILD AMERICA, BUY AMERICA IN INDIAN COUNTRY

The Buy America preference set forth in section 70914 of the Build America, Buy America Act (BABA) requires all iron, steel, manufactured products, and construction materials used for infrastructure projects under Federal financial assistance awards be produced in the United States. On September 1, 2023, DOI issued a 1-year general applicability waiver of the BABA requirements for financial assistance agreements awarded to Federally recognized Indian Tribes in accordance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, 2 CFR Part 200.

DOI conducted two virtual Tribal consultation sessions on June 11 and June 12, 2024. These sessions solicited Tribal input on challenges and concerns about DOI financial assistance programs and BABA requirements during the open period of the DOI Tribal BABA waiver. Comments were received and consolidated through DOI's Office of Grants Management and we are actively engaged with Departmental leadership to summarize Tribal impact for ongoing discussions with OMB.

In addition, DOI has determined BABA does not apply to Indian Self-Determination and Education Assistance Act (ISDEAA) agreements, which represent a substantial portion of BIA's direct awards to Tribal recipients. BIA is working through DOI to engage with OMB on impacts to Tribes.

Senator MURKOWSKI. Yeah. Well, it is as you know, and I think both of you have heard it in different applications in different areas, I think the whole table here. So help us with this because it is frustrating a lot of good initiatives, and I think in a way that was just not intended.

IHS FACILITIES IN ALASKA

Director, so let me ask you about the joint venture, JVCP Program. We obviously see great benefit to this in Alaska right now. Mount Edgecomb Medical Center there in Sitka, which is a joint venture construction project, is requesting about \$47 million for staffing and operation of the new package. We are really excited about this. I think have you had a chance to see it?

[Nonverbal response.]

Senator MURKOWSKI. If you have not been to Sitka yet, it should be on your travel list because this is—this is so far from the facility that has been basically providing for healthcare services since World War II era, so this is a big deal.

But we have been seeking a little bit of clarity from IHS on the eligibility of tribes for a joint venture construction program if they have been awarded congressionally-directed spending. And that is

going to matter because we get the requests, we want to do what we can to help facilitate it, but if it then is determined that a CDS funding for planning or design deems the tribe ineligible for JVCP consideration, that is an entirely different thing. So can you give me a little more clarity on that?

Dr. TSO. Thank you, Ranking Member. So we are doing some work with regards to our joint venture, as I have shared before, that we are looking to run an updated joint venture, as Congress has directed us, between 3 to 5 years coming up here before summer. That is my goal. That is our timeline to run in a new application process before summer.

As a result of that, and as a result of comments that I have received from tribes, we are also updating and reviewing our eligibility processes to make sure that they are fair and open to all tribes that choose to do that. So I am expecting that we will be making some changes with regards to our process to make sure, again, that it is fair and consistent.

With regards to the staffing package, though, those come as the projects are completed. And so we will continue to work with each of the joint venture recipients to make sure that we are putting forth their staffing packages for funding.

Senator MURKOWSKI. So with regards to this process that you have going through this summer, you have mentioned that you have done consultation. Do you have some kind of a working group that is providing some form of input to evaluate and make changes to the program then? I mean, it sounds like you have had a process underway for a bit.

Dr. TSO. Yes, I do have an advisory group the Facilities Appropriations Advisory Group that looks at all of the facility infrastructure work for the Indian Health Service, but I have not completed tribal consultation.

Senator MURKOWSKI. Okay.

Dr. TSO. So if there is going to be a change, we will make sure that goes to tribal consultation before anything is finalized. So we are going to have to run these pretty quickly to make sure that we get the input that we want from Indian Country.

Senator MURKOWSKI. Okay. All right. Thank you for that. I briefly mentioned ANMC, the Alaska Native Medical Center in Anchorage, the only tribal regional referral hospital in the State. As you know, we have supported the use of the non-recurring expenses fund for construction and renovation there at ANMC, and I am just hopeful that we can find a way forward as, you think about the role that they play as this, it is regional, but it is not. It is absolutely a facility that is a statewide facility but it is a Federal facility, and we have to ensure that it is meeting the IHS mission of delivering really quality and comprehensive care. And the structure itself is just bursting at the seams, and I know you have had plenty of opportunity to walk through, to listen, but if you need more reinforcement as to why we need to prioritize the efforts there at ANMC, we will take you through yet another walkthrough because it is so vitally, vitally important.

Dr. TSO. Thank you, Ranking Member. Just for your information, I will be up there all next week again, so I will be landing in Anchorage on Monday. I intend to have a conversation with regards

to the facility again and look at ways that we can help address that. We know right now there is \$17 million that have been allocated from the Indian Health Service, and so we need to know what the difference is there that is needed to complete that or at least move that project forward. So I am excited about that. That is one of the things that is on my list of priorities to evaluate and see what we can do to get that project completed.

Senator MURKOWSKI. Good. I appreciate working with you on that. We were expecting a report on the Purchase Referred Care Program policies focused on reimbursing travel costs. Apparently, we gave you 180-day deadline to do that. Do you know if you are on track, when we might expect that?

Dr. TSO. Thank you again, Ranking Member. I will definitely follow up on that. With respect to that, I have shared before, we are doing extensive amount of work with regards to PRC and making sure that we do that. Our recent updated guidelines with regards to expenditures of PRC do include travel, so we know that in Alaska, I know the challenges there for just overall PRC, so we are taking a look at that as well.

Senator MURKOWSKI. Okay. Well if you can just kind of pay attention to that deadline, that timeline, because that kind of information I think is going to be instructive.

This is for you, Assistant Secretary Newland. I was in Alaska in mid-April and had an opportunity to visit with the new project manager for the Newtok to Mertarvik, the relocation from Newtok up to Mertarvik. When I say "new," she was maybe 10 days on the job. And I have to tell you, what she shared with me, along with a couple other residents from Newtok, really concerned me just with a lack of coordination. And, you know, we have been working on this move for decades. A lot of Federal funds that have gone there, and they were updating me with the condition of the school and the erosion undercutting the school, and the fact that they were going to be closing the school at the end of this school year, so, like, right now. And it is gone. It is done, and I think everybody had thought that we had a little more time.

Anyway, I am encouraged now, about 6 weeks later, that there is much greater coordination. We have got anybody who has any involvement with that project is engaged. I think we have got a plan for how to move the remaining families, how to begin a new school year up there. But I am just reminded that we have got 144 environmentally-threatened communities, maybe not all in the same dire situation as Newtok, but with a potential to get there, and so know that these are front and center in my mind. We have got to be working together, but I think we have to recognize that this is not one agency. This is not one entity. This is everybody here. You got to get your friends from EPA and from Transportation and HHS. We have some significant challenges just in coordination for these small-small communities.

PUBLIC LAW 280 STATES

Last question for you, Secretary Newland, and this follows on our hearing yesterday when I asked you about the timeline for consultations with regards to the PL 280 States. You were unsure yes-

terday, so I do not know if you have more detail to that or whether you need to get back to me still.

Mr. NEWLAND. No, we were able to confirm that we will meet the September deadline from the committee report to complete the consultation period. And I think the letter will be going out pretty soon, and those consultations will be happening this summer.

Senator MURKOWSKI. Okay. Okay. Good. Good. And then I have got a couple others, but I have kept everybody over the allotted time, and I appreciate your fielding all of these questions that the committee has had.

ADDITIONAL COMMITTEE QUESTIONS

And I know you have going to be responding to members' questions for the record. So if there is nothing else, the hearing record will be open until close of business, May 30, 2024.

QUESTIONS SUBMITTED TO HON. ROSELYN TSO

QUESTIONS SUBMITTED BY SENATOR MARTIN HEINRICH

Question. IHS is not allowing Tribal members to access over the counter medications unless they have a prescription or a provider visit. That's not something we require of anyone else and it's not medically necessary. Will you look into this and make it easier for IHS patients to access over the counter medications?

Answer. IHS believes providing access to needed medications is part of our mission to deliver safe, high quality care. Indian Health Service Federal pharmacies are required to provide medications listed on the IHS National Core Formulary (NCF) to eligible beneficiaries when clinically indicated.

The NCF is a core drug formulary that includes both prescription and over-the-counter (OTC) medications, as determined by the IHS National Pharmacy and Therapeutics Committee.

Following appropriate review, Federal IHS pharmacies are expected to supplement their local formularies beyond the NCF to include additional prescription and OTC medications according to the needs of the local service population. Federal IHS facilities differ from retail pharmacies, in that there are no retail shelves for patient selection and there is no mechanism for purchase of OTC medications by beneficiaries from the pharmacy. All pharmaceuticals, including OTC medications, are provided at no cost to eligible beneficiaries through the pharmacy. The pharmacy safely and securely stores all medications, including OTCs to ensure appropriate storage and handling. Patients are able to request OTC medications without a provider prescription directly from the pharmacy at an IHS Federal site, or it may be prescribed during the normal course of care. As the IHS has a comprehensive electronic health record for all medical care provided at the site, any prescribed medication or OTC is reviewed by pharmacy staff before dispensing medications to ensure appropriate dosing, and to avoid contraindications, duplicative drug therapy or drug-drug or drug-disease interactions. The wait time depends on the number of patients waiting at the pharmacy and the workload of pharmacy staff, but patients will receive requested OTC medication the same day as the request.

Question. In July 2023, the Food and Drug Administration (FDA) approved Opill, the first over the counter daily oral contraceptive approved for use in the U.S., which has given patients to purchase oral contraceptive medicine without a prescription at drug stores, convenience stores, and grocery stores, and online. How are IHS facilities being directed to provide Opill without a prescription or visit with a provider? What is the IHS doing to educate IHS pharmacists, nurses, doctors, community health workers and educators in the community about the availability of Opill and how it can and should be provided at the pharmacy and without barriers?

Answer. Opill(r) (norgestrel 0.075mg) was added to the IHS National Core Formulary (NCF) in August 2023 soon after the product was approved by the U.S. Food and Drug Administration in July 2023. Since it was added to the NCF, IHS Federal sites are required to have this medication on their local formulary. Opill(r) (norgestrel 0.075mg) became commercially available for purchase the last week of March 2024 and the IHS Chief Medical Officer (CMO) distributed guidance via email to all IHS staff in April 2024 directing IHS Federal sites to offer Opill(r) (norgestrel 0.075mg) with as few barriers as possible, similar to OTC emergency

contraception dispensing practices. Additionally, IHS created and shared numerous resources for the implementation of Opill(r) (norgestrel 0.075mg). The resources included example medication policies, FAQ handouts for clinicians, FAQ handouts for patients, example request forms for pharmacists and clinicians to distribute Opill(r) (norgestrel 0.075mg) and a combined form used to evaluate the need for emergency contraception in conjunction with of Opill(r) (norgestrel 0.075mg). These resources could be adapted to meet the needs of the local facility, which allows for rapid uptake and integration of Opill(r) (norgestrel 0.075mg) into local practices. Patients are able to request Opill(r) (norgestrel 0.075mg) without a provider prescription directly from the pharmacy at an IHS Federal site, or it may be prescribed during the normal course of care.

QUESTIONS SUBMITTED BY SENATOR KYRSTEN SINEMA

Question. The Phoenix Indian Medical Center in Arizona provides direct health care services to over 150,000 patients. However, its facilities are in need of repair and renovation.

In 2020, the abrupt closure of the Center's labor and delivery services created a lot of confusion and left expectant mothers scrambling to find alternative birthing arrangements with nearby providers.

While the Women's Clinic at the Phoenix Indian Medical Center did reopen and provides comprehensive prenatal and postpartum care, in addition to women's health care—delivery and birthing services must be provided by an offsite partner.

Director Tso, are there plans to restore delivery and birth services at the Phoenix Indian Medical Center, and if not—what remain the challenges?

What is the status of other planned construction and modernization at the Phoenix Indian Medical Center?

Answer. Labor and Delivery services at Phoenix Indian Medical Center (PIMC): PIMC currently has an agreement in place with Valley Wise Medical Center, which has been a successful means of providing access to labor and delivery services for IHS patients. Prenatal care, post-partum follow-up and newborn follow-up care is provided at PIMC. PIMC Certified Nurse Midwives and OB/GYN providers provide the care while the patients are at the Valley Wise Medical Center for labor/delivery/NB care. Care is then transitioned back to PIMC. Current plans are to resume labor and delivery care once a new facility is constructed.

Status of Phoenix Indian Medical Center planned construction: PIMC is one of the oldest projects on the 1993 IHS Health Care Facilities Construction Priority List, and its replacement is estimated to cost \$3.5 billion. Due to limited funding available for new facility construction each year, and the size and access limits of the current site, IHS is investigating leasing space, locating services at other locations, and forming partnerships as part of the strategy to provide health care at PIMC.

The specifications for space needed to provide healthcare services at the PIMC replacement facility have been thoroughly reviewed with an established plan. However, Congress must appropriate additional funding to the IHS for the needed PIMC replacement facility. Typically Health Care Facilities Construction funding is allocated towards the 1993 Priority list, which includes PIMC.

The replacement and modernization of PIMC will be completed using a phased strategy to plan, design, and construct the replacement as Congressional appropriations become available. The IHS plan to replace PIMC prioritizes short and long-term healthcare needs of PIMC's local community, as well as specialty referral services of sites throughout the Phoenix Area. The phasing will strive to meet those needs through construction, leasing space, and renovation of existing space.

Question. In 2019, Tuba City Regional Health Care Corporation, the Native-led nonprofit organization that operates Tuba City Hospital, responded to their community's urgent need for equitable access to cancer treatments by opening the Specialty Care Center, an outpatient oncology and hematology clinic.

However, the I.H.S. rate does not reimburse Tribal health care providers for the cost of chemotherapeutics provided by a physician in an office setting.

In June and September last year, Senator Kelly and I wrote to CMS Administrator Brooks-LaSure to urge CMS to improve Medicare reimbursements for high-cost, specialty drugs provided by I.H.S. and tribally-owned facilities. CMS did not move the policy forward despite 5 years of active engagement.

In the 5 years since its opening, the Specialty Care Center has treated over 400 patients and lost over \$2 million. This makes the provision of cancer care on reservations unsustainable for Medicare patients and harms the ability of Tribal populations to access local cancer treatments.

The President's budget request urges significant investments in the Administration's Cancer Moonshot goal to reduce the cancer death rate and improve the experience of people living with cancer. It includes approximately \$108 million to develop a nationwide coordinated public health and cancer prevention initiative to address the unacceptably high cancer incidence and mortality rates among American Indian and Alaska Native populations.

Director Tso, do you agree that increasing access to cancer care at I.H.S. and tribally-owned facilities is in alignment with the Cancer Moonshot and important to achieving greater health care equity for Tribal communities? Do you believe creating sustainable Federal reimbursements for complex care at I.H.S. and tribally-owned facilities (like the Specialty Care Center) will help achieve those goals?

Answer. Increasing access to care across Indian Country is critical to health equity for the AI/AN population we serve, which is why the FY 2025 President's Budget requests an additional \$108 million for the Cancer Moonshot. In addition, the creation of sustainable Federal reimbursements for complex cancer care at IHS and tribally-owned facilities will support an organized and well- led cancer program (comprised of prevention, early detection, diagnosis, treatment, and palliative care) that involves stakeholders, creates and leverages partnerships, responds to the unique needs of our patients, and incorporates evidence and cultural values to be effective in improving health outcomes, controlling costs, and improving patient and family experiences. Supporting the infrastructure of Indian health care programs with sustainable reimbursement is essential to building health equity and to decreasing health disparities. In the calendar year 2024 Medicare Hospital Outpatient Prospective Payment System final rule with comment period, CMS discussed comments it solicited on a number of potential payment for high-cost drugs provided by IHS and Tribal facilities (88 FR 81896 through 81897). We look forward to sustainable Federal reimbursement informed by commenters' suggestions to support specialty care such as that provided by the Tuba City Regional Health Care Cancer Center.

Question. It has been a year since vulnerable Tribal members were targeted in Arizona in a Medicaid rehab scam—with criminals promising offers of mental and behavioral health services only to be denied legitimate health care services and stranded far from home, services, or their communities.

Despite actions by the State and Arizona's Medicaid program, known as the Arizona Health Care Cost Containment System (AHCCCS), many Tribal advocates, health care providers, and nonprofit organizations say Federal assistance in the aftermath has been woefully lacking.

Director Tso, what role or assistance, if any, can I.H.S. play in assisting vulnerable Tribal members impacted by these crimes and the Tribal organizations who are aiding in their recovery and connection to legitimate services?

Answer. IHS works diligently to ensure that we assist AI/AN patients with enrollment into Medicaid and that the agency is properly processing Medicaid claims for eligible services. All employees, contractors and anyone who has contact with the IHS is encouraged to combat fraud, waste, abuse, and mismanagement by reporting these matters to the IHS Division of Personnel Security and Ethics or the Department of Health Human Services Office of Inspector General.

SUBCOMMITTEE RECESS

Senator MURKOWSKI. So thank you, and if there are no further comments, we stand adjourned.

[Whereupon, at 12:16 p.m., Thursday, May 23, the hearing was adjourned and the subcommittee was recessed, to reconvene at a time subject to the call of the Chair.]

DEPARTMENT OF THE INTERIOR, ENVIRONMENT, AND RELATED AGENCIES APPROPRIATIONS FOR FISCAL YEAR 2025

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, DC.

NONDEPARTMENTAL WITNESSES

[CLERK'S NOTE.—The subcommittee was unable to hold hearings on nondepartmental witnesses. The statements and letters of those submitting written testimony are as follows:]

PREPARED STATEMENT OF THE ALLIANCE TO SAVE ENERGY

The Alliance to Save Energy, a bipartisan, non-profit organization representing a coalition of businesses, government, and environmental & consumer leaders, respectfully submits this testimony alongside the undersigned allied organizations to urge you to support robust energy efficiency (EE) investments in critical programs managed by the U.S. Environmental Protection Agency (EPA), particularly increasing the ENERGY STAR budget for FY 2025 to \$50 million. ENERGY STAR is well known for its ability to facilitate energy savings for consumers and to encourage innovation in residential construction and appliance manufacturing. Energy efficiency, a key domestic resource, is critical to ensuring safe, reliable, & affordable energy to Americans now & in the future. Efficiency measures have cut our energy use in half relative to the size of the U.S. economy since 1980. This energy waste reduction has effectively delivered more than \$2,000 in annual savings per American.

In 2020 alone, ENERGY STAR saved American consumers and businesses more than \$42 billion in avoided energy costs. During the same period, ENERGY STAR accounted for nearly 400 million metric tons of emissions reductions—equivalent to more than five percent of U.S. total greenhouse gas emissions. Since 1992 the program has helped businesses and consumers save 5 trillion KWhs of electricity and avoid over \$500 billion in energy costs- and the program is also responsible for 4 billion metric tons of GHG reductions during the same period.

Notwithstanding the program's success, ENERGY STAR has seen its funding steadily decline from a high of nearly \$54 million more than a decade ago, to \$33 million today. If we were to simply adjust for inflation, ENERGY STAR would have a budget of approximately \$75 million¹ in today's dollars versus a decade ago. This steady decrease in funding priority has greatly restricted ENERGY STAR's ability to keep up with fast-changing markets and to expand the program's reach in sectors where large untapped energy savings are achievable, including low-to-moderate income, disadvantaged, and Tribal communities.

With broad bipartisan support and nationwide brand recognition above 90%, ENERGY STAR is among the most impactful energy and climate programs in the Federal Government. Our request to increase the ENERGY STAR budget to \$50 million reflects the urgency to address climate change and the need to prioritize energy efficiency solutions as consumers and businesses are faced with higher energy costs. We fully appreciate the competing interests during the budget and appropriation cycles, however, we urge prioritization of energy efficiency- as "one of the fastest, most cost-effective ways to save money, reduce greenhouse gas emissions, create jobs, and meet growing energy demand."

¹The chained GDP deflator in the FY25 budget (Historical Tables 10.1) gives 0.8968 for FY2010 and 1.2533 for FY2024 (estimate). $53.6 / .8968 * 1.2533 = 74.9$

Thank you for your leadership on these important issues, and we look forward to working together to strengthen the ENERGY STAR program. If you have any questions or need additional information, please contact Sapna Dowla (sgdowla@ase.org) with the Alliance to Save Energy.

Sincerely,

Alliance to Save Energy (ASE)
 American Council for an Energy-Efficient Economy (ACEEE)
 Acuity Brands
 ASHRAE
 Building Performance Association (BPA)
 Building Potential
 Cellulose Insulation Manufacturers Association
 DuPont
 E4TheFuture
 Environmental and Energy Study Institute (EESI)
 Federal Performance Contracting Coalition (FPCC)
 Institute for Market Transformation (IMT)
 Midwest Energy Efficiency Alliance (MEEA)
 National Association of Energy Service Companies (NAESCO)
 National Association of State Energy Officials (NASEO)
 Northeast Energy Efficiency and Electrification Council (NEEEEC)
 Polyisocyanurate Insulation Manufacturers Association
 Southwest Energy Efficiency Project (SWEEP)
 U.S. Green Building Council (USGBC)

[This statement was submitted by Sapna Gheewala Dowla, Associate VP Policy & Research, Alliance to Save Energy.]

PREPARED STATEMENT OF THE AMERICAN ALLIANCE OF MUSEUMS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to submit this testimony. My name is Marilyn Jackson, and I am the President and CEO of the American Alliance of Museums (AAM). We urge your support for at least \$211 million in Fiscal Year 2025 funding for the National Endowment for the Arts (NEA), at least \$211 million in funding for the National Endowment for the Humanities (NEH), as well as robust funding for the Smithsonian Institution. We also request your support for the Historic Preservation Fund, including at least \$70 million for State Historic Preservation Offices (SHPOs) and \$34 million for Tribal Historic Preservation Offices (THPOs). We support \$28 million for African American Civil Rights Grants, \$13 million for Historically Black Colleges/Universities, \$7 million for Equal Rights Grants, and \$5 million for Underrepresented Community Grants. We request funding of at least \$40 million for the Save America's Treasures program and \$17 million for Paul Bruhn Historic Revitalization grants. We also ask that Congress include museums in, and provide robust funding for, supplemental programs for Federal agencies carrying out Semiquincentennial/America 250 programming and commemorations. In light of museums being banned from House Community Project Funding, which we strongly oppose, increasing funding for competitive grants for museums is all the more critical.

Before detailing these funding priorities for the museum field, I want to express my appreciation for the funding enacted in FY 2024. The funds for the NEH, NEA, and historic preservation activities will enhance museums' work to enrich their communities and preserve our many heritages. Making these investments speaks volumes about Congress' commitment to our Nation's cultural institutions and its understanding of the economic and educational impact these institutions have on Americans.

There is a museum for everyone, and in every part of the country. Museums are a robust and diverse nonpartisan business and cultural sector, including aquariums, arboreta, art museums, botanic gardens, children's museums, culturally-specific museums, historic sites, historical societies, history museums, maritime museums, military museums, natural history museums, planetariums, presidential libraries, public gardens, railway museums, science and technology centers, and zoos.

Museums are economic engines and job creators. According to *Museums as Economic Engines: A National Report*, U.S. museums (pre-pandemic) support more than 726,000 jobs and contribute \$50 billion to the U.S. economy per year. The economic activity of museums generates more than \$12 billion in tax revenue, one-third of it going to State and local governments. For example, the total financial impact that

museums have on the economy in the State of Oregon is \$585 million, including supporting 9,740 jobs. For Alaska it is a \$280 million impact supporting 3,240 jobs. This impact is not limited to cities: more than 25% of museums are in rural areas. The import of these data is not the numbers alone—but the larger point that museums give back tremendously to their communities in numerous ways—including economically. The Federal funding for NEA, NEH, and the other programs does not stay in Washington, DC, it goes back to communities across the Nation. And it is leveraged many times over by private philanthropy, and State and local investments.

Museums are key education providers. Museums spend more than \$2 billion yearly on education activities; the typical museum devotes 75% of its education budget to K–12 students, and museums receive approximately 55 million visits each year from students in school groups. Museums also answered the call and significantly ramped up online educational programs and resources for students and families throughout the pandemic and beyond. Museums help teach the State and local curriculum in subjects ranging from art and science to history, civics, and government. Museums have long served as a vital resource to homeschool learners. It is not surprising that in a public opinion survey, 97% of respondents agreed that museums were educational assets in their communities. The results were statistically identical regardless of political persuasion or community size. Museums are nonpartisan and accessible to all Americans.

While making strides, the museum field continues to face financial strain in the aftermath of the pandemic, with half of museums indicating at least one sign of financial distress. In the 6 months prior to completing a recent survey, half of museums either lost revenue or had to make difficult decisions on personnel, programs, or other expenditures (or all of the above). Despite the tremendous financial and psychological stress caused by the pandemic, museum professionals understand the essential role they play in their communities and despite the stress and financial strain they have deepened their commitment to serving as community assets. Museums are essential community infrastructure.

The National Endowment for the Humanities is an independent Federal agency created by Congress in 1965. Grants are awarded to nonprofit educational institutions, including museums, for educational programming, infrastructure and the care of collections. NEH supports museums as institutions of lifelong learning and exploration, and as keepers of our cultural, historical, and scientific heritages that can foster critical dialogues on challenging issues. Approximately 40% of its budget is awarded to state humanities councils located in every State and U.S. territory.

In FY 2023, the NEH awarded 798 grants totaling more than \$110.7 million to institutions across the U.S., including museums. All of NEH's divisions and offices support museums. Humanities councils sponsor family literacy programs, speakers' bureaus, cultural heritage tourism, exhibitions, and live performances. Many councils also offer grants to local cultural organizations, including museums.

In preparation for the U.S. Semiquincentennial in 2026, NEH's "A More Perfect Union" initiative provides funding opportunities across the agency's seven grantmaking divisions for humanities projects that promote a deeper understanding of American history and culture and that advance civic education and knowledge of our core principles of government. As part of the initiative, most of NEH's grant programs include special encouragements to applications related to the United States' 250th.

Here are just two examples of how NEH funding was used to support museums' work in your communities:

- The High Desert Museum in Bend, Oregon, was awarded a \$500,000 Infrastructure and Capacity Building Challenge Grant for the construction of a new 27,500 square foot wing to advance the High Desert Museum's vision for the Center for the High Desert—a place for humanities-driven programming that brings together scholars, artists, policy makers, nontraditional leaders, and community members to transform conversations about the High Desert region, significantly broaden and deepen community engagement, and catalyze collaborative, creative solutions. These adaptable new spaces will support interdisciplinary programming that will broaden community engagement, drive new scholarship, inform policy decisions, and build understanding and collaboration between community members.
- The Anchorage Museum in Anchorage, Alaska, was awarded a Challenge Grant for the museum's Climate and Sustainability Working Group to create and implement a sustainability plan for the organization. The process will include a review of the museum's existing energy audit, undertaking a carbon audit, and working with national and international consultants who are sustainability ex-

perts in the cultural sector. The sustainability plan will be integrated into the museum's existing strategic framework and long-term capital plan, providing clear goals and benchmarks and outlining actions and a timeline to achieve sustainability goals. The project will also include opportunities to share the process and findings with statewide cultural organizations, partners, and the general public to help work collectively toward a sustainable future.

The National Endowment for the Arts makes art accessible to all and provides leadership in arts education. Established in 1965, NEA supports great art in every congressional district. Its grants to museums help them exhibit, preserve, and interpret visual material through exhibitions, residencies, publications, commissions, public art works, conservation, documentation, services to the field, and public programs. Annually, the NEA typically provides more than 150 awards to museums and museum-related projects, totaling approximately \$5 million.

Since 2010, the NEA has collaborated with Blue Star Families and the U.S. Department of Defense on Blue Star Museums, which provides free museum admission to active duty military and their families all summer long. Typically each year more than 2,000 museums in all 50 States participate, reaching on average more than 900,000 military members and their families. Participating Oregon museums include the Columbia River Maritime Museum (Astoria), Eugene Science Center (Eugene), and Oregon Historical Society (Portland). Alaska includes Palmer Historical Society (Palmer) and the Valdez Museum (Valdez).

The Federal role of the NEA is uniquely valuable; receiving a grant from the NEA confers prestige on supported projects, strengthening museums' ability to attract matching funds from other public and private funders. On average, each dollar awarded by the NEA leverages up to nine dollars from other sources. No other funder-public or private-funds the arts in every State and the U.S. territories. 40% of NEA's grant funds are distributed to state arts agencies for re-granting.

Here are two examples of how NEA funding was used to support museums' work in your communities:

- The Portland Art Museum in Portland, Oregon, was awarded a \$65,000 grant to support installation and administrative costs for the presentation of *Africa Fashion*, an exhibition organized by the Victoria and Albert Museum in London. The exhibition celebrated the richness and diversity of African creativity, cultures, and histories, using fashion as a catalyst through an extensive display of garments, textiles, personal testimonies, photographs, sketches, and film. Works featured hailed from the archives of iconic mid-20th century African designers. *Africa Fashion* builds on the museum's commitment to showcasing innovative fashion and design, as well as important works from local, regional, and international Black artists.
- The Portland Museum of Art in Portland, Maine, was awarded \$30,000 from the Grants for Art Project program to support a solo exhibition of the work of Passamaquoddy basketmaker Jeremy Frey (b. 1978). More than 45 works ranging from early point baskets and urchin forms to recent multicolored vases with porcupine quillwork will be presented. Public programming will include artist talks, workshops, community projects, and gallery-based discussions. The exhibition will benefit in-person and online museum visitors, families, and collaborative partners including Passamaquoddy youth, artists, and community organizations.

The NEA also runs the Arts and Artifacts Indemnity program, which reduces the cost of insuring major exhibitions. Absent this program, such exhibitions would need to be reduced in scale limiting visitors and students access to great art and artifacts from around the world. It saves museums millions of dollars annually, at a cost of almost zero to taxpayers.

The Smithsonian Institution comprises some of the most visited museums in the world. The National Museum of African American History and Culture has captivated audiences from around the globe, underscoring the power of our National museums to educate and inspire. We support robust funding that would allow these world-class museums to undertake critical collections care, make needed technology upgrades, conduct cutting edge research, and increase access for all. We applaud the establishment and ongoing development of the Smithsonian American Women's History Museum and the National Museum of the American Latino.

The Historic Preservation Fund is the funding source of preservation awards to States, Tribes, local governments, and nonprofits. State and Tribal Historic Preservation Offices carry out the historic preservation work of the Federal Government on State and Tribal lands. Historic preservation programs are not only essential to protecting our many heritages; they also serve as economic development engines

and job creators, and provide vital funding to help museums serve their communities.

I hope that my testimony helped make it clear why these priorities are of critical importance to the Nation and how they provide a worthwhile return on investment to the American taxpayer.

Thank you for your consideration.

[This statement was submitted by Marilyn Jackson, President and CEO of the American Alliance of Museums.]

PREPARED STATEMENT OF THE AMERICAN BATTLEFIELD TRUST

Thank you for the opportunity to present testimony today. My name is David Duncan, and I am the president of the American Battlefield Trust. I testify today to respectfully request that the Senate Appropriations subcommittee for Interior, Environment, and Related Agencies fund the Battlefield Land Acquisition Grants Program, along with related grant programs administered by the National Park Service's American Battlefield Protection Program, at its authorized amount of \$20 million. I also respectfully request \$2 million for Multi-State Battlefield Parks inholding acquisition funding.

The American Battlefield Trust is a national nonprofit organization dedicated to preserving America's remaining Revolutionary War, War of 1812 and Civil War battlefields. Thanks to the generosity of our 500,000 members and supporters from all 50 States, the American Battlefield Trust has protected more than 58,000 acres of critically important battlefield land in 25 States.

OUTDOOR CLASSROOMS AND MILITARY TRAINING GROUNDS

America's battlefields are irreplaceable parts of our shared national heritage. When preserved, these battlefields serve as outdoor classrooms to educate current and future generations about the defining moments in our country's history. They are living memorials, not just to the soldiers who fought and died there, but to all who have proudly worn our Nation's uniform.

Preserved battlefields are also economic drivers for communities, generating tourism dollars that are extremely important to State and local economies. Battlefield visitors, who typically travel in groups and as part of families, tend to stay longer and spend more than other types of tourists.

Additionally, battlefields serve as training grounds for today's military, in the form of customized battlefield tours known as "staff rides." Preserved battlefields are frequently used by the modern military to place officers and enlisted ranks alike in the shoes of combat commanders, asking them to make difficult choices, in the face of daunting obstacles, over the same terrain. The American Battlefield Trust is proud to work with the Marine Corps University Foundation and others to host staff rides on battlefields we own and have protected.

THE AMERICAN BATTLEFIELD PROTECTION PROGRAM

In 1990, Congress created the Civil War Sites Advisory Commission (CWSAC), a panel composed of lawmakers, historians and preservationists, to examine the status of America's Civil War battlefields. Three years later, the Commission released a report identifying the most important Civil War battlegrounds, prioritizing them according to preservation status and historic significance. In addition, the Commission also recommended that Congress establish a Federal matching grant program to encourage private sector investment in battlefield preservation. The Commission's proposal for Federal matching grants was the genesis of today's Battlefield Land Acquisition Grants Program.

The Battlefield Land Acquisition Grants Program is an authorized competitive matching grants program that requires a 1-to-1 federal/non-federal match, although on most occasions the Federal dollars are leveraged much more than that. The program promotes cooperative partnerships between State and local governments and the private sector to protect high priority battlegrounds outside existing National Park Service boundaries.

Building on the enormous success and popularity of the program, Congress expanded its grant-making eligibility in fiscal year 2015 to include Revolutionary War and War of 1812 battlefields, in addition to Civil War battlefields. Similar to Civil War battlefields, funding for Revolutionary War and War of 1812 battlefield preservation is targeted toward sites reviewed and prioritized in a comprehensive study requested by the Congress and published in 2007 by the National Park Service.

Since the program was first funded in FY1999, grants have been used to protect 36,000 acres of hallowed ground in 20 States. Among the battlefields that have been preserved using this program are: Antietam, Maryland; Bentonville, North Carolina; Brandywine, Pennsylvania; Champion Hill, Mississippi; Chancellorsville, Virginia; Chattanooga, Tennessee; Gettysburg, Pennsylvania; Hanging Rock, South Carolina; Harpers Ferry, West Virginia; Kettle Creek, Georgia; Mill Springs, Kentucky; Prairie Grove, Arkansas; Princeton, New Jersey; Sackets Harbor, New York; Wilson's Creek, Missouri; and Wood Lake, Minnesota. It is important to note that grants are awarded for acquisition of lands from willing sellers only; there is—and never has been—any eminent domain authority.

MULTI-STATE BATTLEFIELD PARKS FUNDING

The Multi-State Battlefield Parks funding request provides the National Park Service with the flexibility to acquire privately-owned battlefield land within the boundaries of existing battlefield parks throughout the country. Since Federal inholding money often goes for high-profile, big acreage tracts at larger, natural parks, smaller battlefield parks have trouble competing for limited Federal inholding dollars. The Multi-State Battlefield Parks funding request provides NPS with the flexibility to acquire smaller but historically significant parcels when they become available for acquisition.

In addition, since the process for securing inholding funding for individual battlefield parks often takes years, the Multi-State Battlefield Parks funding request enables the National Park Service to direct funding to the battlefield parks that have the most urgent needs. Further, it enables nonprofit organizations like the American Battlefield Trust to secure these properties with the rapidity often expected of willing sellers, with intent to ultimately transfer land to NPS.

Since 2020, the Multi-State Battlefield Parks Line Item has been funded in FY2024 at \$2.68 million; FY2023 at \$2.5 million; FY2021 at \$2 million; and FY2020 at \$2 million. We respectfully request that the Multi-State Battlefield Parks Line Item be funded at \$2 million for FY2025.

URGENT NEED FOR FUNDING

The American Battlefield Trust wishes to thank the subcommittee for its support for battlefield preservation and saving America's hallowed grounds for future generations. We recognize that these are difficult economic times and appreciate the constraints on this subcommittee.

However, we must point out that the clock is ticking on the remaining battlefields of the Revolutionary War, War of 1812 and Civil War. The American Battlefield Trust estimates that, in the next decade, most unprotected battlefield land will be either developed or preserved. Further, with the 250th anniversary commemoration of the American Revolution less than a year away, there is no better time to preserve these historic shrines and prepare for the influx of visitors expected at that time. The Trust and its partners strive diligently to put these funds to good use in a timely manner. There is no shortage of land that can be saved.

CONCLUSION

The Revolutionary War, the War of 1812, and the Civil War were defining moments in our country's history. America's battlefields are important to understanding who we are as a nation, and where we come from. They are open spaces and outdoor classrooms that commemorate the sacrifices of those who fought and died on these fields. The Battlefield Land Acquisition Grant Program has been an irreplaceable tool for preserving these hallowed grounds.

I sincerely hope you and your subcommittee will consider our request to provide funding of the American Battlefield Protection Program's land acquisition program at its authorized level of \$20 million and Multi-State Battlefields Parks inholding request at \$2 million. We look forward to working closely with you as we continue our important work to preserve America's sacred battlefield lands. Thank you for the opportunity to address the subcommittee.

[This statement was submitted by David N. Duncan, President, American Battlefield Trust.]

PREPARED STATEMENT OF AMERICAN BIRD CONSERVANCY

To help recover endangered species, reduce environmental threats, and bolster programs needed to reverse bird declines, American Bird Conservancy respectfully

requests funding increases for the following bird conservation programs in the FY 2025 Interior Appropriations bill.

FY 25 Bird Conservation Recommendations
(all figures in millions)

Agency	Program	FY24 Final	FY25 President's Budget	FY25 to Bring Back Birds (ABC Recommendation)
EPA	Pesticides Licensing	\$48.7	\$75.7	\$75.7
EPA	Marine Pollution Program	\$10.2	\$12.7	\$13
NPS	Window Collision Mitigation	\$0	\$0	\$10
NOAA	Seabird Recovery Technical Assistance.	\$0	\$0	\$10
USFWS	ESA Pesticide Consultations	\$1	\$1	\$10
USFWS	Red Knot Recovery	\$0	\$0	\$5
USFWS, NMFS	Marbled Murrelet Recovery	\$0	\$0	\$5
USFWS	Lesser Prairie-chicken Recovery	\$0	\$0	\$5
USFWS, NPS, USGS	Hawaiian ESA Recovery	\$15.51	\$15	\$20
USFWS	NMBCA	\$5.1	\$5.1	\$6.5
USFWS	Migratory Bird Joint Ventures	\$16.82	\$17.7	\$25
USFWS	California Central Coast Joint Venture.	\$0	\$0	\$0.6
USFWS	Non-Lead Exchange	\$0	\$0	\$20
USFWS	MBTA Incidental Take Mitigation	\$0	\$0	\$10
BLM	Sage Grouse Conservation	\$73	\$73	\$73

EPA and USFWS Pesticide Reviews

To address a 40-year backlog of reviews, and court-mandated Endangered Species Act compliance, we ask that Congress appropriate \$75.7 million to the EPA's Office of Pesticide Programs to expedite registration and registration review procedures mandated by the Federal Insecticide, Fungicide, and Rodenticide Act.

EPA Plastic Pollution Mitigation

Plastic pollution is among the leading threats to seabirds. We recommend that the EPA's Marine Pollution Program receive at least \$13 million to support their goals of reducing marine litter, capturing trash, and protecting human health and the marine environment.

Reducing Window Collisions

Please provide \$10 million to continue work by the National Park Service and other agencies to retrofit Department of the Interior buildings to make them bird-safe.

USFWS Pesticide Consultations

We also ask that an additional \$10 million be appropriated to the USFWS to be used expressly for pesticide consultations, including programmatic expenses and an additional 20 FTE, under the Planning and Consultation division of Ecological Services.

Red Knot Recovery

We recommend \$5 million to support the FWS Red Knot recovery program. Added funds should be used to improve state horseshoe crab egg density surveys and provide grants to reduce horseshoe crab bait fishing and bleeding for pharmaceutical purposes. Red Knot depend on horseshoe crab eggs to survive their migration and successfully breed.

Marbled Murrelet Recovery

We recommend an additional \$5 million for recovery of the threatened Marbled Murrelet, a rapidly declining critically endangered seabird which only nests in the inland Old Growth forests of the Pacific Northwest. Funds are needed to support campground cleanup campaigns to reduce the number of ravens and jays predating Murrelet nests.

Lesser Prairie-Chicken Recovery

We recommend \$5 million to initiate a robust recovery program that will incentivize landowners to provide for high quality habitat needed to maintain the currently declining population. A coordinated outreach campaign, technical support, and funding are needed to implement grazing rest and other practices that will improve the range.

Hawai'i ESA Recovery

ABC recommends funding Hawaiian Forest Bird Conservation through State of the Birds Activities and associated National Park Service and U.S. Geological Survey programs at \$20 million for FY25. Funds are being used to halt the spread of avian malaria threatening 12 of Hawaiian forest birds.

Neotropical Migratory Bird Conservation Act

Please increase funding for migratory bird conservation including wintering grounds in Latin America and the Caribbean by providing \$6.5 million for the Neotropical Migratory Bird Conservation Act. This program is essential to the conservation of wintering habitats, building capacity of our Latin American and Caribbean partners, and providing greater access to conservation resources in a region where it is urgently needed.

North American Waterfowl Management Joint Ventures

The national network of Joint Ventures (JVs) are essential to address the conservation needs of migratory birds, and they leverage significant matching contributions from partner organizations and foundations. We recommend that to help reverse bird declines the Joint Ventures be allocated \$20 million.

California Central Coast Joint Venture

We request \$600,000 the California Central Coast Joint Venture's (C3JV, <https://www.c3jv.org/>) and its BIRDS (Bridging Information for the Recovery of Declining Species) Project, including the preparation of a State of the Birds Report, launch of the Central Coast Bird Monitoring Network, and development of an Indigenous Stewardship Program.

Non-Lead Exchange Program

We recommend \$20 million appropriated to State Wildlife Agencies through the Department of the Interior for non-lead tackle and non-lead ammunition exchange programs.

Migratory Bird Treaty Act

We appreciate the President's FY25 Budget Justification from USFWS in regard to protections for birds under the Migratory Bird Treaty Act, and are hopeful the Service will soon propose a draft rule establishing an incidental take permitting system and general sector permits to reduce preventable mortality and ask Congress to support and designate \$10 million towards this effort.

Climate Change and Energy Development

Please include in wildlife incidental take mitigation funding. We also recommend report language emphasizing environmentally appropriate siting and minimizing wildlife impacts of renewable energy facility development and encouraging Federal agencies to avoid ecologically important areas on public lands and in Federal waters and to apply available best management practices that reduce wildlife mortality.

Greater Sage-Grouse Conservation

We remain deeply concerned by the Greater Sage-Grouse ESA listing rider given a recent USGS report indicating the species is in severe decline, and that that trend is anticipated to continue. We request the listing moratorium for all Sage Grouse populations be ended.

1. We appreciate the proposed \$73 million for sage grouse conservation in the House recommendation, and the Senate report language offering helpful guidance for the restoration program.

2. The remaining grouse strongholds are at risk and require immediate protection. We ask Congress to please include the following bill language to recover grouse populations:

No less than \$3 million will be spent on the designation and planning for a network of ACECs deemed sufficient to prevent further long-term greater sage-grouse population declines in accordance with 43 U.S.C. §§ 1702(a) and 1712(c)(3).

RECOMMENDED REPORT LANGUAGE

Pesticides and Birds

Please include report language directing EPA to:

1. In conjunction with the Center for Pollinator Conservation, conduct a scientific review of the impacts of neonicotinoid insecticides on birds, insects, and the environment and report these findings to Congress

2. Clarify that the Treated Article Exemption, FIFRA § 152.25(a) should not include pesticide-coated seeds

3. Request that FWS ban the use of conventional pesticides used for crop production on National Wildlife Refuges and other important bird habitats

4. Direct the Government Accountability Office to study the impact of pesticides used in crop production on National Wildlife Refuges

Public Lands Protection and Forest Carbon

We are encouraged by the Executive Order to map and conserve Old Growth and Mature Forests which could make a major contribution to address climate change. Please include report language recommending:

The protection of existing carbon stores in mature and old growth forests that provide habitat for the threatened Marbled Murrelet, Northern Spotted Owl, and California Spotted Owl.

Reducing Window Collisions

Please include previous report language:

All agencies under the jurisdiction of this act are directed to monitor visitor and nature centers and office buildings for bird collisions with glass to address bird collision risk. At a minimum, facilities identified as high-risk should take low cost or no cost action, such as turning off interior lights at night or applying films or other adhesives to glass windows to reduce bird collisions.

SUBCOMMITTEE ON COMMERCE, JUSTICE, SCIENCE, AND RELATED AGENCIES, NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION (NOAA)

Reducing Seabird Bycatch

U.S. fisheries have taken great strides to reduce seabird bycatch. To further assist ongoing efforts, we recommend \$10 million in technical assistance and seabird bycatch mitigation funding be provided to NOAA Fisheries in the Commerce, Justice, Science, And Related Agencies Appropriations Bill. We recommend that at least \$100,000 of that money be directly appropriated to the National Seabird Program for staffing. This is necessary to boost program capacity and enhance internal coordination.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES FY2025—DRAFT FY2025 APPROPRIATIONS REPORT LANGUAGE

The Committee recognizes the scientific, economic, supply chain, environmental, and animal protection benefits to utilizing synthetic safety approaches to test for bacterial endotoxins in vaccines, injectable therapies, and medical devices. Without clear guidance that the Food and Drug Administration accepts modern approaches in lieu of traditionally accepted animal-based methods, regulated entities are unlikely to adopt new approaches that accurately detect fever-causing contaminants with lower impact on animals and the environment. The Committee directs the FDA to update its 2012 Guidance for Industry on Pyrogen and Endotoxins Testing within 120 days of enactment of this act to reflect acceptance of recombinant Bacterial Endotoxins Test (rBET) methods for new and existing products. FDA must also provide staff training on rBET. The Committee requests a written update by 180 days of enactment of this act.

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[This statement was submitted by Hardy Kern, Director of Government Relations.]

PREPARED STATEMENT OF THE AMERICAN CULTURAL RESOURCES ASSOCIATION

Thank you for giving the American Cultural Resources Association (ACRA) the opportunity to provide written testimony about the Department of the Interior's appropriations for Fiscal Year 2025. I am Amanda Stratton, the Executive Director of ACRA.

ACRA is the National trade association supporting the common interests of cultural resource management (CRM) firms of all sizes, types, and specialties. ACRA member firms undertake much of the legally mandated cultural resource studies and investigations in the United States and employ thousands of professionals, including archaeologists, architectural historians, historians, ethnographers, and an increasingly diverse group of other specialists in the museum and non-profit sectors.

The majority of CRM firms in the United States are designated as small businesses under the U.S. Small Business Administration's size standards. They work in every State in the country to balance the necessity to build infrastructure with the need to protect our Nation's cultural heritage. CRM firms like mine help enable smart development while elevating important cultural heritage assets.

Numerous programs within the Interior Department play an essential part in helping our Nation understand its history. ACRA appreciates the important work of the subcommittee over the last few years to ensure historic preservation and cultural resource programs at the Interior Department have adequate funding despite a challenging fiscal environment. Our recommendations outlined below reflect the reality that, as the demand for cultural resource services continues to rise, Federal investments must keep up.

NATIONAL PARK SERVICE—HISTORIC PRESERVATION FUND (HPF): \$225 MILLION

Since its establishment in the 1970s, the Historic Preservation Fund (HPF) has supported the rescue and rehabilitation of historic sites, revitalized communities, and created opportunities for economic growth.

The Fund helps the National Park Service administer heritage programs such as the National Register of Historic Places and the Historic Tax Credit Program. State and Tribal Historic Preservation Offices (S/THPOs), who are tasked with the survey and inventory of America's historic resources, rely on HPF funding for part of their budgets. Over the last four decades, the HPF has made possible the survey of millions of acres and identification of numerous cultural resources, resulting in over 95,000 listings on the National Register, provided millions of dollars for the rehabilitation of historic buildings, and leveraged more than \$162 billion in private investment through the Historic Tax Credit.

Not a single dollar of HPF funding comes from Federal taxpayers; funding for the HPF comes from offshore oil leases. States are required to match at least 40 percent of the funding that they receive from the HPF. Recognizing the immense economic and cultural value of historic preservation, Congress has increased funding for the HPF in recent years.

Despite these increases, the investments have not kept up with rising demand. The need for full funding of the HPF has become more critical in recent years as SHPO responsibilities have increased, new THPO offices are established, and competitive grant programs are created and expanded. In addition, the passage of the 2021 bipartisan infrastructure bill means that state and Tribal preservation offices now face significantly more demand for their services as Federal projects get funded.

Without adequate funding, state and Tribal preservation offices often lack the capacity to carry out programs that support management of our cultural resources, heritage preservation, and community development. As a result, critical infrastructure projects risk being delayed.

In FY2024, Congress appropriated \$188 million from the HPF. Although this amount is still above the \$150 million amount that is authorized to be transferred into the Fund each year, it is a reduction from the \$204 million appropriated the previous fiscal year. This reduction in funding comes at a time when many of the projects authorized by the infrastructure law are beginning to enter the permitting and construction phases.

Congress can help States, localities and Tribes continue their efforts to protect and celebrate our heritage by providing \$225 million from the HPF in fiscal year 2025, including \$70 million for SHPOs and \$34 million for THPOs.

NATIONAL PARK SERVICE—NATIONAL RECREATION AND PRESERVATION CULTURAL PROGRAMS: \$50 MILLION

NPS National Recreation and Preservation Cultural Programs enable the Park Service to administer technical assistance and support for resource protection, not

just within the Park system but across the Federal Government. Cultural resources professionals in the NPS work alongside Tribes, State and local governments, non-profits and others to ensure that our shared heritage is not lost.

The Cultural Programs include management of the National Register of Historic Places and the National Historic Landmarks Program, coordination of Federal archaeology programs, certification of Federal Historic Tax Credit projects, and the administration of grant programs like the Japanese American Confinement Sites Grants, American Battlefield Protection Program Assistance Grants, and others. These funds support projects and initiatives in virtually every community in the country, promoting economic development as they help celebrate the achievements of countless Americans whose stories otherwise would be lost to history.

ACRA appreciates the subcommittee's efforts to maintain level funding for these programs in FY2024 and urges the subcommittee to continue to invest in them. ACRA requests that the subcommittee provide \$46 million for these programs in FY2025.

NATIONAL PARK SERVICE—AFRICAN AMERICAN BURIAL GROUNDS PRESERVATION
PROGRAM: \$3 MILLION

ACRA requests \$3 million for the new African American Burial Grounds Preservation Program.

From the early days of our Republic to the Jim Crow era, African American families were often barred from burying their loved ones in White cemeteries. Large numbers of African American burial sites lack any official record of their existence, and many have been neglected and abused over time, effectively erasing the memory of Americans whose history deserves to be told. In many areas of the country, burial grounds are the only tangible properties that represent African American culture and heritage.

Congress recognized the importance of protecting these sacred sites in 2022 when it first authorized the African American Burial Grounds Preservation Program. This program supports efforts to research, identify, document, preserve, and interpret historic African American burial grounds, many of which have been badly neglected or lost to history. We urge the subcommittee to provide \$3 million to this vital program.

NATIONAL PARK SERVICE—NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION
ACT (NAGPRA) GRANTS: \$12 MILLION

In addition, ACRA requests the subcommittee provide \$12 million for Native American Graves Protection and Repatriation Act (NAGPRA) Grants.

NAGPRA is the Federal Government's cornerstone statute recognizing that Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony belonging to lineal descendants, Indian Tribes and Native Hawaiian organizations, and must be treated with dignity and respect.

Compliance with the newly revised NAGPRA rules will require significant consultation between Tribes and museum and curation facilities. The NAGPRA Grant program is an indispensable resource that supports the documentation, protection and repatriation of remains and cultural objects. Recognizing the increased demand the new rules have created, ACRA urges the subcommittee to provide \$12 million for these Grants.

ACRA appreciates having the opportunity to provide this written testimony to the subcommittee and looks forward to working with you to ensure that the Federal Government continues to serve as a collaborative partner with State and local governments, Tribes, non-for-profit organizations, the CRM industry and others who work every day to protect our Nation's cultural treasures.

[This statement was submitted by Amanda Stratton, Executive Director of the American Cultural Resources Association.]

PREPARED STATEMENT OF THE AMERICAN FISHERIES SOCIETY

Thank you for the opportunity to provide recommendations on Federal appropriations for Fiscal Year 2025. Founded in 1870, The American Fisheries Society is the oldest and largest professional society of fisheries biologists, managers, and researchers in the world. The mission of AFS is to improve the conservation and sustainability of fishery resources and aquatic ecosystems by advancing fisheries and aquatic science and promoting the development of fisheries professionals.

AFS respectfully submits the following funding recommendations for the U.S. Fish and Wildlife Service, U.S. Geological Survey, and the U.S. Forest Service to secure

critical funds for conservation and restoration of our country's important fisheries and aquatic ecosystems.

U.S. FISH AND WILDLIFE SERVICE

Fish and Aquatic Conservation (FAC) works with States, landowners, and other partners and stakeholders to achieve the goals of healthy, self-sustaining populations of fish and other aquatic species. Within this program, the National Fish Hatchery System has served an important role in recovering and restoring aquatic species through conservation aquaculture. AFS fully supports an increase in funding for this program for Restoring Salmon in the Columbia River Basin. However, we are particularly concerned with Administration's proposed funding reductions for Aquatic Habitat and Species Conservation. The program's important work to protect, restore, and recover native fish and our Nation's freshwater ecosystems must be maintained to address increasing impacts to freshwater ecosystems and native fish populations from habitat loss, fragmentation, aquatic invasive species, pollution, and climate change. AFS requests \$253 million for FAC for FY 2025 to maintain funding for Aquatic Habitat and Species Conservation and for additional appropriations for Restoring Salmon in the Columbia River Basin.

The State and Tribal Wildlife Grants Program (STWG) is the Nation's only program that encourages development and implementation of State Wildlife Action Plans. Collectively, STWG funds support strong partnerships among federal, state, Tribal, private, and nonprofit entities that enable fish and wildlife professionals to implement on-the-ground conservation activities that benefit over 12,000 at-risk species, with the goal of eliminating the need to list them under the Endangered Species Act. In FY 2010, appropriations were at \$90 million for the program—allowing States to complete more projects deemed necessary for monitoring and management of at-risk fish and wildlife. Subsequent budget reductions in STWG, however, have not allowed this highly successful program to reach its full potential. AFS requests that Congress increase funding for the program to at least \$100 million annually.

U.S. GEOLOGICAL SURVEY (USGS)—ECOSYSTEMS MISSION AREA

The Climate Adaptation Science Centers program addresses evolving challenges posed by climate change on regional fish and wildlife, ecosystems, and community-based stakeholders. Modest budget increases in recent fiscal periods have bolstered the program's ability to swiftly respond to demands and expand its capacity, facilitating proactive engagement of Tribal communities in project design and resource allocation. Nevertheless, funding levels have failed to match identified needs, especially in equipping USGS with adequate resources to effectively convey scientific insights to stakeholders for actionable decision-making based on project outcomes. For FY 2025, AFS recommends the full realization of the Administration's proposal, reaching no less than \$69.3 million.

The Cooperative Fish & Wildlife Research Units (CRUs) foster federal, state, non-government organization (NGO), and academic partnerships to provide actionable science tailored to the needs of natural resource managers. This science plays a pivotal role in the implementation of State and Federal management decisions. CRUs are an exemplary model for cooperative natural resource science programming; with the support of collaborators, this program leverages an average of three dollars in outside funds for every Federal dollar invested. Thanks to support from Congress, Indiana was able to establish the Indiana Cooperative Fish and Wildlife Research Unit hosted by Purdue University. Despite growing interest from other States, limited Federal funding has constrained the expansion of units and continues to result in vacancies at existing units. To address this gap, AFS recommends a funding increase to \$36 million in FY 2025, enabling CRUs to capitalize on emerging partnerships and fill vacancies in an effort to meet longstanding commitments.

U.S. FOREST SERVICE (USFS)

The Forest Service administers a large transportation and trails infrastructure system including roads, trails, bridges, and other types of stream crossing features. Stream crossings pose a significant challenge to water quality and the health of fish and aquatic species habitat. Legacy Road and Trail Remediation Program improves fish and aquatic species passage and reduces erosion and sediment into streams to improve water quality while increasing flood resilience. AFS requests the full \$6 million in annual appropriations for FY 2025 in the Administration's proposal for decommissioning roads, removal or replacement of stream crossing structures that are barriers to aquatic organism passage, road and trail repair and improvements and associated activities in environmentally sensitive areas; and repair and improvements on roads and trails subject to recent storm damage.

Thank you for your commitment to conserving our country's natural resources. We appreciate your consideration of this request.

[This statement was submitted by Douglas J. Austen, Ph.D., Executive Director.]

PREPARED STATEMENT OF AMERICAN HIKING SOCIETY

Chair Merkley, Ranking Murkowski, and members of the subcommittee, on behalf of American Hiking Society and the millions of trail users our collective 240 organizations and entities represent who spend their time, money, and energy to get out on trails for recreation, health and wellness, and to volunteer, we thank the Committee for the opportunity to provide testimony on the importance of adequately funding our Nation's trails and public lands to ensure access for all. We ask the Committee to adopt the following funding requests so the Federal Government can continue to leverage private contributions and benefit from volunteer labor as well as provide inexpensive, healthy outdoor recreation options for your constituents and all Americans. Appropriations for Federal land management agencies requested herein, coupled with the significant resources provided by non-profit partners, serve to accelerate collective stewardship of our Nation's public lands and waters, and enhance climate adaptability.

SUMMARY OF REQUESTS

Forest Service:

- Capital Improvement and Maintenance (CMTL), Trails at \$30M, including \$15M for National Scenic and Historic Trails, and funding for the National Forest System Trail Stewardship Trail Partner Funding. In order to support adequate funding for all Forest Service trails and to avoid a reduction in the existing budget for non-National Scenic and Historic Trails managed by the Forest Service, increases for non-National Scenic and Historic Trails should occur in parity with the rate of increases for National Scenic and Historic Trails;
- At, minimum \$70M to fund Recreation, Heritage & Wilderness;
- At least \$10M to fund Legacy Roads & Trails, with support for Washington Watershed Restoration Initiative (WWRI) coalition request of \$100M;

Bureau of Land Management:

- Funding at \$15M for National Trails System Line Item;
- National Conservation Lands at \$78.145M, but a minimum level funding of FY24 Senate proposed at \$65M;

U.S. Fish and Wildlife Service:

- Refuge Visitor Services at least \$86.114M;
- Support Infrastructure-National Partnership funding;

National Park Service:

- Rivers, Trails, & Conservation Assistance (RTCA) program at \$15M;
- Park Service Operations for the National Trails System at a minimum of \$20.964M;
- Volunteers in Parks programs at a minimum of FY23 levels, including dedicated funding to the National Trails System;
- Visitor Services sub-activity, Youth Partnership Programs at a minimum of \$10.95M, including an acknowledgment of the benefits for trails;
- Outdoor Recreation Legacy Partnership (ORLP) Program, at a min \$125M;

US Geological Survey:

- \$1.5M to fully fund the National Digital Trail Project (NDTP)

FOREST SERVICE RECOMMENDATION

National Forest trails benefit everyone and receive increasing public use each year. Collectively, the National Forests provide 159,000 miles of trails for activities ranging from hiking, biking, horseback riding, off-highway vehicle usage, groomed winter trails for cross-country skiing and snowmobiling, and access points for "river trails." Roughly 120,000 of the 159,000 miles of trails are in need of some form of maintenance or repair.

Program: Capital Improvement and Maintenance, Trails

FY25 Funding Level Requested: \$30M
 FY24 Enacted Level: \$20M (House bill was \$25M)
 Department: USDA
 Agency/Account: Forest Service, Capital Improvement and Maintenance, Trails
 Report Language requested:

- In order to support adequate funding for all Forest Service trails and to avoid a reduction in the existing budget for non-National Scenic and Historic Trails managed by the Forest Service, increases for non-National Scenic and Historic Trails should occur in parity with the rate of increases for National Scenic and Historic Trails
- The committee supports continued funding for the National Forest System Trail Stewardship Trail Partner Funding Program. Much of the Forest Service's trail work is accomplished today by volunteer groups and non-profit partners. The Forest Service has a successful Trail Stewardship Partner Funding challenge cost share program that leverages Federal funding by 3 to 5:1.

Program: Recreation, Heritage & Wilderness
 FY25 Funding Level Requested: At, minimum \$70M
 FY24 Proposed Level (House): \$60M
 Department: USDA
 Agency/Account: Forest Service, Recreation, Heritage & Wilderness

Program: Legacy Roads & Trails
 FY25 Funding Level Requested: \$10M minimum
 FY24 Enacted Level: \$6M (House bill was \$10M)
 Department: USDA
 Agency/Account: Forest Service, Legacy Roads & Trails

BLM RECOMMENDATION

The BLM manages 13,468 miles of trails over 245 million acres -more land than any other Federal land management agency and contains a diversity of landscapes that often provide the public less structured but nonetheless diverse recreational opportunities. BLM recreation resources and visitor services support strong local economies. More than 120 urban centers and thousands of rural towns (comprising 64 million people) are located within 25 miles of BLM lands.

Program: Bureau of Land Management National Trails System Line-Item Funding
 FY25 Funding Level Requested: \$15M
 FY24 Enacted Level: \$11M (House bill was \$15M)
 Department: Bureau of Land Management
 Agency/Account: Trails

Program: National Conservation Lands
 FY25 Funding Level Requested: \$78.145M, but a minimum \$63.599M
 FY24 Enacted Level: \$59.135M (Senate proposed FY24 level was \$63.599M)
 Department: Bureau of Land Management
 Agency/Account: National Conservation Lands

FWS RECOMMENDATION

Refuge Visitor Services provides funding for trail maintenance across FWS-managed land. Located in every U.S. state and territory, and within an hour's drive of nearly every major U.S. city, National Wildlife Refuges provide incredible opportunities for outdoor recreation, including hiking, hunting, fishing, birding, boating, and nature photography across 2,500 miles of trails. More than 37,000 jobs are reliant on refugees. Funding at a level of \$93M will provide for trail maintenance across the land and water trails, refuges, wetlands, and hatcheries, including 11 National Scenic and Historic Trails and forty-four National Recreation Trails.

Program: Visitor Services
 FY25 Funding Level Requested: \$86.114M
 FY24 Enacted Level: \$76M (Senate bill was \$80.839M)
 Department: Department of Interior
 Agency/Account: Fish and Wildlife Service, Visitor Services

Program: Infrastructure
 Department: Department of Interior
 Agency/Account: Fish and Wildlife Service, Infrastructure
 Report Language requested: National Partnerships are an important component to maintain trail infrastructure across Fish and Wildlife Service sites. The Department

shall continue support for National Partnerships and prioritize funding to leverage these partnerships.

NPS RECOMMENDATION

National Parks, and the world-class experiences their 18,844 miles of trails provide, are one of the most unifying forces in America. Well-maintained trails improve the quality of visitor experiences and enhance visitor safety.

Program: Rivers, Trails, & Conservation Assistance (RTCA)

FY25 Funding Level Requested: \$15M

FY24 Enacted Level: \$13M

Department: Interior

Agency/Account: National Park Service, National Recreation and Preservation

Report Language requested: Within, National Recreation and Preservation, \$13.845M for the Rivers, Trails, & Conservation Assistance program.

Program: National Trails System

FY25 Funding Level Requested: \$20.964M

FY24 Enacted Level: \$18.856M

Department: Interior

Agency/Account: National Park Service, Park Service Operations

Report Language requested:

—Within, Park Service Operations, \$20.964M for administration of the National Trails System.

—National Trails System-The Committees understand the importance of providing adequate funding for the development and maintenance of the National Trails System for future generations to enjoy. The Committees urge the Service to continue its efforts to develop National Scenic and Historic Trails, not limited to supporting construction and maintenance projects and volunteer coordination efforts, and to recognize equal “unit” status of National Scenic Trails.

Program: Volunteers in Parks

FY25 Funding Level Requested: Maintain FY23 increase, at minimum

FY24 Enacted Level: Level

Department: Interior

Agency/Account: National Park Service, Park Partnership Support Functions

Report Language Requested: The committee recommends funding through Volunteers in Parks be provided for volunteer support of the National Trails System, National Rivers, and National Park Service trails.

Program: Youth Partnership Programs

FY25 Funding Level Requested: Maintain FY23 increase, at minimum

FY24 Enacted Level: Level

Department: Interior

Agency/Account: National Park Service, Visitor Services

Report Language Requested: The committee recommends funding through the Youth Partnership Programs be provided for support of the National Trails System, National Rivers, and National Park Service trails.

Program: Outdoor Recreation Legacy Partnership

FY25 Funding Level Requested: At least \$125M

FY24 Enacted Level: \$125M

Department: Interior

Agency/Account: National Park Service, State Conservation Grants

Report Language Requested: The committee recommends funding through the Outdoor Recreation Legacy Partnership Program be provided for support of trails, including the National Trails System.

U.S. GEOLOGICAL SURVEY RECOMMENDATION

Program: National Digital Trail Project

FY25 Funding Level Requested: \$1.5M

FY24 Enacted Level: \$1.35M

Department: U.S. Geological Survey

Agency/Account: Core Science Systems

(ACROSS AGENCIES) RESTORE STAFFING FOR FEDERAL LAND MANAGERS
RECOMMENDATION

Federal land agency field staff continue to suffer from previous job reductions, and the resulting lack of oversight is now a roadblock to proper collaborative management between Federal land agencies and volunteer-based partners. Crucial projects are stalled waiting for plan review or other necessary agency expertise, such as environmental studies, design, and other work that is above the ability and purview of trail groups. Delays have lasted years, contributing to the maintenance backlog and, ultimately, increasing the cost to taxpayers for this necessary work as trails continue to deteriorate at an even greater rate.

We must improve agency staffing levels to meet the need. Agency front-line managers provide crucial and unparalleled expertise and oversight to nonprofit trail partners. This guidance is key to the success of nonprofits as they take on more of the management responsibility for our trails and recruit, train, and marshal thousands of volunteers in public service. Increasing agency staffing levels is essential to completing the complex work of managing and maintaining trails and public lands.

Beyond increases in land management agency staffing, we ask the committee to include report language to audit the centralized agency hiring practices, which have been identified as a roadblock to filling thousands of crucial vacancies. Centralizing hiring prevents land managers from quickly filling vacancies from local talent pools. The cumbersome process slows hiring so much that vacancies often go unfilled. In many cases, by the time a job is offered, the candidate has already moved on. More hiring flexibility would help local land managers fill vacancies quickly.

[This statement was submitted by American Hiking Society.]

PREPARED STATEMENT OF THE AMERICAN INSTITUTE OF BIOLOGICAL SCIENCES

The American Institute of Biological Sciences (AIBS) appreciates the opportunity to provide testimony in support of appropriations for the Smithsonian Institution, the United States Geological Survey (USGS), the United States Fish and Wildlife Service (USFWS), and the Environmental Protection Agency (EPA) for fiscal year (FY) 2025. We encourage Congress to provide additional funding to the Smithsonian Institution in FY 2025, including at least \$60 million to the National Museum of Natural History with new funding to support scientific and curatorial work. We urge Congress to provide the USGS with \$1.85 billion in FY 2025, with at least \$395 million for its Ecosystems Mission Area. We further request that Science Applications within USFWS be provided at least \$55.5 million in FY 2025. Lastly, we request that Congress provide EPA Science and Technology with at least \$876 million in FY 2025.

AIBS is a scientific association dedicated to promoting the use of science to inform decision-making that advances the biological sciences for the benefit of science and society. AIBS works to ensure that the public, legislators, funders, and the community of biologists have access to information to guide informed decision-making.

The unprecedented loss of biological diversity and the associated negative impacts on human health and well-being are of significant concern. As human population grows and people increasingly come into contact with new environments and species migrating into new habitats, the risk of new diseases, such as zoonotic pandemics, is of growing concern. Biological diversity, however, offers a buffer against the spread of pathogens and contributes to environmental sustainability and increases our resilience to natural disasters. Robust Federal investments in scientific research and monitoring that improves our understanding of biological diversity and ecosystem function must be a priority. The agencies funded by this appropriations bill are centrally involved in conducting, supporting, and using this scientific research for public benefit.

SMITHSONIAN INSTITUTION

Scientific collections and the professionals and scientists who collect, care for, and study these resources are a vital component of our Nation's research infrastructure and bioeconomy. Collections are a critical resource for advancing the knowledge needed to address current global challenges such as climate change, biodiversity loss, and pandemics.

The Smithsonian Institution's National Museum of Natural History (NMNH) is a valuable Federal partner in the curation of and research on scientific specimens. Scientists at the NMNH care for 148 million scientific specimens and ensure the strategic growth of this internationally recognized scientific research institution. To

increase the availability of these scientific resources to researchers, educators, other Federal agencies, and the public, NMNH is working on a multi-year effort to digitize its collections and make the data available online. That effort will substantially increase the use of these collections by researchers, educators and students, and policymakers. NMNH is also working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections.

Recognizing the importance of biological collections for research, the bipartisan CHIPS and Science Act called for the establishment of an action center for biological collections. Such a center will provide leadership, support, and coordination for federal, non-federal, and private collections and enable transformative research to address grand societal challenges. Many Federal agencies have a role in supporting the establishment of this center, including the Smithsonian Institution's NMNH. However, the budget for NMNH has not seen adequate increases in recent years. We urge Congress to provide NMNH with at least \$60 million in FY 2025 to allow the museum to undertake critical collections care, make needed technology upgrades, and conduct cutting edge research.

U.S. GEOLOGICAL SURVEY

The USGS provides unbiased, independent research, data, and assessments that are needed by public and private sector decision-makers. Data generated by the USGS save taxpayers money by enabling more effective management of water and biological resources and providing essential geospatial information that is needed for commercial activity and natural resource management. The data collected by the USGS are simply not available from other sources.

The Ecosystems Mission Area is the biological research arm of USGS and is integral to the agency's other science mission areas. It provides the science needed to achieve sustainable management and conservation of natural resources and inform land and water stewardship. The USGS conducts research on and monitors fish, wildlife, and vegetation-data that informs management decisions by other Interior bureaus. Biological science programs collect and analyze long-term data not available from other agencies, universities, or the private sector. The knowledge generated by the USGS are used by Federal and State natural resource managers to maintain healthy and diverse ecosystems while balancing the needs of public use.

Examples of successful USGS Ecosystem initiatives include:

- Development of comprehensive geospatial data products that characterize the risk of wildfires on all lands in the United States. These products are used to allocate firefighting resources and to plan wildfire fuel reduction projects.
- Development and evaluation of control measures and other management interventions for invasive species, such as Asian carp and sea lamprey, that cause billions of dollars in economic losses to fisheries, hydropower, recreation, and many other industries.
- Development of the scientific understanding needed to combat the spread of avian flu, white-nose syndrome, and other diseases spread by wildlife in North America, including diseases that can jump from wild populations to livestock, agricultural systems, and humans.

The USGS also supports critical science needed to respond to a number of national and global challenges. Examples of the important work conducted by the USGS include:

- The National and Regional Climate Adaptation Science Centers. This program is responsible for developing the science and tools to address the effects of climate change on land, water, wildlife, fish, ecosystems, and communities. These centers play a vital role in addressing the impacts of unique weather patterns on ecosystem health across the country.
- The National Wildlife Health Center. This USGS-wide program investigates national and international wildlife health issues, including the spread of zoonotic pathogens, such as the virus that causes COVID-19. Zoonoses-diseases that spread from wildlife to humans-can pose serious threats to human health and cause significant disruptions to the economy.
- Cooperative Research Units (CRUs). CRUs are located on 43 university campuses in 41 States. These research centers are a cost-effective way for USGS to leverage research and technical expertise affiliated with these universities to conduct actionable research, provide technical assistance, and develop scientific workforces through graduate education and mentoring programs.

- Environmental Health Research. The Toxic Substances Hydrology and Contaminant Biology programs work collaboratively with other Mission Areas, and with external collaborators to study environmental contaminants and pathogens and provide the critical science needed to help Federal, State, and local government agencies, the private sector, non-governmental organizations, and other stakeholders protect fish and wildlife health using a One Health approach that recognizes the interdependence of human, animal, and ecosystem health.
- Research on ecosystems of concern. This research is a critical component of efforts to restore and manage important national resources, such as the Everglades and the Chesapeake Bay. The Changing Arctic Ecosystems initiative conducts research on wildlife and habitat responses to ecosystem change in the Arctic to inform land and species management decisions and address the needs of Arctic residents, including Native communities.

In summary, the USGS is uniquely positioned to provide a scientific context for many of the Nation's biological and environmental challenges, including pandemics, water quality and use, energy independence, and conservation of biodiversity. This array of research expertise not only serves the core missions of the Department of the Interior, but also contributes to management decisions made by other agencies and private sector organizations. USGS science also enables cost-effective decisions, as the agency's activities help to identify the most efficient management actions. Increased investments in these important research activities will yield dividends.

We urge Congress to provide significant funding increases to the Ecosystems Mission Area. In recent years, the budget for USGS has not seen adequate increases. In fact, in FY 2024, the agency received a 3 percent cut. Failure to make critical investments in the research conducted by the agency will hamper long-term data collection initiatives, lead to critical data loss, and undermine the Nation's ability to address national challenges.

We request that Congress fund the USGS at \$1.85 billion in FY 2025, with at least \$395 million for the Ecosystems mission area.

U.S. FISH AND WILDLIFE SERVICE

The Science Applications program within USFWS supports science partnerships with external stakeholders for collaborative landscape conservation activities. It supports pollinator conservation, proactive conservation of at-risk species and their habitats, habitat and ecosystem restoration grants, as well the agency's climate change action program. In FY 2023, Science Support was merged with the Cooperative Landscape Conservation activity and renamed Science Applications. The enacted funding for Science Applications in FY 2023, however, was lower than the combined FY 2022 funding for its two activities. The program received a further 4 percent reduction in funding in FY 2024.

We request that Science Applications be provided at least \$55.5 million in FY 2025 with robust funding for research activities previously under Science Support.

ENVIRONMENTAL PROTECTION AGENCY

Funding for EPA Science and Technology supports valuable research that identifies and mitigates environmental problems. EPA research informs decisions made by public health and safety managers, natural resource managers, businesses, and other stakeholders concerned about air and water pollution, human health, and land management and restoration. This program provides the scientific basis upon which EPA monitoring and enforcement programs are built.

Despite the important role of EPA Science and Technology in the Federal Government's ability to ensure that people have clean air and water, funding for this account in recent years has remained significantly lower than its peak of \$846 million in FY 2010. Notably, in FY 2024, EPA's Science and Technology budget was reduced by nearly 6 percent to \$758 million. Strong increases in funding are needed for programs such as the consistently under-funded Science to Achieve Results (STAR) Research Grants Program, which supports extramural research that advances EPA's mission to protect human health and the environment, and the Global Change Research program, which develops scientific information that allows policy makers, stakeholders, and society to respond to climate change.

Please provide at least \$876 million in FY 2025 to support scientific research at the EPA. This much needed increase will allow the agency to provide resources for efforts to protect and restore our Nation's natural resources.

CONCLUSION

We urge Congress to sustain its bipartisan support for science by investing in our Nation's scientific capacity. Thank you for your thoughtful consideration of this request.

[This statement was submitted by Jyotsna Pandey, Ph.D., Community Programs Director, American Institute of Biological Sciences.]

PREPARED STATEMENT OF THE AMERICAN INDIAN HIGHER EDUCATION CONSORTIUM

On behalf of the Nation's 35 accredited Tribal Colleges and Universities (TCUs), which collectively are the American Indian Higher Education Consortium (AIHEC), we thank you for the opportunity to share our Fiscal Year (FY) 2025 funding requests. The following is a list of recommendations including the Department, programs, and funding requests.

Department of the Interior—Bureau of Indian Education

- Title I, II, III, and Contracts & NCAA: \$108,590, 607
- Title V (Tribal Career/Technical Institutions): \$15,000,000
- TCU Construction & Facilities Improvement: \$35,000,000
- Institute of American Indian Arts with Center for Lifelong Education & Museum: \$13,982,000
- Haskell Indian Nations University and Southwestern Indian Polytechnic Institute: \$30,000,000

TRIBAL COLLEGES & UNIVERSITIES: SERVING STUDENTS ACROSS INDIAN COUNTRY & RURAL AMERICA

Currently, 35 accredited TCUs operate more than 90 campuses and sites in 16 States. Three emerging institutions, located in California (two) and Arizona (one), are on their way to seeking accreditation. These institutions serve students from over 250 Federally Recognized Indian Tribes and embody a vital component of Tribal higher education.

Over 80 percent of Indian Country is served by TCUs. Tribal colleges not only serve students, but they also serve over 160,000 American Indians, Alaska Natives, and other rural residents each year through a wide variety of academic and community-based programs. All TCUs offer certificates and associate degrees; 22 offer bachelor's degrees; 9 offer master's degrees; and one offers a doctoral degree. Our programs range from liberal arts to technical and career programs. As open enrollment, community-based institutions, Tribal colleges welcome all students and proudly became a part of this nation's land-grant family in 1994.

Funding cuts of any amount to even one TCU program would force TCUs to scale back vital programs and services that students rely on to complete degree and certificate programs needed to succeed in their chosen career paths. Any reduction in funding will threaten TCU accreditation status and further stretch overtaxed faculty and staff or result in cuts to faculty and staff. The following are justifications for TCU FY 2025 funding requests.

BUREAU OF INDIAN EDUCATION

Title I, II, III, and Contracts & NCAA: AIHEC requests the subcommittee to provide \$108,590, 607 for the Title I, II, III, and Contracts. The \$108,590,607 funds institutional operations under Title I (\$92,200,000) and Title II (17,633,000) along with TCU Endowments (\$113,251) and technical assistance (\$728,339,000), of the TCU Act. This funding would provide the Congressionally authorized amount of \$10,907*/Indian student for the first time since the enactment of the TCU Act more than 40 years ago (*\$8,000 per Indian student adjusted for inflation). This request also provides an additional \$100,000 for needed technical assistance, which has been level-funded for 15 years despite the growing numbers of developing TCUs and increased demands for accountability and student success. As we move forward, we are worried about TCU operating funding: at least three new TCUs could join the pool soon (California Indian Nations College, California Tribal College, and San Carlos Apache College). The addition of these TCUs is important for Indian Country, but only if support is available to ensure that they can operate effectively.

Title V (Tribal Career/Technical Institutions): AIHEC requests the subcommittee to provide \$15,000,000 for Title V funding for the Tribal Career and Technical Institutions. For Tribal career and technical institutions authorized under Title V of the

TCU Act, we request \$15,000,000. Section 117 of Perkins V provides the primary operating funding source for Navajo Technical University (NTU) and United Tribes Technical College (UTTC). It is the responsibility of the Federal Government to provide operating funding for these institutions due to treaty obligations, the Federal trust responsibility, and the exchange of over one billion acres of land. Neither NTU nor UTTC are part of a State higher education system, and they do not benefit from state-appropriated college funds. Current funding under section 117, while greatly appreciated, is low and does not adequately provide the resources necessary to fully support the operational needs of existing grantees. These institutions provide vital workforce development and job creation, education, and training programs to American Indians and Alaska Natives from Tribes and communities with some of the highest unemployment rates in the Nation.

TCU Construction & Facilities Improvement: AIHEC requests the subcommittee to provide \$35,000,000 for TCU Construction & Facilities Improvement. For TCUs to realize their goals of strengthening Tribal nations with a modern workforce, TCUs must have the facilities and infrastructure capable of educating and training students in a safe environment. It simply cannot be done on the scale needed in classrooms with leaking roofs and substandard electrical wiring; outdated computer labs; students sleeping in cars and trucks because there are no dorms; and the slowest—yet most expensive—Internet access of any institution of higher education in the country.

The Senate Interior Appropriations report has requested that the Bureau of Indian Education (BIE) develop a consistent methodology for determining TCU operating and maintenance needs. The report's results will likely expand on the needs identified in a July 2021 AIHEC survey, which revealed many chronic unmet facilities and infrastructure needs, including a lack of student and faculty housing, inadequate classroom space, insufficient libraries, and outdated laboratories.

Leech Lake reservation, the largest in Minnesota, requires students to drive over an hour to get to class if they have reliable transportation. Due to the size and lack of housing on the reservation, Leech Lake Tribal College has identified the need for dormitories to address many of the challenges faced by its students. Little Big Horn College in Montana is renting or borrowing space for its career and technical programs in electrical, plumbing, HVAC, Welding, and Agriculture technology. Northwest Indian College, serving the communities of Bellingham, Washington and Lapwai, Idaho would like to build its cybersecurity program to address Tribal community and business needs. The college also has \$20 million in deferred maintenance costs and needs \$35 million to complete its campus master plans.

In the aggregate, AIHEC's survey calculated \$400 million (total) in deferred maintenance and rehabilitation costs and \$2.7 billion (total) to complete existing master plans. To begin to address TCU infrastructure needs, AIHEC requests \$35 million be allocated in FY 2025.

Institute of American Indian Arts with Center for Lifelong Education & Museum: AIHEC requests the subcommittee to provide \$13,982,000 for the Institute of American Indian Arts. The Institute of American Indian Arts (IAIA) is the birthplace of contemporary Native art and holds a unique position as one of the only three colleges in the United States chartered by Congress. At IAIA, meaningful dialogue occurs, skills are honed, and creativity flourishes. World-class educational experiences happen inside our studio and classroom walls. Outstanding students, faculty, and staff gather to propel student success forward. The college embraces its rich history while actively working to share the future.

Haskell Indian Nations University and Southwestern Indian Polytechnic Institute: AIHEC requests the subcommittee to provide \$30,000,000 for the BIE's two postsecondary institutions (Haskell Indian Nations University and Southwestern Indian Polytechnic Institute). Haskell Indian Nations University (HINU) has an average enrollment of over 1000 students each semester. Students represent federally recognized Tribes from across the United States and are as culturally diverse as imaginable. Students select programs that will prepare them to enter baccalaureate programs in elementary teacher education, American Indian studies, business administration, and environmental science; to transfer to another baccalaureate degree-granting institution; or to enter directly into employment. HINU continues to integrate American Indian and Alaska Native culture into all its curricula. The Southwestern Indian Polytechnic Institute (SIPI) is a federally funded Tribal college located in Albuquerque, New Mexico. It was established in 1971 as a vocational training center to provide education and training to Native American individuals from various Tribes across the United States. SIPI's main focus is on science, technology, engineering, and mathematics (STEM) education, along with other vocational and technical programs.

CONCLUSION

TCUs provide thousands of American Indian and Alaska Native students with access to high-quality, culturally appropriate, postsecondary education opportunities, including critical early childhood education programs. The modest Federal investment in TCUs has paid significant dividends in employment, education, and economic development. We ask you to renew your commitment to help move our students and communities toward self-sufficiency and request your full consideration of our FY 2025 appropriations requests. Thank you.

[This statement was submitted by Tribal Colleges and Universities.]

PREPARED STATEMENT OF THE AMERICAN LUNG ASSOCIATION

SUMMARY OF FY 2025 APPROPRIATIONS RECOMMENDATIONS

- EPA topline—\$12 billion
- Clean Air Program overall—\$915.5 million
- Climate Protection Program—\$181.2 million
- Categorical Grants: State and Local Air Quality Management—\$500 million
- Categorical Grants: Tribal Air Quality Management—\$57.4 million
- Compliance Monitoring—\$162.1 million
- Enforcement—\$391.4 million
- Environmental Justice—\$369.1 million
- Diesel Emissions Reduction Grant Program—\$150 million
- EPA Radon Program—\$5 million
- Categorical Grant: Radon—\$18 million
- Wildfire Smoke Preparedness—\$15 million
- Office of Air and Radiation, Indoor Environments Division—\$100 million

Thank you for the opportunity to highlight the funding priorities of the American Lung Association within the Environmental Protection Agency (EPA) for fiscal year 2025 (FY25). The American Lung Association is the trusted champion for lung health, working to save lives by improving lung health and preventing lung disease through education, advocacy and research. We urge the Committee to support \$12 billion in funding for the Environmental Protection Agency.

EPA programs play an important role in efforts to improve lung health and save lives. The Agency is responsible for setting and enforcing national air pollution standards, supporting air quality monitoring, implementing emissions reductions and educating the public about the health harms of pollution. Air pollution poses a threat to the health of all Americans, but some individuals are at elevated risk. There are 34.4 million Americans living with a chronic lung disease like asthma or chronic obstructive pulmonary disease (COPD). Children, seniors, individuals who are pregnant and people who work and play outside are also more likely to suffer health harms. Additionally, people of color and people with low incomes are often exposed to air pollution at a higher rate. The Lung Association's 2024 "State of the Air" report found that nearly 70 million people of color and 16 million people with incomes meeting the Federal poverty definition live in counties that received a failing grade for ozone and/or particle pollution.²

EPA is also responsible for administering grants to States, localities, Tribes and other entities to improve health by improving air quality and climate resilience. While legislation passed in the past few years provided necessary increases in funding for communities to see relief from the impacts of pollution and climate change, it does not replace the need for funding the agency's core programs and infrastructure. The American Lung Association urges robust investments in the following key programs:

Provide \$915.5 million for EPA's Clean Air program. EPA is the agency responsible for protecting the public from air pollution and the Clean Air program is necessary to meeting that responsibility. Through this funding line, EPA assists States, Tribes and localities with implementing comprehensive air quality management programs and provides testing and oversight to ensure unlawful pollution is not impacting the health of communities. Please provide \$694.6 million for Environmental Programs and Management and \$220.9 million for Science and Technology.

Provide \$500 million for State and Local Air Quality Monitoring Grants and \$57.4 million for Tribal Air Quality Monitoring Grants. Accurately monitoring air quality is necessary to ensure resources to clean up pollution are spent effectively and de-

²The American Lung Association. State of the Air, April 2024 <https://www.lung.org/sota>

liver benefits to the areas in need of pollution cleanup. Unfortunately, State, local and Tribal air agencies—who run the Nation’s official air quality monitoring system—continue to face budget shortfalls and many are operating with out-of-date monitors. Supplemental funding passed over the past few years was necessary to progress towards an expanded and more efficient network, but it was not a replacement for regular and dependable appropriations. Both the National Association of Clean Air Agencies and the National Tribal Air Association conducted baseline needs assessments of their members to determine what would be needed to successfully implement programs under current and anticipated Federal requirements. The results showed that air agencies need increases if they are to adequately protect health by monitoring air pollution levels.^{2,3}

Provide \$162.1 million for Compliance Monitoring, \$391.4 million for enforcement and \$369.1 million for environmental justice efforts. Enforcing EPA’s science-backed air quality standards is necessary to truly achieve the rules’ intended health benefits. EPA must have the resources and capacity to reduce non-compliance, as well as enforce penalties for violations. EPA must also be prepared to respond to civil enforcement actions authorized by the Clean Air Act. Additionally, air pollution does not impact everyone equally. Recognizing—and rectifying—the health disparities that come from air pollution requires dedicated funding and attention. We applaud the commitments to improving health disparities and urge that the funding matches that commitment.

Provide \$150 million for the Diesel Emissions Reduction Act and Support the Clean School Bus Program. The Diesel Emissions Reduction Act (DERA) Program is a bipartisan program to clean up cancer-causing diesel emissions. There are millions of legacy diesel engines still in use today that emit large amounts of pollution, making efforts to improve diesel engine efficiency a public health imperative. And it’s cost-effective, with monetized health benefits exceeding Federal funding by a factor of 10. Additionally, we urge the Committee to continue supporting the rapid transition to zero emission school buses through the popular Clean School Bus Program. Over 600 school districts have received awards to replace over 5,000 diesel school buses with cleaner, low or zero-emission versions which will provide a safer, healthier environment for children, who are among those most at risk of health harm from breathing in pollution.

Provide \$5 million for EPA’s Radon Program and \$18 million for State Indoor Radon Grants. Radon is the second leading cause of lung cancer in the United States and is estimated to result in 21,000 deaths annually. EPA’s radon program and its State Indoor Radon Grants are critical for reducing radon exposure and a necessary component of a comprehensive cancer reduction strategy. Significant progress has been made in reducing radon risks, but more than 90,000 homes each year still require radon fixes. There are also health disparities in radon exposure that need to be addressed, such as financial barriers to radon testing and mitigation lack of tenant protections. Additionally, we recommend that the Agency prioritize SIRG funding to States are seeking to adopt or strengthen certification requirements for radon measurement and mitigation workers, including the adoption of national consensus standards.

Please provide \$100 million for the Office of Air and Radiation/Indoor Environments Division and \$10 million to EPA’s Office of Children’s Health Protection. Indoor air pollution is particularly dangerous when it exists in classrooms full of children, who are more susceptible to health harms from breathing in toxins and pollutants. Pollution exposure can decrease attendance, negatively impact test scores and harm health such as by worsening asthma symptoms. 41% of school districts were found to be in need of HVAC repairs in at least half of their schools.⁴ Many school districts lack the education, training and resources to implement effective prevention measures, making EPA guidance and assistance necessary to access funding opportunities. Additionally, the Office of Children’s Health Protection plays a critical role in researching children’s risks and exposures in school and childcare facilities. Improving indoor air quality in schools will benefit kids health both in the short-term and long-term.

²National Association of Clean Air Agencies FY 2025 Funding Recommendations October 2023 https://www.4cleanair.org/wp-content/uploads/NACAA_FY_2025_Grant-Recommendations.pdf

³National Tribal Air Association. Tribal Air Quality Priorities and the Resources to Address those Priorities: Key Findings of the National Baseline Needs Assessment Among American Indian and Alaska Native Communities, May 2022 <https://www.ntaatribalair.org/wp-content/uploads/2022/06/5.5.22-NTAA-Baseline-Needs-Assessment-Key-Findings.pdf>

⁴Government Accountability Office. (2020). K-12 Education: School Districts Frequently Identified Multiple Building Systems Needing Updates or Replacement (GAO-20-494)

Please provide \$15 million for wildfire smoke preparedness. Wildfire smoke is an urgent threat to public health. States across the country—not just in the western US—have experienced the impacts that wildfire smoke can have on health. Furthering our understanding of the depth and magnitude of that health impact as well as identifying what interventions are most impactful will help officials respond in effective ways and spend resources wisely.

Oppose all policy riders. Lastly, the American Lung Association also asks for your leadership in opposing all policy riders that would weaken key lung health protections, including those in the Clean Air Act. Policy riders have no place in appropriations bills, and the Lung Association strongly opposes attempts to include them, especially riders that would make it harder to protect Americans from air pollution.

Investments in EPA programs are critical to protecting public health. On behalf of the Lung Association, I thank you for your consideration of these requests.

[This statement was submitted by Harold P. Wimmer, President and CEO, American Lung Association.]

PREPARED STATEMENT OF THE AMERICAN NUCLEAR SOCIETY

AMERICAN NUCLEAR SOCIETY¹

On behalf of the 10,000 men and women of the American Nuclear Society (ANS), I am pleased to provide one recommendation for an Environmental Protection Agency (EPA) program under the subcommittee's jurisdiction. We continue to be grateful to the Committee for its dedication and support for environmental protection programs and U.S. environmental safety standards.

EPA; ENVIRONMENTAL PROGRAMS AND MANAGEMENT, OFFICE OF RADIATION AND INDOOR AIR

ANS recommends an additional \$3 million dollars for the EPA Office of Radiation and Indoor Air in FY 2025. The \$3 million dollar addition would allow the EPA to begin development on a new generic, technology-neutral protection standard that reflects modern, international practices and that would apply to future high-level nuclear waste disposal facilities as authorized by the Nuclear Waste Policy Act of 1982.

This new standard will not impact any policies related to Yucca Mountain. The current quantity of high-level waste in America exceeds the maximum capacity originally meant for storage at the Yucca Mountain site; when Congress chooses to pursue a second repository in the future, this standards development must be completed to prevent unnecessary delays and prevent burdensome litigation. Updating the EPA's generic geologic repository standard is a long-term endeavor and will not result in any immediate changes to U.S. policy; it may take five to 10 years. Given the extended timeframe for the action, it is imperative that the EPA starts now on the development of an updated standard using state-of-the-art science to be applied to future repositories in order to protect public health and safety.

In a 2017 Government Accountability Office (GAO) report on nuclear waste, GAO-17-174, experts advised that "it would be premature for [the U.S. Department of Energy] to site a... repository until health and safety regulations are revised." Recognizing that the EPA has responsibility for revising regulations, EPA officials specified in the same report that "they do not plan to invest resources in revising health and safety regulations without specific direction from Congress." Therefore, specific input from Congress directing the EPA to revise the standard in advance of other policy actions is necessary for the success of any future policy actions on commercial spent nuclear fuel.

The Administration's FY 2025 budget request highlighted this future need and included a request for 2-3 FTE's which would address some of the critical gaps in EPA's radiological protection capacity including the ability to provide ongoing site characterization and analytical support for site assessment activities, radioactive waste storage and disposal approaches, remediation technologies, and measurement and information systems.

Requested Report Language:

¹The American Nuclear Society is the premier organization for those who embrace nuclear science and technology for their vital contributions to improving people's lives and preserving the planet. ANS membership is open to all, and current membership consists of individuals from all walks of life; including engineers, doctors, students, educators, scientists, soldiers, advocates, government employees, and others. ANS is committed to advancing, fostering, and promoting the development and application of nuclear sciences and technologies to benefit society.

Within the Environmental Protection Agency (EPA) Office of Radiation and Indoor Air, the Committee provides \$3,000,000 to develop a new generic, technology-neutral protection standard that reflects modern, international practices and that would apply to future high-level nuclear waste disposal facilities as authorized by the Nuclear Waste Policy Act of 1982 (Public Law 97-425) as amended.

For further information or questions, please contact John Starkey, ANS Director of Public Policy, jstarkey@ans.org.

[This statement was submitted by Craig H. Piercy, Executive Director/CEO, American Nuclear Society.]

PREPARED STATEMENT OF THE AMERICAN PSYCHOLOGICAL ASSOCIATION

APA Services is the companion organization of the American Psychological Association, which is the Nation's largest scientific and professional nonprofit organization representing the discipline and profession of psychology, as well as over 157,000 members and affiliates who are clinicians, researchers, educators, consultants, and students in psychological science. Through the application of psychological science and practice, our association's mission is to make a positive impact on critical societal issues across the States. Many programs funded in the Interior, Environment, and Related Agencies bill provide essential support for our Nation's public health programs by helping to provide critical access to essential mental and behavioral health services to American Indians and Alaska Natives.

APA SERVICES URGES CONGRESS TO PROVIDE THE FOLLOWING FUNDING LEVELS.

THE INDIAN HEALTH SERVICE

APA Services urges Congress to provide at least \$8.2 billion for the Indian Health Service (IHS). The IHS provides Federal health services to American Indians and Alaska Natives (AI/AN). As the main Federal health care provider for AI/AN people, its main goal is to improve their health care to the highest extent possible. The agency provides a health service delivery system for approximately 2.6 million American Indians and Alaska Natives who belong to the 574 federally recognized Tribes.¹

Increased funding is essential for the IHS since this population has a life expectancy of approximately 5.5 years less than the U.S. all races population and often has a disproportionate disease burden when compared to other populations.² For example, American Indians and Alaska Natives die at higher rates than other Americans as a result of intentional self-harm/suicide, chronic liver disease and cirrhosis, diabetes, unintentional injuries and assault/homicide.³

COVID-19 also highlighted how AI/AN communities were especially vulnerable to COVID-19, partly due to the long-term inequalities, high rates of poverty and high rates of underlying medical conditions within these communities. Now more than ever, it is important that Congress continue to address the needs of the most vulnerable. If more resources are not provided, the substantial number of health needs for AI/AN that already exist will become even greater.

MENTAL HEALTH

Within the Indian Health Services, APA Services recommends \$139 million be allocated to mental health services. This program is currently funded at \$130 million. AI/AN communities often lack access to adequate health care, including behavioral health. Particularly striking are the suicide rates among adolescents and young adults in these communities. Suicide rates for AI/AN individuals between the age of 15 to 24 years old was 39.7 per 100,000, compared with the overall U.S. rate of 9.9 per 100,000. This rate is more than 3 and half times the suicide rate for males of all races in the age group. The suicide rate for AI/AN females in the same age group was lower than males at 20.2 per 100,000. However, this rate was still nearly six times the rate for females of all races.⁴ Furthermore, during 2015–2020, 3,397

¹Indian Health Service, (October 2019). Indian Health Disparities. Retrieved from: <https://www.ihs.gov/newsroom/factsheets/disparities/>.

²Ibid.

³Ibid.

⁴U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, (2017). Suicide Clusters within American Indian and Alaska Native Communities: A review of the literature and recommendations. HHS Publication No. SMA17-5050.

suicides among AI/AN individuals and 179,850 suicides among non AI/AN were reported. About three quarters (74.6%) of AI/AN suicide decedents were under the age of 44, compared to less than half (46.5%) of non AI/AN decedents.⁵

Given the prevalent mental health concerns following COVID-19, mental health resources are even more critical now for all communities, especially those that have extensive histories of high rates of mental health concerns such as American Indians and Alaska Natives.

ALCOHOL AND SUBSTANCE USE

Within the IHS, APA Services requests at least \$291 million be allocated to alcohol and substance use programs. This program is currently funded at \$267 million. High rates of alcohol and substance use in AI/AN communities are well documented.⁶ This serious behavioral health issue has a strong impact on the health of individuals and families. AI/AN communities are much more likely to report past-year alcohol and substance use disorders than any other race.⁷

This population is also more likely to require alcohol use treatment than persons of any other ethnic groups.⁸ These programs can be extremely helpful for individuals struggling with alcohol addiction, however there is often a lack of availability of culturally sensitive treatment programs.⁹ The IHS is especially positioned to ensure such programs contain culturally sensitive components in the treatment plans.

INDIAN HEALTH PROFESSIONS

Within the IHS, APA Services requests \$81.3 million for the Indian Health Professions account. This program is currently funded at \$80.6 million. We emphasize the importance of having psychologists who are aware of the cultural sensitivities of this community and can best address this community's needs. The Indian Health Professions account includes the American Indians Into Psychology Program (INPSYC). The primary goals of the program are to increase the number of AI/AN with doctoral degrees in psychology and enhance the cross-cultural understanding and competence of non-AI/AN about AI/AN psychology. Together, these aims will help ensure the development and maintenance of AI/AN psychology career recruitment programs to encourage AI/AN to enter the field of psychology.

More specifically, the program recruits and trains individuals to be psychologists. It also provides scholarships to individuals enrolled in schools of clinical psychology to pay tuition, for books, fees and stipends for living expenses. Additionally, the program seeks to directly engage with Tribal communities in order to provide greater exposure to the field of psychology. Finally, the program provides stipends to undergraduate and graduate students pursuing careers in psychology and training opportunities for psychology graduate students in Tribal communities.¹⁰

With the higher rates of suicide and other behavioral health concerns for this community, APA Services values the importance of increasing the number of AI/AN psychologists.

For these reasons, APA Services recommends \$81.3 million for the Indian Health Professions Account.

[This statement was submitted by Katherine B. McGuire, Chief Advocacy Officer.]

PREPARED STATEMENT OF AMERICAN RIVERS

My name is Tom Kiernan, I am the President and CEO of American Rivers. Since 1973, American Rivers has protected wild rivers, restored damaged rivers, and con-

Rockville, MD. Retrieved from: <https://store.samhsa.gov/sites/default/files/d7/priv/sma17-5050.pdf>.

⁵Stone, D., Trinh E., Zhou, H., Welder, L., End of Horn, P., Fowler, K., Ivey-Stephenson, A., (September 2022). Suicides Among American Indian or Alaska Native Persons- National Violent Death Reporting System, United States 2015-2020. *Morbidity and Mortality Weekly Report* 2022; 71:1161-1168. Retrieved from: <https://www.cdc.gov/mmwr/volumes/71/wr/mm7137a1.htm>.

⁶Indian Health Service, (2023). Behavioral Health. Retrieved from: https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/factsheets/BehavioralHealth.pdf.

⁷Ibid.

⁸American Addiction Centers. (February, 2024). Alcohol Addiction Resources for Different Demographics and Populations. Retrieved from: <https://americanaddictioncenters.org/alcoholism-treatment/native-americans>.

⁹Ibid.

¹⁰Indian Health Service. American Indians Into Psychology Program. Retrieved from: American Indians into Psychology Program Student Opportunities (ihs.gov)

served clean water for people and nature. With headquarters in Washington, D.C. and 355,000 supporters, members, and volunteers across the country, we are the most trusted and influential river conservation organization in the United States, delivering solutions for a better future. On behalf of American Rivers, I would like to thank Chairman Jeff Merkley and Ranking Member Lisa Murkowski for your leadership to reduce pollution in rivers, improve clean water access, and safeguard public drinking water supplies now and into the future.

American Rivers is pleased to submit our full requests (see the full River Budget here and below) as part of the written testimony for the record. We address the funding and programmatic needs for Federal agencies' programs to make sure they are effective and efficient. Today, rivers across the country face daunting challenges on the road to recovery. From algal blooms in the Great Lakes to water scarcity in the Southwest and flooding in the Northeast, we must use every tool at our disposal to ensure healthy rivers have a fighting chance to bounce back. Our critical water supplies are at risk if we fail to fund these key programs that enhance our ability to improve river health and grow our economy. These topline figures are backed by River Budget Partners, a network of 156 partner organizations including utility and state agency associations, fishing groups, small businesses, rural communities, public health organizations, environmental justice leaders, and more. Per our FY25 River Budget, we respectfully request the following:

Agency	Program	FY25 Recommendation
BLM	Wild and Scenic Rivers	\$7,500,000
BLM	Threatened and Endangered Species (T&E) Program	\$51,000,000
EPA	Chesapeake Bay Program	\$93,000,000
EPA	Clean Water SRF	\$7,600,000,000
EPA	Drinking Water SRF	\$7,600,000,000
EPA	Environmental Justice Programs	\$294,938,000
EPA	Great Lakes Restoration Initiative	\$450,000
EPA	Indian Reservation Drinking Water Program	\$50,000,000
EPA	Low Income Household Water Assistance Program Pilot	\$225,000,000
EPA	National Non-Point Source Management Program	\$200,000,000
EPA	Puget Sound Program	\$57,000,000
EPA	Reducing Lead in Drinking Water	\$100,000,000
EPA	Sewer Overflow and Stormwater Reuse Municipal Grants Program	\$280,000,000
EPA	Assistance for Small & Disadvantaged Communities Drinking Water	\$80,002,000
EPA	Water Infrastructure Finance and Innovation Fund	\$80,344,000
EPA	Water Pollution Control (Sec 106) grant program	\$255,000,000
EPA	Wetlands Program Development Grants	\$20,000,000
Forest Service	Threatened, Endangered and Sensitive Species (TES) Program	\$24,667,000
Forest Service	Legacy Roads and Trails (LRT) Program	\$100,000,000
USFWS	Delaware Watershed Conservation Fund	\$15,500,000
USFWS	National Fish and Wildlife Foundation	\$10,000,000
USFWS	National Fish Habitat Action Plan	\$7,500,000
USFWS	National Fish Passage Program	\$30,000,000
USFWS	National Wetlands Inventory	\$8,000,000
USFWS	National Wildlife Refuge System	\$1,500,000,000
USFWS	North American Wetlands Conservation Fund	\$50,150,000
USFWS	Partners for Fish and Wildlife Program	\$100,000,000
IHS	Sanitation Facilities Construction	\$250,000,000
NPS	Partnership Wild and Scenic Rivers Program	\$5,800,000
NPS	Rivers, Trails and Conservation Assistance	\$15,000,000
USGS	Groundwater and Streamflow Information Program	\$150,000,000
USGS	National Water Quality Program	\$100,080,000

*For more detail, see here.

SUPPORT FUNDING FOR THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

We request that you support sufficient funding for the stewardship of the Wild and Scenic River System which preserves select free-flowing rivers that have nationally significant values for future generations of Americans. The National System protects 13,467 miles of 228 rivers in 41 States and the Commonwealth of Puerto Rico; this is less than one half of one percent of the Nation's rivers. We also request

that you to institute transparency and accountability by creating a sub-category line item for the Wild and Scenic Rivers programs within the USDA Forest Service, Bureau of Land Management and National Park Service budgets to better track performance. Without true accountability it is difficult to measure results and to apply limited resources appropriately to meet the agencies' statutory mandates.

Additional appropriations include:

- USDA Forest Service request: \$15 Million in support of ongoing management of designated rivers, Forest Plan Revision planning, and necessary increases in river manager staffing.
- U.S. Fish and Wildlife Service request: \$450,000 to improve resource protection and management capacity for Alaska Wild and Scenic Rivers, Comprehensive River Management Plan development and leveraging community involvement, and youth engagement including in urban refuges.

Investing in this nationally significant system of rivers pays back in multiple ways—tourism, hunting, fishing, other outdoor recreation, healthier ecological systems, abundant water resources— and leverages local investments that strengthen local economies as well as the public's use and enjoyment of our country's natural resources. We appreciate your help providing stewardship resources for this uniquely American idea and establishing a legacy for local communities. This funding will enable agencies to meet their statutory requirements to protect and enhance those rivers that have been designated as nationally significant and avoid unnecessary litigation.

SUPPORT ADDITIONAL FUNDING TO REMOVE DAMS FOR SAFETY AND FISH PASSAGE

Many dams have reached the end of their useful lives and pose public safety risks, negatively impact fish and other aquatic life, and can be costly liabilities to their owners. Removing dams is the fastest way to bring a river back to life. Removing dams restores native aquatic life to rivers, increases climate resilience, and reduces the risk of aging dams failing and causing catastrophic flood damages and even loss of human life. In addition, more than 1,400 people have died in the dangerous hydraulics created at the base of low-head dams. Funding from Congress is necessary to support the removal of unsafe or obsolete dams, including dangerous low-head dams.

Agencies of the Department of the Interior have demonstrated their ability to support barrier removal projects. These agencies need additional funding to support and expand this critical work. Funding is needed to adequately staff programs such as the U.S. Fish and Wildlife Service's (FWS) National Fish Passage Program. Despite the significant investment of Federal dollars through the Bipartisan Infrastructure Law (BIL), FWS continues to receive many more proposals through their fish passage grant programs than can be funded. In addition, agencies need more funding to assess their water infrastructure, including dams, for safety, use, and end of life plans for projects no longer needed whose removal will relieve the maintenance burden on those agencies. Prioritizing funding to remove, rehabilitate, and/or retrofit dams is the best way to bring life back to damaged rivers and protect communities.

WETLANDS PROTECTION

In May 2023, the U.S. Supreme Court limited the authority of EPA to regulate the Nation's waterway including creeks, streams, and rivers that are scientifically significant and/or connected to wetlands. In the ruling of *Sackett v. EPA*, the majority of justices narrowly interpreted the definition of "waters of the United States" in the Clean Water Act. American Rivers is concerned with this ruling and its impact to our Nation's rivers and waterways.

This new interpretation puts unprecedented constraints on the types of waterways EPA has the ability to regulate which Congress empowered the agency to oversee. The amendments to the Clean Water Act in 1972 passed overwhelmingly in a bipartisan fashion to enact strong protections to protect America's water resources. The dangerous precedent set by the Supreme Court sets us back and weakens national and State efforts to conserve and restore rivers, wetlands, and lakes that are essential to outdoor recreation, drinking water, and wastewater infrastructure.

We urge the committee to fund the Wetlands Program Development Grants at a minimum of \$20M for FY25. This funding will support development of State and Tribal wetlands programs and give communities a way to respond to water shortages. Today, one in 10 watersheds in the U.S. is stressed for water natural supply including Houston, TX; Salt Lake City, UT; Lincoln, NE; Cleveland, OH; Miami, FL; Atlanta, GA; Washington, DC; El Paso, TX; San Antonio, TX; San Francisco Bay Area, CA; and Los Angeles, CA.

DIRECT COST RECOVERY FUNDS BACK TO USFWS TO SUPPORT ITS HYDROPOWER
PROGRAMS AND IMPROVE FISH MIGRATION INITIATIVES

Improving fish passage at hydropower sites can prevent further declines in migratory fish populations and support sustainable commercial, Tribal, and recreational fisheries. Fish such as the Pacific and Atlantic salmon and other migratory species, such as shad, river herring, American eel, lamprey, and sturgeon need access to both the ocean and freshwater habitat to complete their life cycles. But barriers like hydropower dams block migration patterns and access which lead to steep population declines and potential loss of species. USFWS' Hydropower Program is a vital program that partners rely on to identify and implement solutions to reopen rivers for migratory fish while preserving hydropower generation in smart and sustainable way. With more than 1,600 hydropower projects regulated by the Federal Energy Regulatory Commission, USFWS needs more funding for staffing and science to upgrade and retrofit our Nation's hydropower infrastructure.

Over the next 10 years, we will see a rise in hydropower relicensing with over 440 scheduled to start the licensing process by 2035. We request the committee support reporting language that makes cost recovery for agencies at USFWS' Hydropower Program more explicit and efficient so they can continue providing technical assistance, staffing, and capacity for the relicensing process that are in the pipeline. Specifically, we ask the committee to support language on the disposition of charges arising from licenses. Currently, during the relicensing process charges are returned to the U.S. Treasury instead of to USFWS' Hydropower Program which could then use the funds dedicated for hydropower to support workloads for upcoming relicenses. We must do more to empower NOAA Fisheries Hydropower Program to keep their funding for future projects, so they can better prepare and provide the much-needed expertise for the wave of relicenses that are incoming. Direct cost recovery would be a major benefit to the hydropower programs, however additional funding is likely necessary for the programs to work with the full suite of hydropower projects to conserve and restore the migratory fish affected by them.

CONCLUSION

Thank you for your consideration of these funding requests, and for your leadership on appropriations. We look forward to working with you to support these opportunities to restore and protect rivers across America. Please contact Jaime D. Sigaran, Associate Director, Policy and Government Relations (jsigaran@americanrivers.org) with any questions.

Sincerely,



President and CEO
American Rivers

PREPARED STATEMENT OF THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY
TO ANIMALS

On behalf of our more than 2 million supporters, the American Society for the Prevention of Cruelty to Animals (ASPCA) submits this testimony to the House Appropriations subcommittee on Interior, Environment and Related Agencies regarding the Wild Horse and Burro Program administered by the Bureau of Land Management (BLM) and U.S. Forest Service (USFS). Founded in 1866, the ASPCA is the first humane organization established in the Americas and serves as the Nation's leading voice for animal welfare. The ASPCA is dedicated to ensuring good welfare for all equines, building innovative programs to provide them with a unique, comprehensive network of support. We appreciate this opportunity and respectfully ask that the subcommittee consider the following requests when making FY2025 appropriations, including allocating \$170,917,000 for the BLM's Wild Horse and Burro Program.

WILD HORSE AND BURRO MANAGEMENT

Our wild horses and burros should be revered as historical icons, treated humanely, and managed responsibly on our public lands. Yet, in the nearly 50 years since Congress charged the BLM with protecting our country's wild horses and bur-

ros, Americans have witnessed the agency's Wild Horse and Burro Program deteriorate into a continuous cycle of costly roundups and removals with little regard for the prioritization of on-range management of the herds. Thanks to past funding and strong congressional directives, we are starting to see the agency slowly embrace a more positive management framework. But more needs to be done to steer the program on track.

Accordingly, we ask you to:

- provide the funding needed to implement a multi-tiered non-lethal management approach;
- continue to include longstanding bill language prohibiting the BLM and USFS from killing or selling wild horses or burros to slaughter as part of the government's strategy for managing wild herds;
- continue to include report language directing the BLM to implement each of the four below-described strategies for a more humane and sustainable program; and,
- ensure the agency will adhere to those directives by making the funding contingent on BLM following the directives.

Recognizing that the BLM's Wild Horse and Burro Program is in dire need of an overhaul, the ASPCA has partnered with a diverse group of stakeholders to propose a non-lethal, humane, and long-term approach to on-range management that would implement a strategic and comprehensive fertility control program on the range and eventually release the BLM from a continuous cycle of round-ups, removals, and warehousing of horses in off-range holding. The proposal contains four interdependent strategies that must be implemented simultaneously to have a meaningful effect: 1) immediate and robust application of proven, safe, and humane fertility control to manage the on-range population; 2) shifting horses currently in off-range BLM corrals to humane, cost-effective pasture facilities; 3) increasing safe wild horse and burro adoptions; and 4) removals of horses from densely populated herd management areas to reduce the population that must be managed on-range, the need for which will decrease over time as the program rebalances towards on-range management, with strict adherence to the BLM's Comprehensive Animal Welfare Program.¹

Accordingly, the FY2020 through FY2023 funding bills consistently increased funding for the Wild Horse and Burro Program and included clear language directing BLM to implement a comprehensive, on-range management program that embraces the four principles of our proposal. Although Congress decreased funding for the program in the FY2024 funding bill, it maintained language requiring a non-lethal, science-based wild horse and burro management program. With proper funding and with the appropriate safeguards guiding management, the BLM can effectively rebalance the program and ensure that wild horses and burros can live safely on our public lands for generations to come.

We have been encouraged by some signs that the Department of Interior and the BLM are making important changes towards preventative management. Since Congress has allocated additional funds for the program, the BLM has been slowly embracing fertility control and has demonstrated an ability to scale up management activities. Yet despite report language directing the agency to implement an effective, nationwide fertility control program, it has long been the missing component of the prescribed multi-tiered management plan. Fertility control is a critical component of any successful program and it must be incorporated into the BLM's Environmental Assessments used to guide management decisions. Unfortunately, it appears that the prior report language has not been enough to convince the agency to implement a fertility control program at a meaningful scale. We therefore respectfully request the below bill language to more clearly direct the BLM to adhere to the report language.

As part of its fertility control implementation, the agency should also do contingency planning for extreme climate conditions, drought, and other impacts to the program in order to achieve its goals for fertility treatment implementation. In 2021, for example, extreme drought conditions necessitated emergency removals of animals from the range. As a result, the BLM treated fewer than half of the mares they originally planned to inoculate using fertility control vaccines in their annual gather plan. In 2023, drought and inflation increased the cost of off-range care, resulting in a steep decline in fertility control treatments. It is mission critical, therefore, that the agency plan for these and similar, reasonably foreseeable events to

¹ Bureau of Land Management, Wild Horse and Burro Comprehensive Animal Welfare Program, PIM 2021-002: <https://www.blm.gov/policy/pim-2021-002>

ensure their management actions are effective and the program is in the best position to succeed in reaching its management goals.

Unfortunately, Congress also must continue to adopt bill language to explicitly prohibit the agencies from destroying wild horses or burros or selling them with the result that the animal is destroyed as part of the government's management strategy. The Wild Free-Roaming Horses and Burros Act of 1971 declared that these icons were to be protected from harassment, branding, capture, and death. In 2004, however, the act was amended to allow the sale of these animals to slaughter; this infamous amendment, known as the Burns Amendment, was included as part of the appropriations package and was not voted on. The overwhelming majority of the American public opposes horse slaughter, and this amendment flew in the face of the stated purpose of the act, leading Congress to include annually the below requested bill language, which explicitly prohibits the agencies from utilizing lethal management. With the Burns Amendment still in place, this bill language remains necessary to protect our Nation's wild horses and burros.

The ASPCA requests, therefore, that the subcommittee continue its progress towards a humane, non-lethal and effective wild horse and burro management program by reinvesting in the program and including the bill and report language identified below.

APPROPRIATIONS REQUESTS

The ASPCA requests that the subcommittee fund the Wild Horse and Burro Program at the amount included in the President's Budget Request to implement a multi-tiered, humane, non-lethal and effective management approach: \$170,917,000.

The ASPCA requests that the subcommittee continue to include the following bill language, most recently included in FY24 as Section 417 of Public Law 118-42, which prohibits the BLM and U.S. Forest Service from killing or selling wild horses or burros to slaughter as part of the government's strategy for managing wild herds:

HUMANE TRANSFER AND TREATMENT OF ANIMALS

SEC. XXX. (a) Notwithstanding any other provision of law, the Secretary of the Interior, with respect to land administered by the Bureau of Land Management, or the Secretary of Agriculture, with respect to land administered by the Forest Service (referred to in this section as the "Secretary concerned"), may transfer excess wild horses and burros that have been removed from land administered by the Secretary concerned to other Federal, State, and local government agencies for use as work animals.

(b) The Secretary concerned may make a transfer under subsection (a) immediately on the request of a Federal, State, or local government agency.

(c) An excess wild horse or burro transferred under subsection (a) shall lose status as a wild free-roaming horse or burro (as defined in section 2 of Public Law 92-195 (commonly known as the "Wild Free-Roaming Horses and Burros Act") (16 U.S.C. 1332)).

(d) A Federal, State, or local government agency receiving an excess wild horse or burro pursuant to subsection (a) shall not-

(1) destroy the horse or burro in a manner that results in the destruction of the horse or burro into a commercial product;

(2) sell or otherwise transfer the horse or burro in a manner that results in the destruction of the horse or burro for processing into a commercial product; or

(3) euthanize the horse or burro, except on the recommendation of a licensed veterinarian in a case of severe injury, illness, or advanced age.

(e) Amounts appropriated by this act shall not be available for-

(1) the destruction of any healthy, unadopted, and wild horse or burro under the jurisdiction of the Secretary concerned (including a contractor); or

(2) the sale of a wild horse or burro that results in the destruction of the wild horse or burro for processing into a commercial product.

The ASPCA requests that the subcommittee include the following report language directing the BLM to implement the multi-tiered humane, non-lethal and effective management approach for a more humane and sustainable program:

Wild Horse and Burro Program. The bill provides \$170,917,000 for the Wild Horse and Burro program. These funds are in response to the Bureau's May 15, 2020 proposal to institute an aggressive, non-lethal population control strategy to address the current unsustainable trajectory of on-range wild horse and burro population growth. The Committees expect this strategy to continue and to include a robust expansion of fertility control utilizing methods that are proven, safe, effective, and humane. Such treatments and on-range gathers are to be maximized, even if appropriate management levels are not immediately achievable. As the Bureau works to

substantially increase on-range gathers for removal, the Committees encourage the Bureau to continue to secure cheaper and longer-term off-range holding facilities and pastures. The Committees further expect the Bureau to demonstrate its ability to increase its capacity for gathers; procure additional short and long term holding facilities; and to ensure that adequate staffing requirements are met, both in the field and in a location that will facilitate communication with policy makers. The Bureau shall continue to abide by the Comprehensive Animal Welfare Program and the statutory restrictions on sale without restriction, and the directives contained in Fiscal Year 2020, 2021, 2022, 2023, and 2024 House and Senate Reports and Explanatory Statements. Finally, the Committees believe that the full and successful implementation of the Bureau's strategy will be greatly enhanced with a traditional congressional communications policy that includes regular and timely briefings on the progress being made and the challenges ahead.

The ASPCA requests that the subcommittee include the following bill language directing the BLM to adhere to the report language below:

Provided, That the funds for the wild horse and burro program shall be expended in accordance with the report accompanying this act. Provided further, That the Bureau of Land Management shall submit reports to Interior Appropriators in accordance with the report accompanying this act.

[This statement was submitted by Meredith Hou, Director of Federal Legislation, Government Relations.]

PREPARED STATEMENT OF AMERICAVIEW

Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee, for your past support and the opportunity to testify before you today. My name is Christopher McGinty, and I serve as the Executive Director of AmericaView. AmericaView is a national collaborative non-profit STEM network of 41 member States called StateViews. AmericaView's mission is to empower Earth observation education through remote sensing science, applied research, workforce development, technology transfer, and community outreach. We respectfully request that you continue to enable the USGS Remote Sensing State Grants Program within the Department of the Interior to reach all 50 States and the U.S. territories by including \$10 million for the program in FY 2025.

Remote sensing and Earth observation are vital to advancing technology and industry, conservation and environmental stewardship, and career paths in STEM. By investing in the USGS Remote Sensing State Grants Program, Congress will be pivotal in supporting the development of the next generation of Earth observation students, scientists, innovators, business leaders, problem-solvers, and public sector drivers of technological advancements. This crucial investment in the grant program will ensure that the United States remains globally competitive and has the technological prowess to support solutions that address critical issues such as natural resource sustainability, industry, and emergency response and recovery.

The USGS Remote Sensing State Grants Program (also known as the National Land Remote Sensing Education, Outreach, and Research Activity [NLRSEORA] grant) has been competitively awarded to AmericaView since 2003. Over the past two decades, this program has significantly addressed critical state-specific issues like health, security, emergency response, agriculture, and transportation. Each StateView provides technology, expertise, and actionable data collected from satellites and other means to tackle these challenges. Moreover, the program has been instrumental in engaging with educators and students to support tomorrow's technological workforce and provide educational opportunities for students through scholarships and training opportunities. It has also fostered relationships with underserved and indigenous communities across the United States, promoting the utilization of remote sensing and geospatial technology.

In just the past 5 years, AmericaView has had an unmistakable impact across the remote sensing field, including but not limited to:

- Trained or shared curriculum with 24,320 K–12 students, 2,621 K–12 teachers, 29,550 graduate and undergraduate students, and 4,299 members of the current workforce;
- Established more than 35 new remote sensing courses or programs at the university level and built an education resource portal for its website;
- Delivered hundreds of presentations to thousands of attendees at national and international scientific and technology-sharing conferences, statewide geospatial data meetings, and other venues;

- Made accessible and/or archived terabytes of publicly available remote-sensing imagery and derivative information, hosting more than half a million visitors at member websites;
- Provided 464 funding opportunities for undergraduate and graduate research and education positions;
- Developed online STEM resources that supported tens of thousands of educators during COVID pandemic school closures;
- Funded 189 collaborative, regional projects to address environmental challenges using remote sensing and Earth observation.

AmericaView is committed to expanding its program to all 50 States and U.S. territories, advocating for consistent funding to support state-specific initiatives. The use of remote sensing and geospatial data is rapidly expanding, driven by researchers and industries developing new applications to address pressing global issues such as resource and food security, a changing climate, urban planning, and disaster response. This evolution necessitates a workforce skilled in advanced technological applications. Thus, increasing funding for the USGS NLI Remote Sensing State Grants Program that supports AmericaView is essential. This increase will enable AmericaView to cultivate a nationwide workforce with the tools and expertise to effectively leverage these critical data and tools to address current and future challenges.

For nearly two decades, the USGS NLI Remote Sensing State Grants Program has maintained roughly the same funding level, forcing reductions in the financial support allocated to each StateView year after year. As the number of participating States has increased—from just one to 41—the per-state funding has effectively decreased by more than 200%, creating a budget that now only allows for about \$25,500 per State annually. Initially receiving \$1.25 million annually since 2003, funding slightly increased to \$1.465 million in FY 2023. This funding model is unsustainable as AmericaView strives to meet expanding national needs and USGS NLI grant objectives.

The House-passed FY 2024 Interior, Environment, and Related Agencies appropriations bill included \$3 million for the program. The Senate version of this appropriations bill maintained funding at the FY 2023 enacted level of \$1.465 million. The final FY 2024 spending package continued funding for the program at the enacted level. AmericaView appreciates this support for the Remote Sensing State Grants Program. However, we must underscore that for the program to make an even more significant, more sustainable impact nationwide and meet the current demand in our high-tech world, the Program requires an annual funding level of \$10 million. Such an investment would significantly enhance a national program that has already demonstrated success. It would provide ample resources that USGS, NASA, EPA, FEMA, DHS, DOT, and State agencies in all 50 States depend on to bolster the use of Earth observation data that aids in education, outreach, workforce development, and applied research.

As a nation, we are at an inflection point where our technological innovation and workforce can catapult our progress as a global leader and competitor in a way that directly impacts the economy and those most underserved in our society. The Remote Sensing State Grants Program, administered by AmericaView and allocated to the National network of StateView members, has not only helped enable the use of data throughout society for institutions, businesses, and government but has helped develop processes and educational tools that empower individuals, businesses, and academia. These processes and tools serve as a basis for establishing and responding to the needs of the workforce of the future.

AmericaView and its national network appreciate your consideration of our request to include \$10 million for the Department of the Interior's USGS Remote Sensing State Grants Program in the FY 2025 Interior, Environment, and Related Agencies appropriations bill.

Thank you for considering this request.

[This statement was submitted by Christopher McGinty, Executive Director, AmericaView.]

PREPARED STATEMENT OF THE ANIMAL WELFARE INSTITUTE

The Animal Welfare Institute, a national nonprofit animal welfare advocacy organization, asks the subcommittee to provide adequate funding levels for crucial wildlife programs and to include measures to protect at-risk species.

WILD HORSES AND BURROS (BLM & FS)

The BLM, which oversees the vast majority of America's wild horses and burros, continues to mismanage herds, relying on an endless cycle of costly removals from public lands instead of implementing immunocontraceptive vaccines to control fertility rates and manage these federally protected animals on the range. From FY22–23, the BLM removed over 25,500 wild equines. Historically, the agency has spent less than 1 percent of its annual WHB program budget on fertility control; yet the BLM spent over \$100 million during FY23 alone on removals and holding. We ask the subcommittee to include a directive for a minimum of 10 percent of the BLM's WHB program budget to go towards the administration of proven and safe immunocontraceptive vaccines—specifically the widely supported porcine zona pellucida (PZP) vaccine, as per the National Academy of Sciences recommendation. Moreover, we strongly support the continued inclusion of provisions to ensure that both BLM- and U.S. Forest Service-managed wild equines cannot be destroyed for commercial purposes in order to protect these animals from slaughter, as well as language preventing the destruction of healthy, unadopted wild horses and burros.

Lastly, in recent years, the BLM has pursued attempts to manage wild horses via a risky surgical procedure known as “ovariectomy via colpotomy,” which involves blindly locating the ovaries and severing them using a rod-like tool while the animal remains conscious. In its report on wild horse management, the NAS explicitly warned the BLM against using this procedure due to the risks of serious complications. Numerous lawmakers in the House and Senate have criticized the BLM's plans to ovariectomize horses and national polling shows overwhelming opposition to this procedure. In its FY25 budget justifications, the BLM proposes \$15 million for a permanent sterilization program—despite clear congressional directives to devote a sizeable portion of its WHB program budget to implementing proven immunocontraceptive vaccines. We ask the subcommittee to include language barring the use of Federal funds to conduct ovariectomies on wild horses and burros so that taxpayer dollars can be directed towards cost-effective, safe, and humane fertility control methods such as PZP.

ENDANGERED SPECIES ACT IMPLEMENTATION (FWS)

We ask the subcommittee to appropriate \$857.32 million across five programs to the US Fish and Wildlife Service (FWS) for the purpose of Endangered Species Act (ESA) implementation:

- \$70.1 million for Listing
- \$469.36 million for Recovery
- \$185.56 million for Planning and Consultation
- \$10.5 million for Candidate Conservation in Conservation and Restoration
- \$121.8 million for the Cooperative Endangered Species Conservation Fund (CESCF)

Implementation of the Endangered Species Act (ESA), our Nation's most effective law for species conservation, has been severely underfunded for years. The Fish and Wildlife Service requires a budget of \$857.32 million across five programs to begin to make up for lost ground and put species on the path to recovery. As we face a worsening biodiversity crisis, this funding package will better allow FWS to implement the ESA in the way Congress intended when it dedicated our country to protecting the most imperiled species and habitats.

Currently, FWS only receives around one-third of the funding required to properly implement the act. The funding levels requested above would help FWS process the backlog of approximately 200 species on the National Listing Workplan that still need to be reviewed for protections under the ESA, with more species petitioned for inclusion under the ESA every year. It would also be put toward developing recovery plans for the approximately 25% of species currently without plans and revising the 890 recovery plans that are now over two decades out of date and may no longer contain the best available science.

In addition, the above funding levels would provide much-needed resources for maximizing the efficacy and efficiency of FWS consultations with other Federal agencies, States, counties, and private landowners, as well as implementing early conservation actions that keep species from ever reaching the brink of extinction. Finally, the CESCF serves as an essential source of funding for States and private landowners, making it a crucial tool for cooperative conservation.

TROPHY HUNTING (FWS)

We urge the subcommittee to include language prohibiting the use of funds by the FWS for the issuance of any permit authorizing the importation of a trophy-hunted elephant or lion trophy.

African elephant and lion populations have undergone steep declines in recent years. African elephants and lions are both listed under the Endangered Species Act (ESA), demonstrating a scientific need for heightened protections. Between the early 20th century and 2016, the number of elephants in Africa plummeted from 3–5 million to approximately 400,000. In 2021, the IUCN Red List reassessed the African savanna elephant as endangered, meaning it faces a very high risk of extinction in the wild. African lion populations declined by 43 percent from 1993 to 2014. The subspecies *Panthera leo melanochaita*, comprising the lions of east and southern Africa, is listed as threatened under the ESA, with only 17,000–19,000 remaining.

The FWS responded with a series of vacillating trophy-import policies, calling into question the degree to which the agency had evaluated whether lion and elephant trophy imports from the countries enhanced the survival of the species, as required under the ESA. Subsequently, the FWS updated its regulations regarding the importation of elephant trophies in March 2024, adding some additional criteria that the country of origin must meet. However, it remains permissible to import African elephant and lion trophies into the U.S., a policy that continues to harm the viability of these species.

In light of these conservation concerns, no funds should be provided for the issuance of import permits for African elephant and lion trophies.

TRAPPING (FWS)

We urge the subcommittee to allocate \$300,000 to the FWS to institute a 3-year pilot program that replaces the use of body-gripping traps (Conibears, legholds, and snares) on National Wildlife Refuge Service land by agency personnel with non-lethal methods and equipment. Furthermore, we hope the subcommittee will encourage the FWS to continue reviewing and updating both physical trapping signage and trapping information posted on the website, and continue providing trapping information to the subcommittee on an annual basis. In addition, for each refuge listed online as allowing trapping, the FWS should specify whether the trapping is conducted by private trappers for recreational/commercial purposes and/or by government personnel for management purposes.

This request builds upon FY20–24 report language directing the FWS to conduct an evaluation of trapping practices by Federal personnel on Service lands, including an analysis of non-lethal alternatives to trapping. Given that FWS has not briefed the Committee on its findings, this request includes a directive to begin a pilot program to replace body-gripping traps with non-lethal methods for wildlife management purposes.

The use of body-gripping traps by Federal personnel violates the mission of the National Wildlife Refuge System and is a threat to the safety of wildlife, humans, and pets. The purpose of these protected lands is clear: to be an inviolate sanctuary for native wildlife.

Body-gripping traps, such as snares, Conibear traps, and steel-jaw leghold traps, are inhumane and inherently nonselective. The nontarget animals caught in these traps include threatened and endangered species, as well as family pets. Refuges are a very popular destination; the National Wildlife Refuge System attracts more than 61 million visits every year. Additionally, many wildlife refuges are either close to or reside in urban areas. These traps are not an appropriate tool for wildlife management on national wildlife refuges where families enjoy spending time outdoors, and where anyone who trips a trap can become a victim.

Nonlethal methods are often highly effective and FWS personnel would be serving both wildlife and outdoor recreation interests—such as hiking and nature photography, which account for approximately 86% of total recreation-related expenditures on refuges—by prioritizing their use.

BEAVER CONFLICT MITIGATION (FWS)

Across the country, thousands of beavers are trapped, snared, and shot each year in an effort to prevent damage caused to property by beaver activity. However, this killing is often unnecessary due to the availability of cost-effective, nonlethal devices that can successfully prevent such damage. For example, trees can be shielded by encircling them with wire mesh fencing or coating their trunks with a mixture of paint and sand that deters beavers from chewing. Roads, agricultural resources, and other property can be protected from flooding by installing water flow control de-

vices, which allow enough water to pass through a beaver dam to avoid flooding while ensuring sufficient pond depth for beaver use, thus maintaining acceptable water levels.

Restraining traps and snares used to capture and kill beavers can cause prolonged pain and unintentionally injure and kill nontarget animals. They are also rarely, if ever, a long term-solution; beavers dispersing in search of suitable habitat can quickly recolonize trapped areas. By contrast, flow devices can provide long-term relief and typically last 10 years before they need to be replaced. Nonlethal measures to mitigate beaver conflicts are effective, cost-efficient, long-lasting, and ecologically beneficial. These devices can protect transportation infrastructure, buildings, agricultural lands, and other property. Despite these benefits, no Federal programs currently exist to promote or facilitate the use of these techniques.

We urge the subcommittee to recognize the ecological benefits beavers provide to landscapes and ecosystems across the country by providing \$3,000,000 to the Fish and Wildlife Service to institute a pilot program to provide grants to eligible entities for projects that seek to use nonlethal measures to achieve a reduction in damage to roads, railroads, bridges, buildings, airports, levees, dams, agricultural resources, trees, or other public or private property caused by beavers. Eligible entities are: States, Tribes; state, Federal and Tribal agencies, local governments, nongovernmental organizations, and landowners who have sustained property damage due to beaver activity in conjunction with one or more of these entities. Nonlethal measures are those that are not designed to grip, trap, relocate, injure, or kill beavers. Nonlethal measures include, but are not limited to, fencing and paint-sand mixtures used to protect trees, and water flow control devices used to prevent flooding and maintain beaver ponds at acceptable levels. To document the progress of this program, FWS should be encouraged to submit a report to the subcommittee describing activities under the pilot program each fiscal year.

PRESCOTT GRANT PROGRAM (FWS)

We urge the subcommittee to provide no less than \$4,000,000 for the John H. Prescott Marine Mammal Rescue Assistance grant program. The Prescott Program, led by the FWS, provides funding to eligible stranding network participants assisting stranded sea otters, manatees, Pacific walruses, and polar bears. Congress began to allocate funds to the FWS in fiscal year 2019 to implement the program. To date, the FWS has awarded \$5.2 million in funding to conservation organizations and State agencies through the Prescott Grant Program. In fiscal year 2024, \$2,300,000 was allocated towards this program. Given the rising number of strandings and the importance of marine mammals to the health of ocean ecosystems, at least \$4,000,000 in funding is requested.

[This statement was submitted by Nancy Blaney, Director, Government Affairs, Animal Welfare Institute.]

PREPARED STATEMENT OF THE ARCTIC RESEARCH PROGRAM AT WOODWELL CLIMATE RESEARCH CENTER

On behalf of the Arctic Research Program at Woodwell Climate Research Center ("Woodwell Climate"), I am pleased to provide this written testimony to the Senate Appropriations subcommittee on Interior, Environment, and Related Agencies for the official record. Woodwell Climate respectfully requests the subcommittee to (1) approve \$492,374,000 in funding for the Bureau of Land Management Alaska Fire Service (BLM AFS) in Fiscal Year 2025 (FY 2025) so that it may meet its fire suppression mission amidst intensifying fire regimes in the Arctic and boreal regions; and (2) adopt the following report language:

"Department of the Interior—U.S. Fish and Wildlife Service—National Wildlife Refuge System. "The Committee recognizes the Wildland Fire Mitigation and Management Commission recommendations to prioritize and deploy resources to address extreme wildfires in the U.S. As extreme fire regimes intensify across the U.S., there is an urgent need to understand evolving ecosystems and related data gaps in the Arctic and boreal forests. A standardized monitoring of the wildlife refuges is a prerequisite to designing and implementing effective and appropriate changes in fire management that the Fish and Wildlife Service and partner agencies are considering. The Committee directs the Fish and Wildlife Service through the National Wildlife Refuge System to conduct a study on ecological change due to fire regimes in Alaska wildlife refuges."

These requested actions are informed by Woodwell Climate's leading scientific research into cost-effective approaches for fire management in the high-latitudes; as

this testimony explains further, a decision by the subcommittee to allocate additional resources for the BLM AFS and the National Wildlife Refuge System managed by the U.S. Fish and Wildlife Service (FWS) will enable the U.S. government to mitigate immediate and long-term costs of Alaskan wildfires on infrastructure, ecosystems, human health, and the global climate.

ACCOUNTING FOR THE COSTS OF INTENSIFYING ARCTIC-BOREAL WILDFIRES IN ALASKA

Record-breaking wildfires across the U.S. in recent years have highlighted the need for the Federal Government to reconsider the efficacy of existing fire management approaches and expenditures. This is particularly true for fires in Alaska, where rapid temperature rise in the region has led to pervasive intensification of wildfires in boreal forest, which have doubled the annual burned area compared to the mid-20th century. Wildfires in boreal forests pose significant implications for the U.S. carbon budget, as they contain roughly two-thirds of global forest carbon, and Alaska wildfires currently contribute to half of all U.S. fire carbon emissions each year.¹

Woodwell Climate is collaborating closely with U.S. government agencies in Alaska to more accurately estimate the distinctive and outsized carbon emissions of these escalating fires, including the projected emissions from circumpolar wildfire and fire-permafrost interactions. Our latest research suggests that such emissions may reduce the Intergovernmental Panel on Climate Change (IPCC) estimates of remaining carbon budgets to stay within 1.5 to 2°C of global warming by 10% or more.²

Limiting boreal wildfire emissions to pre-climate change levels through targeted suppression and other management approaches would both provide a significant natural climate solution and support a suite of co-benefits for Alaskan communities and those in the lower 48 who are likely to experience smoke exposure as northern fires intensify. Recent fire seasons have demonstrated the myriad of detrimental impacts caused by intensifying wildfires, including severe degradation of air quality, disruptions to air transport and travel, and damage to infrastructure (such downstream negative economic impacts are estimated at \$30 billion to \$200 billion per year in the lower 48). In addition to limiting these deleterious impacts, increased arctic-boreal fire management would create jobs and give fire managers desperately needed resources.

Our research has found that fire management in Alaska is effective at reducing wildfire carbon emissions at a cost of \$13 per ton CO₂ of avoided emissions—comparable to or more cost-effective than many other climate mitigation measures.³ Yet Federal fire management in the state is also severely underfunded—receiving only 4% of Federal resources for fire management. The subcommittee therefore has a critical opportunity to reconcile this significant discrepancy by allocating additional funding to BLM AFS and FWS in FY 2025.

SUPPLEMENTAL FUNDS FOR THE BUREAU OF LAND MANAGEMENT ALASKA FIRE SERVICE

Woodwell Climate urges the subcommittee to appropriate \$492,374,000 for the BLM AFS in FY2025, supplementing the AFS' FY2024 funding by \$10 million. This increase is necessary to enable the AFS to effectively respond to intensifying fire regimes in the Arctic and boreal; work with communities and state/local partners to reduce wildland risk, professionalize the AFS workforce, and otherwise support effective management of escalating wildland fires.

For over 30 years, the BLM AFS has been dedicated to providing efficient and cost-effective fire suppression services for all DOI lands and those conveyed in Alaska under the Alaska Native Claims Settlement Act of 1971. Activities of the BLM AFS include, *inter alia*, implementing various services within the framework of approved fire management plans and through agreements with the respective land managers or owners, developing fire and aviation policy guidance and interpretation

¹ Circumpolar boreal fires emitted roughly 1.8 Gt CO₂ in 2021 alone. See Zheng, B., Ciais, P., Chevallier, F., Yang, H., Canadell, J. G., Chen, Y., van der Velde, I. R., Aben, I., Chuvieco, E., Davis, S. J., Deeter, M., Hong, C., Kong, Y., Li, H., Li, H., Lin, X., He, K., and Zhang, Q.: Record-high CO₂ emissions from boreal fires in 2021, *Science*, 379, 912–917, <https://doi.org/10.1126/science.ade0805>, 2023.

² Treharne, R., Gasser, T., Rogers, B. M., Turetsky, M. R., MacDonald, E., Smith, T., and Natali, S.: Comprehensive assessment of permafrost carbon emissions indicates need for urgent action to meet Paris Agreement temperature goals, *Nat. Clim. Change*, in prep.

³ Phillips, C. A., Rogers, B. M., Elder, M., Cooperdock, S., Moubarak, M., Randerson, J. T., and Frumhoff, P. C.: Escalating carbon emissions from North American boreal forest wildfires and the climate mitigation potential of fire management, *Science Advances*, 8, eabl7161, <https://doi.org/10.1126/sciadv.abl7161>, 2022.

for BLM Alaska, leading the statewide fire and aviation programs, providing fuels management direction, conducting fire ecology research, and assisting with fire planning and policy interpretation. The BLM AFS also provides logistical and operational support to agencies, incident management teams, and individual firefighters; oversees initial and extended attack fire-related resources; and distributes wildland fire information to the public and news media during the fire season.

Yet despite intensifying fire seasons, the BLM AFS budgets have remained at level or decreased over the past decade; current funding levels are directly impeding BLM AFS' ability to fully staff positions and meet its fire suppression mission against a backdrop of increasing fire activity. Unfortunately, Woodwell Climate's robust scientific research indicates continued escalation of this activity under our current climate trajectory.

Woodwell Climate therefore recommends that the subcommittee approve this modest funding increase of \$10 million in FY2025 for BLM AFS to measurably improve its fire management response for the subsequent fire season. The supplemental funding would better equip BLM AFS amidst a changing fire and climate regimes in the Arctic and boreal regions, including longer fire seasons and thawing permafrost. With the subcommittee's support, BLM AFS will be able to deploy more robust fire suppression efforts throughout Alaska, support active fuels management, and work with local communities and State and Federal partners to reduce wildland fire risk in Alaska, among other needs.

DIRECTED FISH & WILDLIFE FUNDING FOR RESEARCH OF ALASKA WILDLIFE REFUGES

Woodwell Climate appreciates that increased fire activity across the U.S. and projected escalation of fire regimes in the coming years has prompted a demand for improved fire management and preparedness. The Federal Government has consequently approved dedicated funding for strengthening wildfire response in the Bipartisan Infrastructure Law and the Inflation Reduction Act, and funded a Report of the Wildland Fire Mitigation and Management Commission, which calls for bipartisan support of innovative approaches to wildfire management, additional Congressional appropriations for proactive measures, and allocation of additional funding for hazard data sets. While this progress is welcomed, notably absent from these efforts is sufficient scoping of fire impacts on the ecological systems in the Arctic-boreal region.

Fire ecologists at Woodwell Climate and across the Federal Government focusing on the Arctic-boreal region agree that understanding such ecological impacts is a prerequisite for identifying new and cost-effective methods of fire management in Alaska. Accordingly, Woodwell Climate has recommended report language to this subcommittee that directs FWS to complete a baseline monitoring report on the ecological impacts of expanding wildfire on wildlife refuges in Alaska. As new fire management proposals are deployed so will ongoing monitoring of the refuges that deliver data on fire management protocols. This information will ultimately enable FWS to measure the appropriateness and effectiveness of various fire management interventions in comparison to the impact they have on ecological systems in the region. Capturing this information is increasingly important as fire regimes intensify in high latitude forests.

Woodwell Climate is uniquely positioned to recommend this report language to the subcommittee, as our organization has collaborated with FWS and BLM AFS on a historic and foundational decision to enhance the fire suppression status of 1.6 million acres of Yedoma permafrost-rich land on the Yukon Flats National Wildlife Refuge in January 2023. Yedoma permafrost has particularly high ice and carbon content, and is highly vulnerable to post-fire thaw, degradation, and carbon emissions. This decision was the result of iterative consultation with Alaska Native residents within the refuge who are impacted by increasing smoke pollution and disruption to subsistence activities. It also addresses a growing concern for the loss of old growth habitat within the refuge.

Support from this subcommittee to advance studies of the Yukon Flats National Wildlife Refuge and others in Alaska would represent a monumental step in advancing arctic-boreal fire management and policy and indicate that carbon and permafrost protection from intensifying wildfires is a specific Federal priority. Over the next few years, Woodwell Climate scientists intend to collaborate with FWS and BLM AFS to estimate the avoided carbon emissions from reduced wildfires and permafrost thaw by combining data on suppression costs with modeled estimates of landscape fire progression. The requested report language and directive of this subcommittee will signal support for this work, thereby ensuring that a new era of Federal fire management is more responsive to climate, health, and economic considerations.

CONCLUSION

Woodwell Climate requests that the subcommittee approve a \$10 million supplemental to BLM AFS for FY25 and to approve report language that directs the US FWS, through the National Wildlife Refuge System, to conduct a study on ecological change due to fire regimes in Alaska wildlife refuges. On behalf of Woodwell Climate, I would like to thank you for the opportunity to provide this testimony. Please do not hesitate to contact me should you have any questions about Woodwell Climate or the Arctic Program's scientific research.

[This statement was submitted by Dr. Peter Frumhoff, Senior Science Policy Advisor.]

PREPARED STATEMENT OF THE ASSINIBOINE AND SIOUX RURAL WATER SUPPLY SYSTEM

FORT PECK RESERVATION RURAL WATER SYSTEM (\$5,248,000)

The Assiniboine and Sioux Rural Water Supply System (ASRWSS) submits this testimony in support of \$5,248,000 in funding for continued Operations, Maintenance, and Replacement (OMR) of part of the Fort Peck Reservation Rural Water System as authorized by PL 106-382. The request consists of an increase of \$1,803,000 above the FY 2023/24 levels of funding as follows:

- \$750,000 to recover under-funding for FY 2024,
- \$750,000 in FY 2025 to maintain last year's base, and a
- \$303,000 in increases between FY 2024 and FY 2025 for inflationary and other increases.

The request for \$1,803,000 above FY 2024 level of funding at \$3,445,000.

ASRWSS is the tribally chartered entity charged with the planning, design, construction, operation, maintenance and replacement (OMR) of the Assiniboine and Sioux Rural Water Supply System, which is the part of the Fort Peck Reservation Rural Water System on the Fort Peck Indian Reservation. We are strong partners with Dry Prairie Rural Water System (DPRWS), which operates the part of the Project that is off the Reservation.

The most basic of governmental functions is the delivery of clean, safe, and reliable drinking water. We are honored to provide water and service in northeastern Montana to an area of 7,750 square miles connected by 3,200 miles of pipeline when completed in 2025.

Obligation of all construction funding was concluded in FY 2023. The project provides drinking water to an area larger than New Jersey and just smaller than Massachusetts.

The United States has invested \$370 million in construction of ASRWSS and DPRWS through FY 2023 and will invest another \$10 million as the project is completed. OMR funding is essential to the upkeep of this substantial Federal investment.

The FY 2024 BIA Green Book intended to add \$750,000 to the FY 2023 funding in FY 2024 (see p. IA-CON-OTH-2), but conflicting tables in the Green Book requested only a minimal increase of \$32,000 above the FY 2023 level. The FY 2024 Explanatory Statement that "...funding at the fiscal year 2023 enacted level for the project at Fort Peck..." was likely based on the conflicting, unintended, virtually zero increase. BIA's \$750,000 increase above the FY 2023 level of funding was intended to result in a budget of \$4.205 million for FY 2024.

The ASRWSS FY 2024 request of the House and Senate subcommittees was for \$4.204 million in appropriations for the Bureau of Indian Affairs (BIA) Construction account (\$772,000 above the FY 2023 funding of \$3,445,000). The increase was an increase over FY 2023 and was due primarily to the significant inflation between 2021 and 2023. The following factors were listed in our FY 2024 testimony as supported by actual cost increases:

- i) inflation for all OMR items, particularly
 - (1) chemicals
 - (2) fuel
 - (3) power and heating
 - (4) asset replacement
- ii) continuing construction to advance service to more users on the
 - (1) west side of the Fort Peck Indian Reservation
 - (2) Scobey area of Dry Prairie

- iii) increase in production of water at treatment plant from 0.795 billion gallons in 2018 to 1.112 billion gallons in 2022.

The annual increase in costs between FY 2024 and FY 2025 (not counting the 2 years of \$750,000 needed) of \$303,000 is due primarily to inflation. Water treatment production was basically the same in FY 2022 and FY 2023 at 1.2 billion gallons, and we do not expect more than a 10% significant increase in FY 2025, barring severe drought. Chemical costs between FY 2022 and FY 2023 increased from \$608,000 to \$796,000 and account for most of the additional \$303,000 requested. Our power bills primarily for treating and pumping water throughout the project increased from \$379,000 to \$420,000. Both the chemicals and the power costs are dependent on the gallons of water produced. ASRWSS currently employs highly qualified and capable personnel that manage, operate, and maintain the system. Two more employees are needed to fill vacant points at a cost of about \$150,000 for salaries, benefits, and payroll taxes or \$75,000 each.

ASRWSS continues to advance construction on the west side of the Fort Peck Indian Reservation, which will be completed in 2025 and will finish all ASRWSS construction. Dry Prairie is advancing on its remaining areas of construction north and west of the Reservation and will complete all construction in 2026.

The funding request of \$5,248,000 is necessary to:

- i) safely operate, maintain, repair and replace system features,
- ii) employ the necessary level of qualified and certified staff
- iii) purchase chemicals for treatment
- iv) purchase power for pumping and treatment facilities.

The Congress (Energy and Water subcommittee) will have appropriated \$380 million to complete the project through FY 2026. The ASRWSS/DPRWS projects are 98% complete, and full funding has been made available to complete the project in FY 2025. It is imperative, through Interior appropriations (and a DPRWS non-federal cost share), that ASRWSS maintain, and replace the investment of Congress in the ASRWSS infrastructure valued at \$236 million and held in trust by the United States on behalf of the Tribes.

The DPRWS cost share covers the OMR cost of their use common facilities as agreed upon between ASRWSS, DPRWS and the Secretary in a Water Service Agreement. DPRWS makes monthly payments on a timely basis. DPRWS will provide an estimated \$789,000 in FY 2025 to supplement appropriations.

ASRWSS provided drinking water to more than 17,400 residents in Northeast Montana in 2023. In 2026 when construction is completed in ASRWSS and DPRWS, over 19,300 residents will be served. Ultimately, 31,000 residents will be served as the population of the region grows over the next several decades.

The population served at the end of 2016 was less than 10,000, and OMR funding needs have been increasing accordingly. The project also serves social and governmental agencies, including the BIA Agency Office, schools, clinics, hospitals, Medicine Lake National Wildlife Refuge, Fort Union Trading Post National Historic site, U.S.- Canadian border stations, and the towns of Poplar, Wolf Point, Frazer, Culbertson, Medicine Lake, Scobey, Nashua, St. Marie, Fort Kipp, and Brockton. Opheim and will be served in 2024. The small Reservation communities of Reserve and Lustre were added in 2022.

The Fort Peck Reservation Rural Water System was authorized by the Fort Peck Reservation Rural Water System Act of 2000, Pub. L. 106-382. The enactment ensured a safe, adequate, and reliable municipal, rural and industrial water supply for the residents of the Fort Peck Indian Reservation and the residents of Roosevelt, Sheridan, Daniels, and Valley Counties outside the Reservation. As noted in the President's previous budget requests: "Groundwater from shallow alluvial aquifers ... for the municipal systems . . . is generally poor with concentrations of iron, manganese, sodium, sulfates, bicarbonates and total dissolved solids above recommended standards." This project provides a perpetual remedy to historic water quality issues that impaired health and stunted economic growth.

The Project called for the construction of a single treatment plant on the Missouri River near Wolf Point, Montana, that will distribute water through 3,200 miles of pipeline to both the Reservation Tribal system and through three completed and operational interconnections to DPRWS. A single water source on the Missouri River replaced nearly two dozen individual community water sources and ensured a clean, plentiful, and safe water supply.

The Federal legislation authorizing the Fort Peck Reservation Rural Water System requires that the OMR costs of ASRWSS, held in trust by the United States, are fully funded. Interior appropriations to BIA are the Federal source of OMR funding. This is consistent with the Federal trust responsibility to the Tribes who

were promised a permanent home when the Assiniboine and Sioux Tribes agreed to move to the Reservation. A permanent home requires safe drinking water. The funding request enables ASRWSS to deliver superior drinking water, meeting all Federal and State standards, to all the people, towns, and federal, Tribal, State, public and private agencies, and businesses.

Thus, the \$5,248,000 requested in FY 2025 for the OMR of this vital infrastructure project is critical. The increased funding of \$1,803,000 over the FY 2024 level for the OMR of the Project is needed as the Project buildout increases the service population and requires additional personnel, power, chemicals, repairs, replacements, and improvements to operate the water treatment plant and other facilities.

We thank the subcommittee for the continued support of OMR funding for ASRWSS as authorized by PL 106–382.

[This statement was submitted by Ashleigh Weeks, Project Manager Assiniboine and Sioux Rural Water Supply System.]

PREPARED STATEMENT OF THE ASSOCIATION OF AIR POLLUTION CONTROL AGENCIES

The Association of Air Pollution Control Agencies (AAPCA)¹ appreciates the opportunity to provide feedback on Fiscal Year (FY) 2025 appropriations for the U.S. Environmental Protection Agency (EPA), including State and Local Air Quality Management Grants under the State and Tribal Assistance Grant (STAG) program. AAPCA's State and local air agency members are co-regulators with U.S. EPA, responsible for implementing Federal Clean Air Act (CAA) rules in their jurisdictions.² Funding directed to air agencies—including State and Local Air Quality Management Grants under CAA Sections 103 and 105—must be adequate for historic CAA obligations as well as the mounting number of significant and substantive regulatory actions³ from U.S. EPA that will further exacerbate existing resource constraints. AAPCA's State and local air agency members consider sufficient, stable resources to be critical to performing core CAA activities.

Congress provided a total of \$4.418 billion for STAG in the Consolidated Appropriations Act of 2024 (H.R. 4366), which was signed into law on March 9, 2024.⁴ Approximately \$61.5 million below the FY 2023 enacted level, Congress departed from a formerly steady trend of annual increases directed to State, local, and Tribal environmental agencies through STAG. State and Local Air Quality Management Grants under the STAG program—which provide important support to air agencies charged with protecting air quality and public health—have been subject to stagnant funding levels for more than a decade. Virtually no change was seen in enacted funding levels from FY 2014 through FY 2020; incremental increases from FY 2021 through FY 2023 brought the appropriated amount to almost 11 percent above FY 2013 levels; and FY 2024 enacted funding levels are only 3 percent higher than they were a decade ago. Table 1 includes the enacted State and Local Air Quality Management Grants for FY 2014—FY 2024.

Table 1. FY 2014—FY 2024 Enacted State and Local Air Quality Management Grants

Fiscal Year	State & Local Air Quality Management Grants (enacted)
FY 2024	\$235.922 million
FY 2023	\$249.038 million
FY 2022	\$231.391 million
FY 2021	\$229.500 million
FY 2020	\$228.219 million
FY 2019	\$228.219 million
FY 2018	\$228.219 million

¹ AAPCA is a national, non-profit, consensus-driven organization focused on assisting State and local air quality agencies and personnel with implementation and technical issues associated with the Federal Clean Air Act. Created in 2012, AAPCA represents 51 State and local air pollution control agencies, and senior officials from 21 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of The Council of State Governments. More about AAPCA is at: www.cleanairact.org.

² AAPCA, State Air Trends & Successes: The StATS Report, May 2024.

³ U.S. EPA's Office of Air and Radiation lists 84 short- and long-term regulatory actions in the Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions.

⁴ H.R. 4366—Consolidated Appropriations Act, 2024 (Public Law 118–42). Including rescission of funds.

Table 1. FY 2014—FY 2024 Enacted State and Local Air Quality Management Grants—
Continued

Fiscal Year	State & Local Air Quality Management Grants (enacted)
FY 2017	\$228.219 million
FY 2016	\$228.219 million
FY 2015	\$228.219 million
FY 2014	\$228.219 million

In fact, most STAG funding for programs implemented by State, local, and Tribal air pollution control agencies saw a decrease or no change for FY 2024 compared to the FY 2023 enacted levels, including:

- \$90 million for diesel emissions (DERA) grants (\$10 million below FY 2023 enacted);
- \$67.8 million for targeted airshed grants (\$2.127 million below FY 2023 enacted);
- \$7 million for wildfire smoke preparedness (equal to FY 2023 enacted); and
- \$1.106 billion for categorical grants (\$54.292 million below FY 2023 enacted), including:
 - \$235.922 million for State and local air quality management grants (\$13.116 million below FY 2023 enacted);
 - \$16.3 million for Tribal air quality management (\$115,000 below FY 2023 enacted); and
 - No funding for multipurpose grants (no change from FY 2023 funding levels).⁵

Contrary to lapses in appropriations, there has been a significant increase in the technically complex and resource-intensive work for agencies with delegated CAA authority, and increased funding is essential to meet the growing complexities of implementing air pollution control programs. This is clearly indicated in U.S. EPA's FY 2025 Justification of Appropriation Estimates for the Committee on Appropriations for the FY 2025 President's Budget, which States:

The budget includes \$1.465 billion for categorical grants, to directly support Tribal, State, and local partners. This represents an increase of \$304.5 million above the FY 2024 [Annualized Continuing Resolution (ACR)] level to support our co-implementing partners in managing rising costs and advancing progress across core environmental programs. Of the total request, [\$400.198] million will support the State and Local Air Quality Management Grants, an increase of \$151.2 million above the FY 2024 ACR level.⁶

These grants provide funding which State and local air agencies use judiciously by strategically deploying resources, creating efficient programing and best practices, and relying on leadership and staff that are dedicated public servants. For the prevention and control of air pollution, agencies with delegated CAA authority:

- Develop and update state implementation plans (SIPs) to attain/maintain National Ambient Air Quality Standards (NAAQS) and improve visibility under the Regional Haze Program;
- Serve as the Nation's primary air quality monitoring entities, manage emissions inventories, and perform photochemical and air dispersion modeling;
- Implement Federal rules and standards for hazardous air pollutants, including case-by-case maximum achievable control technology (MACT) determinations;
- Review, issue, and enforce air quality permits for a range of sources, from small businesses to industrial and commercial facilities;
- Ensure facility compliance through inspection and enforcement oversight, including conducting more than 15,800 Full Compliance Evaluations (FCE) in 2023, compared to about 200 FCEs conducted by U.S. EPA⁷;

⁵ See STAG funding tables included in the Interior, Environment, & Related Agencies Explanatory Statement (pg. 218–221).

⁶ U.S. EPA, FY 2025 Justification of Appropriation Estimates for the Committee on Appropriations, March 2024 (pg.18). See also U.S. EPA's "FY 2025 EPA Budget in Brief" (pg. 109).

⁷ U.S. EPA, Analyze Trends: State Air Dashboard. U.S. EPA defines an FCE as "a comprehensive evaluation of the compliance status of the facility. It looks for all regulated pollutants at

Continued

- Hire, train, and retain qualified staff; and,
- Lead public outreach and information campaigns, including forecasting air quality, responding to complaints, and conducting stakeholder engagement.

State and local air agencies have led these efforts and continued to improve the Nation's air quality⁸ while administering progressively complicated and demanding operations that have had to accommodate growing inflation in expenses related to personnel, travel, equipment and building costs for monitoring sites. Budgetary challenges have also been compounded by the achievements of air pollution control agencies, as fees collected on a per-ton basis from major sources through the CAA Title V Operating Permit program have substantially decreased in revenue as the program meets its primary goal: driving emissions down to create better air quality.

The Administration's latest regulatory agenda indicated there were 52 forthcoming regulatory actions from U.S. EPA's Office of Air and Radiation (OAR).⁹ Of these, 63 percent (33) are expected to be completed by the end of the 2024 Federal fiscal year, including 9 major/economically significant regulations. Once finalized by U.S. EPA, State and local air agencies will be (or are already) at the forefront of implementation and planning for many of these rules. Apart from adopting and implementing these regulations, State and local air agencies will be responsible for associated permitting changes and engagement with communities, regulated industries, and other stakeholders in their jurisdictions. Of concern, State and local agencies have indicated difficulties hiring and retaining a qualified, technical, and experienced workforce to meet the growing complexities of air pollution control work.¹⁰ Current funding levels coupled with other resource constraints and expanding CAA obligations, make meeting core CAA responsibilities even more challenging.

From their on-the-ground expertise, State and local agencies understand that melding national environmental regulations with local priorities, economic strategies, and social needs requires significant resources. Increased funding for State and Local Air Quality Management Grants that adequately accounts for new and historic CAA mandates and increased responsibilities already imposed

is critical for State and local air agency budgets as well as ensuring the cooperative federalism balance needed for successful environmental outcomes. Providing maximum flexibility in air agency grants enables programs to determine the best use for addressing air pollution control needs in their jurisdiction. Additional considerations that may affect State and local resources include how U.S. EPA alters the regional and state allocation formula for State and Local Air Quality Management Grants as well as maintaining funding for PM2.5 monitoring under CAA Section 103, rather than Section 105.¹¹

Thank you for your attention to this letter. AAPCA's State and local air agency members appreciate the recognition of your Committee in recent funding legislation and look forward to working with you as Congress develops its priorities for FY 2025 appropriations for U.S. EPA. If you have any questions, please contact Ms. Morgan Dickie, Interim Executive Director, at mdickie@csg.org or (859) 244-8042.

[This statement was submitted by E. Morgan Dickie, Interim Executive Director, AAPCA.]

PREPARED STATEMENT OF ASSOCIATION OF CALIFORNIA WATER AGENCIES

Chair Merkley, Ranking Member Murkowski, members of the Committee, thank you for the opportunity to provide outside witness testimony on the Fiscal Year 2025 Interior, Environment, and Related Agencies appropriations bill. This testimony is submitted on behalf of the Association of California Water Agencies (ACWA). ACWA is the largest statewide coalition of public water agencies in the country. Our more than 470 public agency members collectively are responsible for 90 percent of the water delivered to communities, farms, and businesses in California.

all regulated emission units, and it addresses the compliance status of each unit, as well as the facility's continuing ability to maintain compliance at each emission unit." Data accessed May 20, 2024.

⁸U.S. EPA, Air Quality—National Summary. See also: U.S. EPA, Our Nation's Air: Trends Through 2022, June 2023.

⁹Fall 2023 Unified Agenda of Regulatory and Deregulatory Actions, released December 6, 2023. Excluding long-term actions.

¹⁰AAPCA, "Staffing at State and Local Air Pollution Control Agencies," November 2023.

¹¹U.S. EPA's FY2023 and 2024 National Program Manager Guidance Monitoring Appendix States: "Per appropriation language since the beginning of the PM2.5 monitoring program, EPA intends to continue to make grants available under § 103 of the Clean Air Act to support PM2.5 monitoring activities. Should this appropriation language change, EPA will revisit this issue."

ENVIRONMENTAL PROTECTION AGENCY (EPA)

We respectfully request the subcommittee provide \$2.75 billion for the EPA's Clean Water State Revolving Fund (CWSRF) and \$2.75 billion for the Environmental Protection Agency's Drinking Water State Revolving Fund (DWSRF). The CWSRF is a vital program that finances infrastructure for public wastewater systems to improve water quality. The DWSRF is a highly successful program that helps publicly owned water systems invest in drinking water infrastructure and comply with Federal Safe Drinking Water Act requirements. Every state in the Nation benefits from CWSRF and DWSRF programs. Unfortunately, the Administration's request of \$1.239 billion for the CWSRF program, and \$1.126 billion for the DWSRF program is not sufficient to meet the demand for these highly successful programs.

In addition, we respectfully encourage the subcommittee to allocate \$100 million to the EPA Water Infrastructure Finance and Innovation Act (WIFIA), this is \$20 million above the Administration's budget request. Over the last 10 years the WIFIA program has become a important tool for investing in water infrastructure. The innovative program leverages public and private dollars. To date the program has provided \$19 billion in credit assistance which has helped finance over \$43 billion in water infrastructure projects.

An investment in water infrastructure is an investment in our Nation, its future, and its economy. Water infrastructure funding is a powerful economic driver and provides significant return on investment. Funding water infrastructure is not only a sound economic decision, but also an essential investment in the health of every American. We appreciate the subcommittee's efforts to invest in our Nation's water infrastructure.

DEPARTMENT OF THE INTERIOR

We also respectfully request the subcommittee provide at least \$1.6 billion for the Department of the Interior (DOI) Wildland Fire Management Program. This reflects an increase of approximately 14.4 percent over the fiscal year 2024 Annualized Continuing Resolution and is consistent with the President's budget request. Funding for the DOI Wildland Fire Management program will help improve forest health across DOI lands benefiting millions of Americans. This funding will help protect communities, improve forest and watershed health, and importantly provide increased pay for the wildland firefighters that are on the front lines protecting communities.

The Federal Government owns approximately 45 million acres of land in California making up over 45 percent of California's total land mass. Only two States, Alaska and Nevada, have more Federal land inside their boundaries than California. The management of Federal lands is critically important to ACWA's members as we work to provide safe, reliable, and affordable water to tens of millions of Americans in California.

The management of Federal forested lands is especially important because healthy forests are necessary to ensure healthy watersheds. Years of drought combined with a significant increase in tree mortality have degraded forest health and increased the risk of catastrophic wildfire in vital headwater areas. ACWA's members and the State of California regularly partner with Federal agencies in efforts to address forest health needs. The DOI, which manages over 22 million acres of land in California, is an especially important partner in this effort. Providing robust funding for the DOI Wildland Fire Management Program will benefit communities in California and throughout the United States.

Thank you very much for considering our perspective and please let us know if we can provide any additional information.

[This statement was submitted by Ian Lyle, Director of Federal Relations, Association of California Water Agencies.]

PREPARED STATEMENT OF THE ASSOCIATION OF FISH AND WILDLIFE AGENCIES

Thank you for the opportunity to submit recommendations for Fiscal Year 2025 (FY25) Congressional appropriations. The Association of Fish and Wildlife Agencies' (AFWA) mission, since our founding in 1902, is to protect and enable state fish and wildlife agencies (States) to exercise their statutory authority to conserve and manage the fish and wildlife within their borders. All 50 States, the District of Columbia, Guam, and the U.S. Virgin Islands are members.

Further, we support and endorse appropriations recommendations that are submitted by regional associations of fish and wildlife agencies. While we offer justifica-

tions for our highest priority recommendations in the narrative for this testimony, please refer to table 1.1 provided on pages 3–4 for the remainder of our recommendations, for which we would be glad to provide further information.

UNITED STATES FISH AND WILDLIFE SERVICE (FWS)

Aquatic Habitat, Assessments, Restoration, and Species Conservation—We support no less than (NLT) funding at FY23 levels for Fish and Aquatic Conservation and support the FWS' FY25 budget request of \$7.6 million for the National Fish Habitat Action Plan (NFHP), which includes funding for the NFHP grant program and \$400,000 for the FWS to provide scientific and technical assistance support to the program. Further, we respectfully request full funding for the USGS, USFS, EPA, and NOAA to provide scientific and technical assistance to the program, as well as the inclusion of report language recommending that the USGS, USFS, EPA, and NOAA each provide the full authorized level of \$400,000 for scientific and technical assistance for the NFHP as authorized under Public Law 116–188. With full funding at congressionally authorized levels, this would ensure the NFHP's continued ability to advance aquatic conservation projects that benefit all Americans. National Fish Hatchery Systems (NFHS) Operations is a high priority, and we recommend no less than FY23 funding levels.

State and Tribal Wildlife Grants and Partnership Grants—The State and Tribal Wildlife Grants program is the only Federal program available to States to leverage non-federal funds to conserve over 12,000 state Species of Greatest Conservation Need (SGCN) identified in congressionally-required State Wildlife Action Plans to prevent them from becoming threatened or endangered. Funding for the State and Tribal Wildlife Grant program was cut by 2% in FY24, has been relatively flat since FY21, and remains 20% below FY10 funding levels.

As costs rise due to inflation, state, territorial, and Tribal fish and wildlife agencies are seeing an erosion in their ability to proactively conserve rare and declining fish and wildlife which is critical to the prevention and recovery of endangered species. This investment in voluntary, proactive, and state-led conservation is needed now to accelerate conservation of declining species to preclude an increase in Federal expenditures in the future under the Endangered Species Act (ESA). AFWA recommends the highest possible funding for the State and Tribal Wildlife Grants Program in FY25 and supports enactment of legislation consistent with the Recovering America's Wildlife Act as introduced in the 117th Congress.

AFWA also recommends NLT \$60 million for the North American Wetlands Conservation Fund to conserve vital wetlands and other habitats important to migratory birds and other wildlife. Since 1991, the NAWCA program has been a highly popular and successful conservation effort that protects and restores wetlands and associated habitats. It has leveraged more than \$4 billion to benefit more than 31 million acres from 3,200 projects in the U.S., Canada, Mexico, contributing to the long-term recovery of many wetland-dependent birds. We also recommend full funding at \$15 million for the Grant Program for Losses of Livestock Due to Federally Protected Species, as authorized by Public Law 116–188.

Science Applications—USFWS' Science Applications (SA) program has evolved into an important collaborator with state fish and wildlife agencies, and we request NLT \$55M for SA in FY25, including \$27.274 million for Science Partnerships. SA provides science, landscape design, and coordination capacity for the co-development of regional conservation blueprints and provides support for regional fish and wildlife association landscape conservation collaboratives. This work is improving the efficiency and effectiveness of State-based fish and wildlife conservation by facilitating work at landscape scales. SA also supports other state priorities including revision of State Wildlife Action Plans, at-risk species conservation, grassland and pollinator conservation, climate adaptation, and One Health. Chronic Wasting Disease (CWD) is a critical focus for Science Support, and we request robust funding for USFWS to fulfill CWD responsibilities, including implementation of the Interstate Action Plan, prioritized research, monitoring, and studies of CWD in wild, free-ranging deer species.

Migratory Bird Management (MBM)—We support robust funding for MBM, including funding for Conservation and Monitoring at NLT \$53 million. This element provides critical conservation needs for the Program, including by supporting partnerships, working groups, and bird conservation planning efforts. This element also supports key needs for population monitoring and surveys, research, technical assistance and guidance, species conflict reduction. We recommend funding of the Migratory Bird Joint Ventures at \$25 million. The network of Migratory Bird Joint Ventures provides highly valuable partnerships that bring together stakeholders to focus on landscape-level bird conservation delivery. Since 1986, partners have in-

vested more than \$4.5 billion in conserving 27 million acres to benefit birds and people.

To help meet the Program's responsibilities for permitting, including under the Migratory Bird Treaty Act and Bald and Golden Eagle Protection Act, at least \$13.3 million is needed for staff capacity for the Permits element, along with further support for the ePermits program, to help promote efficient, modernized, and coordinated permitting efforts, including to address incidental take. We also recommend NLT \$1.12 million for the Duck Stamp program, which has raised more than \$1 billion in funding since its inception, which has been invested back into wetland habitat conservation to benefit the National Wildlife Refuge System and the birds it supports.

UNITED STATES GEOLOGICAL SURVEY (USGS)

Ecosystems—We respectfully request no less than \$36 million for the Cooperative Fish and Wildlife Research Unit Program (CRU) in FY24. This request is a step towards ensuring the program has more of the funding it needs to robustly implement its mission in support of partners and their fish and wildlife science needs. Additional funds would enable USGS to address vacancies across the units and address the safety equipment and training backlog. The core of the CRU program are the staff scientists. Each unit typically has 3 scientists, and there are >120 scientist positions across the program. Funds are needed to account for growth in existing staff salaries, fill existing and anticipated vacancies, and fill positions at newly established units to fulfil Federal commitments to cooperators. We support the National Cooperators' Coalition's testimony on CRUs.

BUREAU OF LAND MANAGEMENT (BLM)—AFWA supports the administration's request of \$170.9 million for the BLM's Wild Horse and Burro (WHB) Program but recognizes that the need is much higher and recommends restoring BLM's authority for sale and transfer of WHB. BLM estimates there are over 73,500 WHB across habitats with a total appropriate management level of less than 27,000. The harm inflicted on public lands from excess wild horses and burros compounds yearly as on-range population growth rates and off-range holding costs outstrip the BLM's ability to manage herds. Further, there are 62,000 horses and burros in off-range holding facilities at a taxpayer expense exceeding \$100 million annually.

UNITED STATES FOREST SERVICE (USFS)—AFWA recommends that USFS begin to receive dedicated funding for WHB management within a newly specified line-item, as funds are currently reallocated internally from other budgets. While USFS is responsible for 20% of the Nation's WHB, we understand that a gradual ramp-up in funds will be necessary but encourage that the 80/20 ratio eventually be reflected for WHB appropriations across BLM and USFS.

TABLE 1.1—OTHER PRIORITIES

Agency	Program Area	Suballocation	FY25 Request
USFWS	Cooperative Endangered Species Conservation Fund		Robust
	Multinational Species Conservation Fund		NLT FY23
		Neotropical Migratory Bird Conservation Fund	\$6.5M
	Habitat Conservation		NLT FY23
		Partners for Fish and Wildlife	NLT \$79M
	National Wildlife Refuge System		\$602.331M
		Delaware River Basin/Klamath Basin/Chesapeake Bay/Everglades/Great Lakes.	Robust
		Aquatic Animal Drug Approval Partnership	\$1.2M
		Fish Health Centers/Fish Technology Centers/Wild Fish Health Survey/Mass Marking Program.	Robust
		Great Lakes/Pac Northwest Mass Marking Initiative.	NLT FY23
	Aquatic Invasive Species and Law Enforcement	
		Aquatic Nuisance Species—State Management Plan Implementation.	NLT FY23; without compromising other ANS
		Mississippi River—Invasive Carp Management/Control Plan.	NLT FY21; continuation of FY21 report language
		Combat Wildlife Trafficking	Increased
BLM	Management of Lands and Resources		Robust
	Wildlife and Aquatic Habitat Management		NLT FY23
		Sage Grouse/Rangeland Improvement/Bighorn Sheep Disease Prevention.	Increased
		Wildlife Habitat Management—Combat Invasive Species.	Increased
OSMRE	Abandoned Mine Reclamation Fund		Robust
USFS	Regulation and Technology		Level
	Wildland Fire Management		Robust
	Wildfire Suppression Operations Reserve Fund		Increased
	State and Private Forestry		\$328M
		Forest Stewardship Program	Plus \$1M
	National Forest System		\$252M
	Hazardous Fuels Management		Robust
USGS	Water Resources		Robust
		Groundwater and Streamflow Information Program.	Robust

TABLE 1.1—OTHER PRIORITIES—Continued

Agency	Program Area	Suballocation	FY25 Request
		Federal Priority Streamgages	\$33M
		Cooperative Matching Funds	\$68M
		Streamgage Support	\$33M
		Next Generation Water Observing System	\$35M
		National Water Quality Program	NLT FY21
		Harmful Algal Bloom Research	\$2M
	Ecosystems		\$394M
		Land Management Research Program	\$60.55M
		Migration Corridor Research	\$5M
		Species Management Research Program	\$66.85M
		Climate Adaptation Science Center	\$69.3M
		Biological Threats and Invasive Species Research	\$45.446M
		Invasive Carp Research	\$10.62M
EPA	Geographic Programs		NLT FY23
		Great Lakes Restoration Initiative	Robust
	Clean Water State Revolving Loan Fund/Nonpoint Source Grants/ Pollution Control Grants		Robust
	National Estuaries Program, Beach/Fish Safety Program		NLT FY23

[This statement was submitted by Ronald J. Regan, Executive Director.]

PREPARED STATEMENT OF THE ASSOCIATION OF ZOOS AND AQUARIUMS

Thank you Chairman Merkley and Ranking Member Murkowski for the opportunity to submit testimony about the priorities of the Association of Zoos and Aquariums for Fiscal Year 2025. My name is Dan Ashe, and I am the President and CEO of the Association of Zoos and Aquariums (AZA). Founded in 1924, the AZA is a 501(c)3 non-profit organization dedicated to ensuring that our more than 250 accredited zoos and aquariums reflect the global standard of excellence in animal care and welfare, conservation, education, science, and guest experience. AZA's member facilities are examples of how economic and environmental prosperity can work hand-in-hand. Our members welcome nearly 200 million visitors annually, generating more than \$22 billion in economic activity, and supporting more than 198,000 jobs across the country. They also contribute well over \$250 million in direct support for field conservation each year. They support work in 119 countries benefiting more than 998 species and subspecies, of which 232 are listed under the Endangered Species Act (ESA).

At the heart of AZA is its mandatory accreditation requirement, which assures that only those zoos and aquariums—like Oregon Zoo—that are committed to meeting the world's highest standards can become members. The independent and objective AZA accreditation process includes self-evaluation, rigorous on-site inspection, and critical peer review. Our standards are publicly available and are continuously evolving and improving as we learn more about the needs of the animals in our care. Once earned, AZA accreditation confers best-in-class status, an important message for local, State, and Federal Governments and the visiting public. All AZA members are accredited every 5 years, ensuring that AZA members continue to grow

as standards improve. AZA accreditation is the global gold standard for modern zoological facilities.

AZA and its members are leaders, partners, and participants in species conservation. We work in concert with Congress, the Federal agencies, conservation organizations, State governments, the private sector, and the general public to conserve our wildlife heritage. AZA's Wildlife Trafficking Alliance is a coalition of private companies, non-profit organizations, and AZA-accredited zoos and aquariums working closely with U.S. government agencies to combat wildlife trafficking worldwide. AZA and its member facilities have long-standing partnerships with the U.S. Fish and Wildlife Service (USFWS), National Oceanic and Atmospheric Administration (NOAA), and the U.S. Department of Agriculture (USDA). Our collaborative efforts have focused on:

- Engaging in endangered species recovery and reintroduction, including some of the most successful and heralded recovery efforts, such as California condor, black-footed ferret, Florida manatee, and southern sea otter;
- Carrying out rescue, rehabilitation, and confiscation of tens of thousands of animals in collaboration with Federal and State agencies, including USFWS, to the benefit of many threatened and endangered species;
- Supporting conservation domestically and internationally through multinational species conservation funds and state wildlife grants; and
- Partnering with USFWS, the National Park Service and others on migratory birds, freshwater and saltwater fisheries, national marine sanctuaries, illegal wildlife trade, amphibians, and invasive species.

I am submitting testimony in support of the following key programs funded through the annual Interior, Environment, and Related Agencies appropriations bill.

U.S. FISH AND WILDLIFE SERVICE BUDGET

The 198,000 jobs and \$22 billion in economic contributions, as well as the vital conservation work supported by AZA-accredited facilities depends on adequate USFWS staff levels. During the past several years, lengthy permitting delays have become the rule, rather than the exception. Often, these delays put the welfare of animals and crucial conservation projects at jeopardy. They are a serious hinderance to AZA's science-based conservation breeding programs that require animals to be moved in an efficient, humane, and timely manner. This is particularly acute and serious within the International Affairs program (Management and Scientific Authorities). AZA members are keenly interested in expanding their critical work in support of rescue, rehabilitation, and reintroduction of threatened and endangered species, care and placement of live confiscated wildlife seized at ports and borders, and on scientific and conservation research on species like polar bears in AZA facilities. The success of these important initiatives depends on much improved permitting from USFWS.

For this reason, we request \$31 million in Fiscal Year 2025 for the International Affairs program at USFWS. We also ask that the subcommittee include specific direction for the Management and Scientific Authority to enter into a Memorandum of Agreement, and hire and support a dedicated and qualified employee to facilitate zoo and aquarium permitting.

We also request \$110.8 million in Fiscal Year 2025 for the Office of Law Enforcement. As we battle the global epidemic of wildlife trafficking, and as the USFWS continues to improve detection and interruption of trafficking routes and syndicates, confiscated animals are the casualties. They are the unfortunate refugees from this crisis and need to be placed, and often held for lengthy periods, as evidence. Their care often requires very specialized and expensive expertise.

Increasingly, USFWS looks to AZA and its members for this assistance. In response to this need, AZA has partnered with USFWS to launch the Wildlife Confiscations Network, a new conservation initiative to create a coalition of reputable and trusted animal care facilities with capacity to provide immediate medical care and housing for wildlife that are trafficked through U.S. ports of entry. The Wildlife Confiscations Network currently operates as a pilot project in Southern California. Expanding the Wildlife Confiscations Network nationwide will allow wildlife law enforcement across the country to concentrate on their core functions: the investigation and prosecution of criminals.

ENDANGERED SPECIES RECOVERY AND RECOVERY CHALLENGE GRANTS

We express our gratitude for the subcommittee's continued support for endangered species through the Recovery account and working with our partners at

USFWS to create the Endangered Species Recovery Challenge Grant program in Fiscal Year 2018. This program recognizes the critically important role of nonprofit partners to the Service's endangered species recovery efforts, and it is a mechanism, through merit-based matching grants, to provide funding in a more commensurate manner to support and enhance these efforts. Recovery Challenge Grants are limited to nonprofit organizations implementing the highest priority recovery actions identified in recovery plans, such as for genetically sound breeding, rearing, and re-introduction programs.

We urge you to continue to provide robust funding for endangered species recovery and prioritize longstanding recovery efforts in which existing resources and partner expertise can be most effectively leveraged. Specifically, we are requesting an increase in funding for the Recovery Challenge Grant program to at least \$12 million in Fiscal Year 2025. This funding will power recovery partnerships and inspire their work to better recover critically endangered species.

Additionally, we urge you to provide at least level funding of \$2.3 million in Fiscal Year 2025 for the John H. Prescott Marine Mammal Rescue and Response Grant Program. With increasing numbers of marine mammal strandings, the Prescott Program provides competitive grants to support the rescue and rehabilitation of marine mammals.

MULTINATIONAL SPECIES CONSERVATION FUNDS

AZA supports the inclusion of \$30 million for the Multinational Species Conservation Funds (MSCF) administered by USFWS. These programs support public-private partnerships that conserve wild tigers, Asian and African elephants, rhinos, great apes, freshwater turtles, tortoises, and marine turtles in their native habitats. Through the MSCF programs, the United States supplements the efforts of developing countries that are struggling to balance the needs of their human populations and endemic wildlife. These programs help to sustain wildlife populations, address threats such as poaching and illegal trade, reduce human-wildlife conflict, and protect essential habitat. USFWS is seen as a global conservation leader in large part due to its commitment to international conservation efforts. This Federal program supports AZA-accredited facilities in their field conservation efforts and partnerships with USFWS.

ENDANGERED SPECIES ACT

AZA and its members enthusiastically support the ESA, which has saved hundreds of listed species from extinction. Like AZA accreditation, the ESA is the global "gold standard." It reflects our National commitment to species and ecosystem conservation, and it is working. Since its inception in 1973, it has prevented the extinction of 99% of the species it protects. However, we know that the challenges facing our planet in the 21st century are as complex as they are urgent. Scientists estimate that the total number of mammals, birds, reptiles, amphibians, and fish has declined by more than 50% since 1970, and many believe, including me, that we are living amidst the planet's sixth mass extinction. Climate change is accelerating this crisis. Without critical intervention today, we are facing the very real possibility of losing some of our planet's most magnificent creatures such as lions, cheetahs, elephants, gorillas, sea turtles, and sharks.

AZA-accredited facilities have a unique opportunity and responsibility to help others understand this crisis. It is our obligation—to these animals and to all life on earth—to take bold action now to protect our planet's biodiversity. One achievement that has gone unnoticed by most people is that zoos and aquariums have played a significant role in bringing over 25 species, including California condor, Florida manatee, and black-footed ferret, back from the brink of extinction.

Although we have made significant progress in saving endangered species, this work is far from done. Species protection and conservation requires long-term commitment by all of us. It is through the ongoing work related to species recovery plans that we will conserve these species for future generations. The AZA and its members support the ESA, and we encourage you to assure that the agencies responsible for carrying out the mandates of the act receive the necessary funding and human resource capacity to succeed.

AZA and its members look forward to continuing to work with this subcommittee and Congress to assure that as a nation we are devoting the necessary resources to conserve wildlife at home and globally. Thank you.

[This statement was submitted by Dan Ashe, President and CEO Association of Zoos and Aquariums.]

PREPARED STATEMENT OF BACKCOUNTRY HUNTERS & ANGLERS

On behalf of Backcountry Hunters & Anglers (BHA), the voice for our wild public lands, waters, and wildlife, I write in support of robust funding levels and critical funding increases for many key programs within the fiscal year 2025 Interior, Environment, and Related Agencies Appropriations bill. Programs within your subcommittee directly drive important economies related to our Nation's hunting, fishing and outdoor recreation industries with millions of Americans annually generating \$1.1 trillion.

As we enter the FY2025 appropriations cycle, BHA encourages this subcommittee to invest in the natural resource programs within the U.S. Department of Interior and the U.S. Forest Service that sustain fish and wildlife habitat, drive hunting and fishing opportunities, and enhance public access. BHA is motivated to work with you and the authorizing committees on identifying strategic funding solutions that benefit our public lands and waters for future generations of hunters and anglers.

DOI LAND AND WATER CONSERVATION FUND

BHA strongly supported the passage of the Great American Outdoors Act which permanently and fully funded the Land and Water Conservation Fund (LWCF). The \$900 million floor for LWCF doesn't burden taxpayers and in fact expands economic support to rural communities, enhances public recreational access, and conserves quality fish and wildlife habitats.

BHA supports the allocation of an additional \$450 million in discretionary funding to take advantage of the tremendous opportunities to leverage funding and prioritize projects with partners in the land trust community that would eliminate landlocked public lands currently closed to hunters and anglers. We specifically support the use of funds to address projects that consolidate fragmented ownership of Federal public lands, connect wildlife corridors, enhance recreational access in addition to complementing State-based investments in natural resource management.

DOI ABANDONED HARDROCK MINE RECLAMATION FUNDING

BHA supports funding levels of at least \$287 million to be provided for the abandoned hardrock mine reclamation program created by Sec. 40704 of the Infrastructure, Investment, and Jobs Act. It is critical that this program receive funding to address the estimated 500,000 abandoned hardrock mines in the West. According to the Government Accountability Office, Federal agencies spent, on average, about \$287 million annually from 2008 through 2017 identifying, cleaning up, and monitoring abandoned hardrock mine sites. However, at this rate it would still take nearly two centuries to clean up all our Nation's abandoned mines which represent the largest single source of pollution with 40% of Western headwaters contaminated by mine tailings and runoff.

BLM LAND RESOURCES

BHA supports an increase in funding levels to \$317 million for the Bureau of Land Management (BLM) Land Resources subaccount. This subaccount includes funding for BLM's high priority planning efforts across more than 247 million acres of land the agency manages, including the initiation of new resource management plans, address the need for planning updates and amendments, and implementation strategies. It is essential to ensure that BLM has the resources necessary to integrate the most recent State and Federal fish and wildlife science, outdoor recreation needs, and balancing energy development and resource extraction uses within the planning process. We recommend an additional increase of \$5 million that would be directed to Resource Management Planning budgets for RMP revisions, amendments, and evaluation.

BLM WILDLIFE AND AQUATIC HABITAT MANAGEMENT

BHA supports an increase in funding levels to \$213 million for the BLM Wildlife and Aquatic Habitat Management account. The work conducted through this account supports the maintenance, restoration, and enhancement of fish, wildlife, and their habitats on BLM administered public lands. Important BLM activities such as conducting inventories of fish and wildlife resources and developing cooperative management plans while providing for responsible recreation and commercial uses are critically important for BLM's ongoing work with state fish and wildlife agencies and local communities across the West.

BLM WILD HORSES AND BURROS

BHA supports an increase in funding levels to \$170 million for the BLM's Wild Horse and Burro Program as current funding does not provide enough resources for control efforts to outpace population growth rates. Additionally, we recommend that funds no longer be borrowed from other budget line items to fund the program. The BLM estimates there are over 73,000 wild horses and burros across habitats with a total appropriate management level of less than 27,000. The harm inflicted on public lands from excess wild horses and burros compounds yearly as on-range population growth rates and off-range holding costs outstrip the BLM's ability to manage herds.

GREATER SAGE-GROUSE CONSERVATION

BHA supports the removal of the harmful sage-grouse rider that compromises the U.S. Fish and Wildlife Service's (USFWS) ability to utilize important conservation tools within the Endangered Species Act should populations continue to decline. Greater sage-grouse habitat has experienced concerning degrees of fragmentation and degradation across the West and new planning from the BLM would build on historic collaborative efforts for conservation plans tailored to 11 States across nearly 70 million acres of sagebrush steppe. In turn, the conservation of sage-grouse habitat will provide direct benefits for species such as mule deer, pronghorn, and elk. This rider ties the hands of wildlife managers across the country and threatens the livelihood of rural communities that depend on sagebrush country for economic stability. BHA encourages you to oppose efforts to include any limiting sage-grouse rider language in FY25 appropriations bills.

USFWS NORTH AMERICAN WETLANDS CONSERVATION ACT

BHA supports funding the North American Wetlands Conservation Fund at its fully authorized amount of \$60 million. This one-of-a-kind program leverages 1:4 ratio in contributions from nonfederal partners to restore migratory birds and other wildlife habitat within FWS allocations. To date NAWCA has already conserved more than 30 million acres of wetland habitat to the benefit of waterfowl enthusiasts nationwide.

USFWS NATIONAL FISH HABITAT ACTION PLAN & PARTNERSHIPS

This USFWS account funds the National Fish Habitat Partnership, a coalition of outdoor, hunting, angling, industry, and other conservation organizations, that work together to address the loss and depletion of fish habitat in critical waterways throughout America. BHA supports funding this partnership at its fully authorized amount of \$7.2 million to further water restoration efforts across our country.

USFWS NATIONAL WILDLIFE REFUGE SYSTEM

BHA supports an increase in funding levels to \$602 million for the USFWS National Wildlife Refuge System's (NWRS) Operations and Maintenance account. Adjusting for inflation, this level of funding is necessary to return to the level established for operations more than a decade ago. The NWRS currently allows hunting on 436 wildlife refuge units and fishing on 378. Additionally, BHA supports the dedication of \$10 million to complete Comprehensive Conservation Plans, 40% of which are outdated despite the requirement by law to be updated every 15 years.

USFWS PARTNERS FOR FISH AND WILDLIFE PROGRAM

BHA supports an increase in funding levels to \$68 million for the Partners for Fish and Wildlife Program. This program that provides technical and financial assistance to private landowners and help implement critical projects that restore grasslands, wetlands, and other habitats important to wildlife species such as grouse, canvasbacks, and mule deer.

USFWS NEOTROPICAL MIGRATORY BIRD CONSERVATION FUND

BHA supports continuing funding levels of \$5 million for the Neotropical Migratory Bird Conservation Fund. This competitive grant program benefits more than 3.7 million acres of habitat, promoting long-term conservation of neotropical migratory birds through partner-based conservation and energizing local, on-the-ground conservation efforts through their migratory life cycles across North and South America.

USFWS STATE & TRIBAL WILDLIFE GRANTS

BHA supports an increase in funding levels to \$82 million for USFWS State and Tribal Wildlife Grants. This will provide state fish and wildlife management agencies the resources they need to continue managing and restoring critical habitats for species at risk of becoming endangered. In doing so the program facilitates collaboration between state, Tribal and Federal interests to invest in conservation efforts that prevent more expensive management costs in the future.

USFS LEGACY ROADS AND TRAILS

BHA supports robust funding for the U.S. Forest Service (USFS) Legacy Roads and Trails Program. This will ensure major contributions to improve water quality and aquatic habitat while making USFS roads and trails more durable through road and trail repair and maintenance, necessary road decommissioning, and removal of fish passage barriers. This program creates important recreation and conservation jobs across the Nation and saves America's taxpayers millions in road maintenance costs.

USFS WILD HORSES AND BURROS

BHA supports robust, dedicated funding for Wild Horse and Burro management within a newly specified USFS line-item, as funds are currently reallocated internally from other budgets. As USFS is responsible for 20% of the Nation's wild horses and burros, we recommend that the 80/20 ratio is continued for these appropriations across BLM and USFS.

While we understand the need to be fiscally responsible with taxpayer dollars, we believe that conservation programs are key economic drivers, providing large returns on investment in addition to ensuring that America has clean drinking water. Therefore, we ask you to support stable, annual funding for our Nation's public land and waters to support healthy communities and habitat for fish and wildlife.

Thank you for your consideration of Backcountry Hunters & Angler's fiscal year 2025 recommendations for the Interior, Environment, and Related Agencies Appropriations bill.

[This statement was submitted by Kaden McArthur, Government Relations Manager, Backcountry Hunters & Anglers.]

PREPARED STATEMENT OF THE BRISTOL BAY AREA HEALTH CORPORATION

RECOMMENDATIONS

1. Provide full funding and advance appropriations for the Indian Health Service (IHS)
2. Reduce dependence on competitive grants for Indian Country
3. Permanently exempt the IHS from cuts, sequestrations, and rescissions
4. Ensure mandatory funding for Contract Support Costs (CSC) and section 105(l) leases.
5. Amend Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify CSC provisions.
6. Fund Critical Infrastructure investments for the IHS.
7. Increase funding and extend self-governance to the Special Diabetes Program for Indians.
8. Increase funding for behavioral and mental health programs.

Introduction. Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our funding priorities for FY 2025. My name is Robert Clark and I am the President/CEO of the Bristol Bay Area Health Corporation (BBAHC). BBAHC was created in 1973 to provide health care services to Alaska Natives of Southwest Alaska. We began operating and managing the Kanakanak Hospital and the Bristol Bay Service Unit for the IHS in 1980 as the first Tribal organization to do so under ISDEAA. BBAHC is a co-signer to the Alaska Tribal Health Compact with the IHS under the ISDEAA and is now responsible for providing and promoting health care to the people of twenty-eight Alaska Native Villages.

We are grateful for the historic investments Congress has made in the Indian health system in recent years via the CARES Act, American Rescue Plan Act, and Bipartisan Infrastructure Law. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect the IHS from cuts during the 2024 appropriations process. Furthermore,

we urge you to remember that Congress' trust and treaty responsibility to provide for the health and wellbeing of Tribal Nations exists irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following recommendations for your consideration for FY 2025 appropriations for the IHS.

Provide Full Funding for the Indian Health Service: The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. Alaska Natives are disproportionately affected by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup.

The Workgroup has calculated it will take \$54 billion to fully-fund the IHS. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of the Indian health system. We support their full request and reiterate the following four priorities for program expansion as follows:

- 1) Hospitals and Clinics: \$13.6 billion
- 2) Mental Health: \$4.5 billion
- 3) Alcohol & Substance Abuse: \$4.9 billion
- 4) Dental Services: \$3.2 billion

Continued Support for Advance Appropriations for IHS: If full, mandatory appropriations cannot be achieved for FY 2025, we continue to support advance appropriations for the IHS in the short-term. This year's tumultuous appropriations cycle clearly demonstrates why advance appropriations are critical-IHS clinical services remained continuous throughout the volatile political process. We urge the subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction for FY 2026.

Reduce Dependence on Federal Grants: We also support moving away from competitive grants for Federal funding mechanisms. Grants unfairly pit Tribes and Tribal organizations against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our people. Too often, Indian Country is under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes and Tribal organizations must also be granted the flexibility needed to respond to the specific needs of their own communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes and Tribal organizations. We join other Tribal leaders in calling for broad based funding for Indian Country.

Permanently Exempt the IHS from Cuts, Sequestrations, and Rescissions: As demonstrated above, the Indian health system is chronically underfunded, with current appropriations sitting around one-seventh of need. Nevertheless, Congress routinely threatens and enacts additional budget cuts, sequestrations, and rescissions affecting the IHS. As recently as FY 2024, this Congress rescinded \$350 million marked for public health infrastructure from the IHS. Furthermore, the IHS is the only federally funded services providing direct patient care not exempt from sequestration.

We remind this subcommittee again that its trust obligations to Tribal Nations exist regardless of any self-imposed budget control measures. In fact, the IHS budget remains so small in comparison to the National budget that cuts, rescissions, and sequestrations do not result in any meaningful savings in the National debt, but they do devastate Tribes and their citizens. We urge Congress to ensure that any budget cuts, whether automatic or explicit, hold the Indian health system harmless.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the subcommittee's commitment to ensuring that CSC and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the IHS discretionary budget, thereby leaving little room to expand other services given tight budget environment. We strongly agree with the subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory

spending, but in this case since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs.”

Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas of the IHS budget are held harmless by these costs and true increases in critical services line items can move forward. This will enhance care for Tribal patients and reduce health disparities.

Amend ISDEAA to Clarify CSC provisions. We also request that the committee consider amending the ISDEAA to clarify that when agency funding paid to a Tribe for program operations is insufficient for contract and compact administration, CSC will remain available to cover the difference. In the recent court decision *Cook Inlet Tribal Council, Inc. v. Dotomain*,¹ a Federal appeals court held that costs for activities normally carried out by IHS are ineligible for payment as CSC-even if IHS transfers insufficient, or even no, funding for these activities in the Secretarial amount. Under this new ruling, if facility costs are higher for a Tribe or Tribal Health Program than for IHS, the former is forced to cover the difference by diverting scarce program dollars. Recently, this serious misinterpretation of the ISDEAA that has been applied to one Tribal organization resulting in a 90% reduction of CSC reimbursement threatens Tribal self-governance and self-determination. Therefore, we call upon Congress to provide a legislative fix to clarify the intent on Congress for this matter, and ensure consistency with precedent.

Fully fund critical infrastructure investments: We were disappointed to see that this subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system’s infrastructure is among the oldest and most dilapidated in the country. This is especially true in Alaska, where more than half of homes in thirty-one Alaska Native communities lack proper sanitation infrastructure. Additionally, we continue to experience significant challenges finding adequate housing for staffing for health professionals in our community. As you know, health staffing shortages across the Indian health system are dire, and providing adequate living spaces for professionals is directly linked with our ability to recruit and retain staff.

Therefore, we request that this subcommittee restore and fully-fund these accounts. To implement an interoperable Electronic Health Records and telehealth system, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans’ Administration and Department of Defense move to modernize their systems. It is also critical that Congress make significant investments in Health Care Facilities Construction and Sanitation Facilities Construction. IHS and Tribal facilities are severely outdated, and we appreciate Congress’ investment in IHS sanitation facilities through the Bipartisan Infrastructure Law. Yet, with a multi-billion-dollar backlog and growing inflation, funding to close out the list is not keeping pace with need. This creates situations where facilities are unfit and unsafe. Therefore, consistent with the Workgroup’s request, we recommend \$2.8 billion for Health Care Facilities Construction and Equipment and \$2.2 billion for Sanitation Facilities Construction in FY 2025.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year. While we understand that SDPI is not under the jurisdiction of the subcommittee, we appreciate that Congress included a short-term extension of SDPI in FY 2024 appropriations at a \$160 million annualized rate. We recognize that this is the first increase for SDPI in two decades. Communities like ours across Indian Country rely on SDPI resources to address the alarming rates of diabetes and diabetes-related health complications among our people. SDPI’s success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Consistent with this model, Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms under ISDEAA.

Additionally, SDPI has not had a meaningful increase in funding since FY 2004 despite its overwhelming success. Short term reauthorizations continue to destabilize this program and make staffing and program continuity difficult. For this reason, we recommend permanent reauthorization for SDPI at a minimum base of \$250 million per year with annual adjustments for inflationary increases. We urge you to work with your Congressional colleagues to enact this important priority.

Behavioral Health: Our community, like all of Indian Country, has been devastated by the ongoing fentanyl and opioid epidemic. Nevertheless, funds for these

¹ *Cook Inlet Tribal Council, Inc. v. Dotomain*, 10 F.4th 892 (D.C. Cir. 2021).

services are extremely limited. For example, in FY 2024, Congress only appropriated \$2 million to fund essential detoxification related services. That's less than \$1 per IHS patient. We urge the subcommittee to dedicate resources to detoxification and reemphasize the importance of fully-funding the following accounts: Health Care Facilities Construction, Alcohol & Substance Use, and Mental Health. We also fully support the President's Domestic Supplemental Request, which includes a \$250 million investment in the IHS to address the fentanyl and opioid epidemic. Recognizing that Indian Country cannot wait any longer, Congress should consider this request as soon as possible.

[This statement was submitted by Robert J. Clark, President/CEO of Bristol Bay Area Health Corporation.]

PREPARED STATEMENT OF THE BUSINESS COUNCIL FOR SUSTAINABLE ENERGY

The Business Council for Sustainable Energy (BCSE) requests funding in FY2025 for offices and programs impacting clean energy at the U.S. Environmental Protection Agency (EPA) and the Department of Interior (DOI) in the Interior, Environment, and Related Agencies Appropriations Bill. As a diverse coalition, not all BCSE members endorse or take a position on the set of recommended requests.

BCSE welcomes the opportunity to share information from the 2024 edition of the Sustainable Energy in America Factbook¹, published by BCSE and BloombergNEF, which shows the growth of renewable energy and natural gas in electricity generation, along with a decline in U.S. energy consumption due to energy efficiency investments. We encourage you to build upon this momentum and success with sustained support for clean energy programs at the U.S. Department of Interior and the Environmental Protection Agency in FY2025.

U.S. ENVIRONMENTAL PROTECTION AGENCY CLEAN ENERGY PROGRAMS

As a business group working to advance clean energy policies, BCSE has seen firsthand the importance of the Federal role the U.S. Environmental Protection Agency (EPA) fills in sharing information about new technologies and practices that help speed the adoption of clean energy and allow consumers to make more informed decisions about energy usage. EPA initiatives help businesses manage environmental issues, foster transparency and best practices in emissions and water management and develop leadership in environmental stewardship and sustainability. The EPA provides transparent, standardized, and independent data and expertise that cannot be replicated with the same credibility by the private sector or non-governmental organizations.

BCSE requests funding for EPA programs including the CHP Partnership, Green Power Partnership, ENERGY STAR, Natural Gas Star, AgStar, Methane Challenge, Center for Corporate Climate Leadership, SmartWay Transport Partnership, and more, which embody longstanding public-private endeavors that benefit American businesses and help them continue to compete on a global scale. These EPA initiatives provide market transparency, encourage voluntary action, and identify companies that are leaders in businesses and in environmental protection. Additionally, the EPA's laboratories lead the world in capabilities that make the United States preeminent in research and analysis, supporting private sector capabilities to enhance economic growth and emissions reductions simultaneously.

The ENERGY STAR program serves many market sectors and is the foundation for energy efficiency programs across the country, from tax incentives and utility incentive programs to local building performance standards. While it is best known for the blue label on consumer products, the ENERGY STAR Portfolio Manager program is also critical for tracking and improving the energy performance of our Nation's building stock, which accounts for at least one-third of U.S. greenhouse gas emissions. ENERGY STAR programs for new homes and manufacturing facilities are also growing in popularity and delivering increased impact. BCSE and our members support funding for the ENERGY STAR program that maintains a fuel neutral approach to energy efficiency. The EPA's recent proposal to eliminate certain natural gas products from the ENERGY STAR program is worrisome. This goes against the fundamental principles of the program and threatens the effectiveness of the fuel neutral energy efficiency home rebate program (HOMES rebates). The EPA should reiterate the importance of efficient natural gas products in the ENERGY STAR program and enable it to function as it was intended, in a fuel neutral manner.

¹ <https://bcse.org/market-trends/>

The Renewable Fuel Standard (RFS), which is implemented by the Office of Transportation and Air Quality, has enabled the biomass and biogas industry to help meet lower carbon energy needs. The EPA has finally proposed the framework to enable electricity from biogas to qualify for renewable identification number (RIN) generation when biogas electricity is used to power electric vehicles. This is a great first step, but the program must be expanded to allow all RFS-qualifying feedstocks to participate in the electricity program. BCSE encourages funding for the EPA for the processing of pathways and applications to enable biomass and waste-to-energy projects to participate in the program at the earliest possible opportunity. Electricity derived from renewable biomass and solid forms of biomass is currently being used as a transportation fuel and should be credited accordingly under the RFS program. Congress should appropriate \$1 million in funding for the EPA to take final action within 90 days on any registration application or pathway petition to participate in the Renewable Fuels Pathway II Rule.

The EPA's State and Local Climate and Energy Program offers expertise about energy efficiency, renewable energy, and climate change policies and programs to interested State, local, and Tribal governments. By providing these resources, EPA removes barriers that would otherwise prohibit action at the local level due to resource constraints or lack of information on best practices. Through its programs on renewable energy, renewable natural gas (RNG), natural gas, combined heat and power, and energy efficiency, the EPA encourages the use of clean, efficient, and market-ready technologies that can lower costs and improve resilience in addition to lowering emissions.

The EPA is also engaged in a variety of international activities to advance climate change science, monitor our environment, and promote activities that reduce greenhouse gas emissions. The EPA establishes partnerships, provides leadership, and shares technical expertise to support these activities.

U.S. DEPARTMENT OF INTERIOR CLEAN ENERGY PROGRAMS

The U.S. Department of Interior has a critical role in renewable energy production on public lands and waters. BCSE requests funding to facilitate this transition to clean energy.

The Bureau of Ocean Energy Management's (BOEM) Office of Renewable Energy Program (OREP) plays a crucial role in the development of offshore wind energy. Providing additional resources will help the processing of permits for offshore wind projects while allowing the Department to conduct additional lease sales and identify new lease areas on the Outer Continental Shelf. Funding is needed for the Bureau of Safety and Environmental Enforcement (BSEE) to ensure safety while deploying offshore wind projects. BCSE also supports funding for the Bureau of Land Management renewable energy management program, funding for planning and consultation services and staff at the Fish and Wildlife Service (FWS), funding for the National Park Service Historic Preservation Fund, and funding for the U.S. Geological Survey program to support supply chain research for emerging technologies.

CONCLUSION

BCSE looks forward to working with you throughout the FY2025 budget cycle. Please feel free to reach out to Ruth McCormick at rmccormick@bcse.org with any questions.

ABOUT THE BCSE

BCSE is a coalition of companies and trade associations from the energy efficiency, energy storage, natural gas, renewable energy, sustainable transportation, and emerging decarbonization technology sectors. It includes independent electric power producers, investor-owned utilities, public utilities, equipment manufacturers, commercial end users, and service providers in energy and environmental markets. Founded in 1992, the coalition's diverse business membership is united around the revitalization of the U.S. economy and the creation of a clean, secure, and reliable energy future in America.

The Clean Energy Business Network (CEBN), comprising independent small- and medium-sized businesses, is an independent affiliate of BCSE. Together, BCSE and CEBN encompass a broad range of the clean energy economy, from Fortune 100 companies to small businesses working in all 50 States and more than 400 Congressional districts. On a national basis, these industries support more than 3 million U.S. jobs.

[This statement was submitted by Lisa Jacobson, President, Business Council for Sustainable Energy.]

PREPARED STATEMENT OF CARBON UTILIZATION RESEARCH COUNCIL

SUMMARY OF CURC FY2025 RECOMMENDATION

The Carbon Utilization Research Council (“CURC”) is an industry coalition focused on technology solutions for the responsible use of our fossil energy resources in a balanced, low carbon generation portfolio.¹ CURC recommends \$9,000,000 for the Environmental Protection Agency’s Office of Water Underground Injection Control Program.

Benefits of Investment in Carbon Management Technologies: Deployment of carbon management technologies including carbon capture, utilization, and storage (CCUS) will have emissions reductions benefits, contribute to a growing economy, and play a critical role in the ongoing energy transition. In addition to providing low-carbon, dispatchable electricity to load follow intermittent renewables on the electric grid, CCUS provides a means to reduce emissions from hard-to-decarbonize industrial processes including cement production and steelmaking and can help to create low- and zero- carbon fuels including hydrogen that have a wide variety of applications to decarbonize transportation, hard-to-abate industries, and provide long term, seasonal storage for the grid.

Federal Support of CCUS Research, Development & Demonstration (RD&D) Programs: In its Net Zero by 2050 report, the International Energy Agency (IEA) States government spending needs to be increased and reprioritized in critical areas such as decarbonized hydrogen and CCUS, which receive less than one-third of the level of public R&D funding of the more established low-carbon electricity generation and energy efficiency technologies.² IEA also States this is in addition to funding support that is also needed to accelerate the roll-out of demonstration projects (in the case of the US, this would be funding for CCUS included in the Infrastructure Investment & Jobs Act (IIJA) and the Inflation Reduction Act (IRA)), to leverage private investment in R&D, and to boost overall deployment levels to help reduce costs. This is because IEA determined that reaching economywide net-zero emissions in any scenario is “virtually impossible” without CCUS.

Federal investment in CCUS RD&D will also substantially benefit U.S. economic competitiveness, as the technology will allow us to maintain existing jobs and expertise in incumbent industries in addition to creating new, high-wage jobs in the energy and manufacturing sectors.

CURC–EPRI Roadmap: CURC and the Electric Power Research Institute (EPRI) continuously evaluate technology needs that reflect changing markets and policies that impact fossil fuel use in the electric sector, which are communicated through an Advanced Technology Roadmap. The Roadmap identifies a suite of CCUS technologies that, if implemented, can deliver low carbon emission, fossil-fueled power plants between 2030–2035 that are cost-competitive with other sources of electricity. The Roadmap recommends robust funding for CarbonSAFE and ongoing CO2 storage activities for which EPA has responsibility in managing injection well permit applications. The recommendations provided are guided by those CO2 storage recommendations include in the Roadmap.

CURC FY2025 OFFICE OF WATER PROGRAM RECOMMENDATION

EPA, Underground Injection Control Program Class VI. CURC recommends \$9,000,000.

These funds are necessary to administer and expedite the Agency’s processing of permit applications for Class VI injection wells, and to help develop expertise and capacity at the Agency to process the growing number of applications for both state primacy of the program and for Class VI applications submitted to EPA.

[This statement was submitted by Shannon Angielski, Executive Director, Carbon Utilization Research Council.]

PREPARED STATEMENT OF THE CENTER FOR INVASIVE SPECIES PREVENTION

We seek your support for funding two programs of the USDA Forest Service that play vital roles in protecting the resilience of the Nation’s forests in the face of invasive pests.

We also support \$20 million for efforts under State of the Birds Activities and associated National Park Service and U.S. Geological Survey to protect endangered Hawaiian forest birds

¹ For more information, please visit www.curc.net.

² IEA (2021), Net Zero by 2050, IEA, Paris <https://www.iea.org/reports/net-zero-by-2050>

USDA Forest Service

Program	FY 2023	FY 2024	FY 2025 Pres Budget	Our Ask
Research and Development	\$307.3	\$300	\$316	\$316
Forest Inventory & Analysis	\$32.2	\$31.5	\$31.5
Forest Health Protection				
Federal lands	\$17	\$16	\$20
Cooperative lands	\$33	\$32	\$35

Specifically, we ask that the subcommittee appropriate to the Forest Health Management Program (FHM) \$20 million for the Federal Lands subprogram and \$35 million for the Cooperative Lands subprogram. Both subprograms must be funded adequately in order to ensure continuity of protection efforts—which is the only way they can be effective.

We also ask that the subcommittee adopt report language requiring that the USFS begin a phased increase in funding allocated to research on invasive species. We seek an allocation of five percent of the overall Research Program's budget request by FY27. Invasive species imperil forest health independently of increased fire intensity and frequency, or climate change. The enhanced research will improve understanding of invasive species' invasion pathways and impacts, thereby enabling development of effective management strategies.

BACKGROUND: URBAN, RURAL, AND WILDLAND FORESTS: INDISPENSABLE AND
THREATENED

The many economic and ecological benefits provided by America's forests are threatened by a growing number of non-native insects and pathogens. About 60% of these forests are owned by States, Tribes, or private entities, so the Forest Service must address threats to forests outside the National Forest System if it is to achieve its mission of sustaining "the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations."

Non-native pests already undermine these benefits. They threaten more than 41% of forest biomass in the "lower 48" States.¹ The loss of live biomass is at rates similar to that attributed to fire. The majority of these non-native pests attack trees in Eastern forests—the very forests that store the majority of forest carbon stocks in the U.S.² The non-native pests also destroy unique ecosystems and critical watersheds in the upper Midwest, California and Oregon, the Appalachians, and western mountain States.³ Recently detected pests add to the damage. Rapid 'ohi'a death is killing the most widespread tree species in Hawai'i, threatening the islands' water supplies. Beech leaf disease is killing a numerous and ecologically important tree species in the eastern deciduous forest. Oaks on the West coast are being killed by sudden oak death, goldspotted oak borer, Kuroshio shot hole borer, and the Mediterranean oak borer.

Over the decade 2011–2020, tree mortality was detected on 59 million acres.⁴ While three-quarters of the area was caused by native phloem feeders, especially the mountain pine beetle, nearly 10 million acres was lost to primarily non-native wood borers such as the emerald ash borer (EAB). Sap feeders such as the hemlock woolly adelgid (HWA) killed trees on another 635,000 hectares. The foliage feeders, primarily spongy moth, killed trees on 948,000 acres.

To counter this crisis the Forest Service must grow its pest-control efforts substantially. Current funding levels do not allow this. We hope the Congress will correct this problem.

¹Fei, S., R.S. Morin, C.M. Oswalt, and A.M. 2019. Biomass losses resulting from insect and disease invasions in United States forests. PNAS August 27, 2019. Vol. 116 No. 35 17371–17376

²United States Department of Agriculture Forest Service. 2023. Future of America's Forests and Rangelands: The Forest Service 2020 Resource Planning Act Assessment. GTR–WO–102 July 2023

³Invasive Species in Forests and Grasslands of the United States: A Comprehensive Science Synthesis for the United States Forest Sector, available here <https://www.fs.usda.gov/treesearch/pubs/61982>

⁴Coleman, T.W., A.D. Graves, B.W. Oblinger, R.W. Flowers, J.J. Jacobs, B.D. Moltzan, S.S. Stephens, R.J. Rabaglia. 2023. Evaluating a decade (2011–2020) of integrated forest pest management in the United States. Journal of Integrated Pest Management, (2023) 14(1): 23; 1–17

USDA FOREST SERVICE FOREST AND RANGELAND RESEARCH PROGRAM: FALLING SHORT

Currently the Research stations spend just 1% of the total research budget studying a few of the dozens of non-native pests. Low funding does not allow the Service to develop effective programs to prevent, suppress, and eradicate the majority of non-native pests. The funds have been decreased 70% since FY2010 even as new pests enter our forests.

The Administration's research priorities—nature-based solutions for climate risk reduction, watershed resiliency, forest ecology, and forest genetics—cannot be achieved without greater understanding of bioinvasion and development of effective mitigation strategies. Adequate funding might allow adaptation of successful programs, e.g., spongy moth Slow the Spread and Southern Pine Beetle Prevention programs, to suppress other pests (see Coleman et al.). Funding shortfalls particularly undercut efforts to breed trees able to thrive despite introduced pests. The R&D program currently supports only a few such projects—for eastern hemlocks, ashes, beech and elms. Even these projects require outside funding.

Therefore, CISP supports the Administration's request to increase funding for R&D. We urge allocating 2% of the total R&D budget in FY25 (\$6.32 million) to research focused on invasive species. This increase would enable the Service to respond to the threats identified by the Forest Inventory and Analysis program—which has received additional funding in recent years.

FOREST HEALTH MANAGEMENT: SUPPORTING THE FULL CONTINUUM OF PEST MANAGEMENT

Because they arrive on imported goods, non-native pests usually first appear in cities or suburbs. The immediate result is enormous damage to urban forests and associated ecosystem services. These pests then spread to rural forests, including National forests. Examples of tree-killing pests that have spread from urban areas to our National forests include the hemlock woolly adelgid, emerald ash borer, polyphagous and Kuroshio shot hole borers, goldspotted oak borer, and sudden oak death.

Protecting America's forests from these killers begins where they are first found—usually in urban or semi-rural forests. The FHM Cooperative Lands subprogram assists the States and other partners in doing so. Our request for \$35 million for work on cooperative lands would partially restore missing capacity lost through the 50% cut in funding over the past decade.

Of course, management of the numerous non-native and native pests threatening our rural and wildland forests, including National forests. CISP supports \$20 million for the Federal Lands subprogram to realize the full pest management continuum.

Among projects deserving continued funding are those addressing the multiple strains of the sudden oak death pathogen in Oregon and California and emerald ash borer-caused mortality of black (or brown) ash in the Great Lakes and Northeastern States.

The number of FHM projects and areas treated each year have shrunk since 2011—reflecting cuts in funding. Two-thirds of projects are on National Forest lands. Only a small proportion of the trees and areas at risk are addressed. Native forest pests are addressed by three quarters of projects. While 53 tree taxa are threatened, four—eastern oaks, loblolly and ponderosa pines, and hemlocks—are targeted by 95% of the projects. Nearly all—84%—of the area treated for non-native pests concerns only one—the spongy moth. To address threats to 50 additional tree taxa under threat, the FHM program needs additional resources (Coleman et al.).

BREEDING RESISTANT TREES: CRITICAL—AND UNDERFUNDED

A critical component of a comprehensive pest-management strategy is breeding threatened trees to increase their resistance to non-native pests. Perhaps surprisingly, much of the (inadequate) funding is from FHM or the National Forest System, rather than the Research account. CISP advocates a substantial increase in USFS funding for resistance breeding programs.

The model program is the Dorena Genetic Resource Center. Beginning in the 1960s, the Dorena center has bred western white pine seedlings resistant to white pine blister rust that are now being planted. A 30-year effort has produced Port-Orford cedar trees sufficiently resistant to its root rot; they are being planted by National forests, the Bureau of Land Management, and others.

Most breeding programs rely on identifying and cross-breeding “lingering” trees—those that survive the pest's onslaught. Promising projects target whitebark pine,

American chestnut, American elm, and Hawaiian koa. Programs at earlier stages address ash, beech, and ?ohi?a; they are benefitting from the expertise of scientists at the Dorena Center.

- Whitebark pine is listed as threatened under the Endangered Species Act. Under Dorena's breeding program, begun in 2002, resistant seedlings have been planted experimentally.
- The American Chestnut Cooperators' Foundation (ACCF) has crossed "lingering" American chestnuts for several generations. Some are more than 50 years old and producing seeds.
- American elms were once large, long-lived trees keystone species in riparian forests. Dutch elm disease jeopardizes their ecosystem role. USFS scientists are testing whether planting disease-tolerant elms into canopy gaps created by dying ash trees can restore it.
- Several species of ash trees face functional extinction due to the emerald ash borer invasion. After a decade of effort, scientists have proved that about 1% of green ash trees survive years of heavy EAB attack. Scientists have begun breeding these trees to raise the level of resistance. This phase of the project will require another decade to ensure that the seedlings will have sufficient resistance to thrive in the forest.

These accomplishments show what Federal dollars, wisely invested, can do. CISP is convinced that, with further investment, we can do even more to restore threatened trees to our forests.

U.S. DEPARTMENT OF INTERIOR—STATE OF THE BIRDS—PROTECTING HAWAIIAN BIRDS

Funds from the Bipartisan Infrastructure Law allowed the Department to launch its Strategy for Preventing the Extinction of Hawaiian Forest Birds. The Strategy represents the most promising approaches for halting the imminent extinction of all the species of honeycreepers still extant on the Islands.

Most urgent is curtailing spread of two diseases vectored by non-native mosquitoes. Applying the Incompatible Insect Technique (IIT), scientists genetically modify strains of a naturally-occurring bacterium carried by the mosquitoes. This alteration makes the mosquitoes sterile. Treated mosquitoes must be released each year. Scientists are also preparing to translocate two immediately endangered species to higher-elevation, mosquito-free, habitats on Hawai'i Island. Finally, aviaries are being expanded so that they can house 80 more birds.

Realizing the promise—restoring the bird species—requires continued funding through appropriations in FY25 and beyond.

[This statement was submitted by Faith T. Campbell, President.]

PREPARED STATEMENT OF THE CHIPPEWA CREE TRIBE

Recommendations:

1. Provide full, mandatory funding for the Indian Health Service (IHS).
2. Ensure mandatory funding for Contract Support Costs (CSC) and section 105(l) leases.
3. Restore critical infrastructure investments for the Indian health system.
4. Increase funding and extend self-governance to the Special Diabetes Program for Indians.
5. Increase funding for behavioral and mental health programs.
6. Fully Fund the Bureau of Indian Affairs (BIA) Public Safety and Justice Account
7. Adequately fund the North Central Regional Water System
8. Action needed to address contamination at a BIA site.
9. Reduce dependence on competitive grants for Indian Country.

Introduction: Thank you, Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our funding priorities for the FY 2025 Federal budget. My name is Joseph Rosette Jr., and I serve as a Business Committee Member of the Chippewa Cree Indians of the Rocky Boy's Reservation. Ours is the smallest of the seven Indian reservations in Montana. We have a total enrollment of 6,862, including 4,031 who reside on the Reservation. Our community is isolated—the nearest supermarket is in Havre, 30 miles from Rocky Boy, and the nearest international airport and major shopping facilities are located in Great Falls, 110 miles away.

In 1993, the Chippewa Cree Tribe was one of the first to achieve self-governance under a pilot program that preceded the Tribal Self-Governance Act of 1994. As a result, our Tribal governing body was able to take over administration of all the programs, and their associated funds, that were previously under the management of the Federal Government. This includes the Rocky Boy Health Center, which is the sole health care facility on the Reservation. It provides integrated primary health care, including behavioral health and substance use services, dental care, and pharmacy access, to all American Indian people within the catchment area.

We are grateful for the historic investments Congress has made in Indian Country in recent years via the CARES Act, American Rescue Plan Act, Bipartisan Infrastructure Law, and Inflation Reduction Act. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect Indian Country from cuts during the 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust responsibility to provide for the health of Tribal Nations exists irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following recommendations for your consideration for FY 2025 appropriations for the IHS and BIA.

Provide Full Funding for the Indian Health Service: The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. American Indians and Alaska Natives are disproportionately impacted by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup.

The Workgroup has calculated it will take \$54 billion to fully-fund the IHS. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of the Indian health system. We support their full request and reiterate the following four priorities for program expansion as follows:

- 1) Hospitals and Clinics: \$13.6 billion
- 2) Mental Health: \$4.5 billion
- 3) Alcohol & Substance Abuse: \$4.9 billion
- 4) Dental Services: \$3.2 billion

Continue Advance Appropriations for IHS: If mandatory appropriations cannot be achieved for FY 2025, we support advance appropriations in the short-term. This year's tumultuous appropriations cycle demonstrates why advance appropriations are critical-IHS clinical services remained continuous throughout the volatile political process. We urge the subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction for FY 2026.

Fully fund critical infrastructure investments: We were disappointed to see that this subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system's infrastructure is among the oldest and most dilapidated in the country. Therefore, we request that this subcommittee restore and fully-fund these accounts. To implement an interoperable Electronic Health Records and telehealth system, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans' Administration and Department of Defense modernize their systems. It is also critical that Congress make significant investments in Health Care Facilities Construction. IHS and Tribal facilities are severely outdated. This creates situations where facilities are unsafe or not appropriate for the size of the patient populations they serve. Therefore, consistent with the Workgroup's request, we recommend \$2.8 billion for Health Care Facilities Construction and Equipment. We still do not have ready access to clean, potable water. This creates significant health risks for the Tribal members living on the Rocky Boy reservation. We appreciate Congress' investment in IHS sanitation facilities through the Bipartisan Infrastructure Law. Yet, with a multi-billion-dollar backlog and growing inflation, funding to close out the list is not keeping pace with need. We urge Congress to prioritize \$2.2 billion for Sanitation Facilities Construction.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the subcommittee's commitment to ensuring that CSC and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the IHS discretionary budget, thereby leaving little room to expand other services given the tight budget environment. We strongly agree with the subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory spending, but in this case since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs." Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas of the IHS budget are held harmless by these costs and true increases in critical services line items can move forward. This will enhance care for Tribal patients and reduce health disparities.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year: While we understand that SDPI is not under the jurisdiction of the subcommittee, we appreciate that Congress included a short-term extension of SDPI in FY 2024 appropriations at a \$160 million annualized rate. SDPI's success rests in the flexibility of its structure. Consistent with this model, Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms. Additionally, SDPI has not had a meaningful increase in funding since FY 2004 despite its overwhelming success. Short term reauthorizations continue to destabilize this program and make staffing and program continuity difficult. For this reason, we recommend permanent reauthorization for SDPI at a minimum base of \$250 million per year with annual adjustments for inflationary increases. We urge Congress to enact this important priority.

Behavioral Health: Our Tribe, like all of Indian Country, has been devastated by the ongoing fentanyl and opioid epidemic. We are in dire need of in-community sober living homes and detox centers for our Tribal members. In FY 2024, Congress only appropriated \$2 million to fund essential detoxification related services. That is less than \$1 per IHS patient. We urge the subcommittee to dedicate resources to detoxification and reemphasize the importance of fully-funding the following accounts: Health Care Facilities Construction, Alcohol & Substance Use, and Mental Health. We also fully support the President's Domestic Supplemental Request, which includes a \$250 million investment in the IHS to address the fentanyl and opioid epidemic. Recognizing that Indian Country cannot wait any longer, Congress should consider this request as soon as possible.

Public Safety and Justice funding at the BIA: Like many Tribes we are seeing a drastic increase in drug trafficking and related crime coming onto our lands. There is a significant need for the Federal Government to improve law enforcement resources and bring State and local authorities to the table with Tribes to address public safety. Congress needs to provide additional resources to the BIA for law enforcement programs, the U.S. Attorney's Offices, the Federal Bureau of Investigation (FBI), and other agencies to help us stem the flow of illegal drugs, investigate crimes, and prosecute offenders. The underfunding of Tribal law enforcement and justice systems is well-documented. Earlier this year, the BIA submitted a report to Congress required by the Tribal Law and Order Act estimating that to provide a minimum base level of service to all federally recognized Tribal nations, \$1.3 billion is needed for Tribal law enforcement, \$1.2 billion is needed for Tribal courts, and \$240.6 million is needed for existing detention centers. Based on enacted funding provided in FY 2024—a total of just over \$555 million was provided for BIA PS&J programs. This means that Tribal law enforcement, detentions/corrections, and Tribal courts are funded at a staggeringly low amount of less than 20% of estimated need!

The funding short falls for Tribal law enforcement endangers public safety on our reservation and forces us to use Tribal discretionary funds which means less resources in other areas and it hampers future business development. Another complicating factor is that our police and detention officers are required to be federally trained, however the state of Montana has an excellent officer training program, and it would be more efficient financially and logistically to take advantage of the Montana Law Enforcement Academy. The BIA needs to provide more flexibility in allowing officers to train at state academies rather than at the Federal training center in New Mexico, which often has a long wait list and requires recruits to spend weeks away from their homes and families. In line with recommendations put forth by the Tribal Interior Budget Council (TIBC) we urge this subcommittee to provide

a total of \$2.924 billion for BIA Public Safety and Justice funding, with approximately \$1.77 billion for BIA Law Enforcement and \$1.155 billion for Tribal courts in FY 2025.

Rocky Boy's—North Central Regional Water System: The Rocky Boy's/North Central Montana Regional Water System Project is critical to addressing the health impacts of poor water quality on the Rocky Boy's Reservation and surrounding off-reservation communities. This Project, the construction of which is funded by the Bureau of Reclamation, has been ongoing for over 20 years since being authorized by Congress in 2002. Today, Tribal members are still waiting to receive safe drinking water as part of the Tribe's 1998 Water Rights Settlement. As portions of the Tribal components of infrastructure have been complete, the Bureau of Indian Affairs (BIA) has been required to engage with, and pay for the Operations, Maintenance, and Repair (OM&R). This was part of the 2002 law authorizing the project and a Tri-Partite Cooperative Agreement established in 2005 between the BIA and the Chippewa Cree Tribe. As part of that agreement, a Trust Fund was established to pay for OM&R costs which have been sufficient to account for the interim costs while the Tribe awaits water service, however the Trust fund is estimated to be drastically insufficient once the new Water Treatment Plant and water system comes online.

Due to the significant funding boost made to the Bureau of Reclamation for rural water projects in recent years through annual discretionary appropriations and the Bipartisan Infrastructure Law, substantial construction progress is being made on both the Tribal and non-Tribal water system, including substantial completion of the new Water Treatment Plant Building at Tiber Reservoir. Numerous pipelines, a pump station, and water storage tanks are in stages of progress, all with a goal to turn on water service in the 2027 time period. At that time, the additional funding will be required to pay for the BIA OM&R costs obligations under the Tri-Partite Agreement, which would be several million dollars annually. The Chippewa Cree Tribe is working actively with the BIA in the Rocky Mountain Regional Office to begin for preparations for full scale water system operations, and Tribal and non-Tribal residents are looking forward to receiving a clean, safe, and abundant water supply within the next few years.

Contamination at the BIA road maintenance compound: There is a BIA road maintenance compound located in the heart of Rocky Boys agency, which is the hub of our community. Following a 2017 "Soil and Groundwater Focused Feasibility Study"—fully funded by the BIA—we discovered hydrocarbons/gasoline in the soil, groundwater, and surface water downgrade and adjacent to the compound. The investigation also revealed Benzzyne in the soil directly below the compound. These contaminants should not be allowed to continue to pollute the surface water, and drinking water and risk the health of the people of Rocky Boy and surrounding areas. Is this allowable in other communities in the country? Remediation is necessary, and the estimated cost of remediation is roughly \$10,800,000. The remediation would involve a combination of excavation and removal of contaminated material as well as an interception trench, and pump and treatment of site and materials. So far, the BIA has failed to act and address this issue through remediation. If this were City Hall in your hometown, would this injustice go unchecked? The Chippewa Cree people demand justice in its simplest form. The Federal Government must step up and right this wrong.

Reduce Dependence on Federal Grants: In addition to the critical funding needs that are outlined above, we also support moving away from competitive grants for Federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific needs of their own communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad based funding for Indian Country.

[This statement was submitted by Joseph Rosette, Councilman, Chippewa Cree Tribe.]

PREPARED STATEMENT OF THE CONSERVATION FUND

Chair Merkley, Ranking Member Murkowski, and Members of the Appropriations subcommittee on Interior, Environment, and Related Agencies, thank you for this opportunity to submit outside witness testimony on behalf of The Conservation Fund (TCF). TCF supports the mandatory funding request of \$900 million and additional discretionary funding in Fiscal Year 2025 for the Land and Water Conservation Fund (LWCF), which includes the Federal land acquisition programs of the Bureau of Land Management (\$85 million), National Park Service (\$115 million), U.S. Fish and Wildlife Service (\$125 million), U.S. Forest Service (\$134 million), as well as three State grant programs, among others: the U.S. Fish and Wildlife Service's Cooperative Endangered Species Conservation Fund (\$32 million); National Park Service's State Assistance Grants program (\$260 million); and the U.S. Forest Service's Forest Legacy Program (\$100 million). TCF also supports a funding request for the U.S. Fish and Wildlife Service's North American Wetlands Conservation Fund (\$50 million); U.S. Fish and Wildlife Service's State and Tribal Wildlife Grant Programs (\$100 million); U.S. Fish and Wildlife Service's Chesapeake Watershed Investments for Landscape Defense Program (\$15 million); National Park Service's Chesapeake Bay Gateways and Watertrails Program (\$3 million); and the U.S. Forest Service's Community Forest and Open Space Conservation Program (\$7 million); and the Department of Interior's (DOI) Natural Resource Damage Assessment and Restoration Program (\$10 million). TCF requests funding for the Environmental Protection Agency's (EPA) Great Lakes Restoration Initiative (\$425 million) and Chesapeake Bay Program (\$100 million).

TCF is a national, non-profit conservation organization dedicated to conserving America's land and water legacy for future generations. Established in 1985, TCF works with landowners; federal, State and local agencies; and other partners to conserve our Nation's important lands for people, wildlife and communities. To date, TCF has helped our partners to conserve over 9 million acres. These accomplishments are due, in large measure, to the leadership of this subcommittee over many years to appropriate funds to acquire lands for future generations, working forests, recreational opportunities, wildlife habitat, and many other benefits.

Below are highlights of some benefits of the LWCF and land acquisition programs. While these projects show the tremendous diversity of benefits of land acquisition for the public, they have one thing in common: each of these projects is driven by landowners. Many farmers, ranchers and forestland owners have significant financial equity in their land. By enabling a landowner to sell a conservation easement or fee title, the LWCF program provides landowners with funds to stay in business, reinvest in businesses, or meet other financial goals.

As the subcommittee crafts its Interior, Environment and Related Agencies Appropriations bill, there are several key points we respectfully request you to consider, listed below.

Land and Water Conservation Fund (LWCF) at \$900 million in mandatory and additional discretionary funding: The enactment of the Great American Outdoors Act is a top momentous land conservation victory in a generation. The Conservation Fund applauds Congress for passing the bipartisan, bicameral legislation that provides full and mandatory funding (at \$900 million) for the Land and Water Conservation Fund. We also encourage Congress to provide discretionary funding to address emerging needs and opportunities. Funding the Nation's premier conservation program with both mandatory and discretionary funding in FY2025 will ensure LWCF continues to fulfill its mission to safeguard natural areas, water resources, and our cultural heritage, and to provide recreation opportunities to all Americans.

The Conservation Fund applauds the Senate and House Committees for its support for land acquisition and appraisal process improvements, as was included in the Fiscal Year 2023 and 2024 reports. TCF urges the Committees to continue working with the Departments to streamline and improve processes, particularly appraisal timelines and partnerships with non-federal parties, to deliver on priority land conservation efforts and effectively implement the Great American Outdoors Act.

The Conservation Fund also urges the Senate and House Committees to support reprogramming of prior years' funding from the LWCF, as opposed to rescinding the funding as that practice undermines this critical conservation program. It is common for Federal land acquisition funds to remain "unobligated" until the last step in an acquisition project-this can reasonably take up to 5 years. Unobligated balances are not a problem in and of themselves, but funding should be moved to other acquisition projects if it is no longer needed for acquisitions within the Federal unit originally receiving the LWCF funding. To this end, Congress should continue to encourage the agencies to use a tool they already have-reprogramming-rather than re-

scissions to ensure LWCF funds are spent on critical conservation needs, fulfilling the purpose of the LWCF and the intent of the Great American Outdoors Act.

LWCF-Bureau of Land Management (BLM) Land Acquisition at \$85 million. The BLM and its National Conservation Lands provide some of our Nation's best recreation and historic areas, such as opening new recreational access to sportsmen and protecting water quality and riparian resources in the Dominguez Canyon Wilderness in Colorado. We request \$85 million to fund BLM's land acquisition program and projects.

LWCF-National Park Service (NPS) Federal Land Acquisition at \$115 million. Hosting more than 325 million visitors in 2023, the 429 National Park units provide an economic boost to their local communities and those employed directly and indirectly. Funding for NPS LWCF will help protect key access points for recreation, historic areas, trails and more. We respectfully request \$115 million to fund NPS's land acquisition program and projects.

LWCF-U.S. Fish and Wildlife Service (FWS) Land Acquisition at \$125 million. National Wildlife Refuges (NWR) are our Nation's protectors of clean water, clean air, abundant wildlife, and world-class recreation. Funding for FY2025 FWS LWCF will help protect critical wildlife habitat, provide public access and recreation, and improve water quality at Refuges, including Maryland's Blackwater National Wildlife Refuge and Georgia's Okefenokee National Wildlife Refuge; as well as preserving our Nation's working lands, such as at Montana's Rocky Mountain Front Conservation Area. We respectfully request \$125 million to fund FWS's land acquisition program and projects.

LWCF-USDA Forest Service (FS) Land Acquisition at \$134 million. FS LWCF funding is an important forest management tool, as it protects key inholdings and reduces fire threats. As a national partner facilitating transactions, we are working with willing landowners at priority project areas and respectfully request \$134 million to fund FS's land acquisition program and projects.

LWCF State Grant Programs: FWS-Cooperative Endangered Species Fund, NPS-State Conservation Grants, and USFS-Forest Legacy: We encourage the subcommittee to fund:

- FWS-Cooperative Endangered Species Conservation Fund: \$32 million (for the LWCF-funded portion)

- NPS-State Assistance Grants program: \$260 million

- USFS-Forest Legacy Program: \$100 million

DOI and FS Conservation and Land Acquisition Programs: TCF encourages the Committee to fund:

- FWS-North American Wetlands Conservation Fund at \$50 million

- FWS-State and Tribal Wildlife Grant Program at \$100 million. The State and Tribal Wildlife Grant Program is the only Federal funding source available to States that leverages non-federal funds to help protect critical habitat for over 12,000 species in greatest conservation need identified in state wildlife action plans. To build upon the State and Tribal Wildlife Program, TCF urges Congress to enact the Recovering America's Wildlife Act. This legislation aims to provide critical resources to conduct proactive, non-regulatory fish and wildlife conservation efforts nationwide.

- FWS-Chesapeake Watershed Investments for Landscape Defense Program at \$15 million

- NPS-Chesapeake Bay Gateways and Watertrails Program at \$3.075 million

- FS-Community Forest and Open Space Conservation Program at \$7 million

Department of the Interior-Natural Resource Damage Assessment and Restoration Program at \$10 million. The Restoration Program leads the National response for recovery of natural resources that have been injured or destroyed because of oil spills or releases of other hazardous substances. Recoveries from responsible parties can only be spent to implement restoration plans developed by the Trustee Council for each incident. These funds are one hundred percent private and represent the amount needed to restore environmental resources or compensate for lost public use since the damage in question. The FY2024 funds would allow the Program to add carefully targeted staff allocated to Interior bureaus and offices through its Restoration Support Unit to accelerate restoration activities.

Environmental Protection Agency Programs: TCF encourages the Committee to fund:

- Great Lakes Restoration Initiative (GLRI) at \$425 million. TCF urges funding of GLRI at \$425 million. The Initiative provides critical support for on-the-

ground restoration programs and projects targeted at the most significant environmental problems in the Great Lakes ecosystem.

—Chesapeake Bay Program at \$100 million: TCF urges funding of the Chesapeake Bay program at \$100 million. This program brings together a diverse partnership to support the Bay's restoration.

The Conservation Fund stands ready to work with you to secure full and consistent funding for the LWCF and the other critically important programs that help protect the environment, economies, forests, and community values across our Nation. Thank you for the opportunity to provide this testimony and your consideration of our request.

[This statement was submitted by Kelly Reed, Senior Vice President of Government Relations, The Conservation Fund.]

PREPARED STATEMENT OF THE CHUGACH REGIONAL RESOURCES COMMISSION

Thank you to the members of the Senate Appropriations subcommittee on Interior, Environment, and Related Agencies for the opportunity to be heard today. My testimony is about accounts within the Bureau of Indian Affairs (BIA)—Natural Resources Management—Tribal Management/Development Program (TMDP) and line items within the U.S. Fish and Wildlife Service (USFWS) budget¹ on behalf of the Chugach Regional Resources Commission (CRRC), an inter-Tribal organization in southcentral Alaska that provides crucial natural resource management and subsistence support to seven Tribes and nearly 3,000 Alaska Natives in a region the size of West Virginia.

Today, I am asking that the subcommittee take action on three issues affecting CRRC's budget that have arisen through historical inequities. Taking action on these issues will not only honor your Federal trust responsibilities to the Alaska Natives we serve but will also result in sound fiscal oversight of the Federal budget.

First, we ask that our TMDP base funding be increased to a level comparable to the increases that Congress has provided for other TMDP programs over the past 10 years. Second, we ask that this subcommittee fund the USFWS line items for co-stewardship and co-management and require USFWS to set aside a portion of the funding to support co-management agreements for species and regions that have been left out of existing agreements. Third, we request this subcommittee to exercise fiscal oversight to ensure that BIA's spending of the funds aligns with Congress's intentions in forming and passing the Federal budget.

CRRC is an inter-Tribal fish and wildlife commission authorized as a Tribal consortium under the Indian Self Determination and Education Assistance Act (ISDEAA). For forty years, CRRC has provided support for subsistence advocacy and natural resource management for seven Alaska Native villages in the Prince William Sound and Lower Cook Inlet regions of southcentral Alaska: the Native Village of Eyak, Qutekcak Native Tribe, Valdez Native Tribe, Native Village of Port Graham, Native Village of Chenega, Native Village of Nanwalek, and Native Village of Tatitlek. CRRC protects the subsistence lifestyle of the Native people of the Chugach region—a massive area that covers 20,000 square miles of marine waters and includes more than 5,000 miles of coastline—where all of the natural resources are still recovering from the disastrous 1989 Exxon Valdez Oil Spill. As part of this mission, CRRC operates the Alutiiq Pride Marine Institute (APMI), which is the only shellfish hatchery in all of Alaska and one of only two Tribal hatcheries in the state.

CRRC supports the health, economic stability, food security, and continuity of traditional ways of life for people throughout the entire Chugach region—both Native and non-Native. We perform all of these duties working with our federal, State, and local partners. By providing stable and sufficient Federal funds for our work, the benefits reach far beyond the local level. Every dollar provided to CRRC results in decreased need for Federal services in a remote region of Alaska. Most of the region is not on the road system and can only be reached by boat or air. It costs much more for the Federal Government to conduct program activities, and arrange travel, lodging, local support, and transportation, than for CRRC to locally manage such activities.

¹ The related USFWS accounts include: Resource Management; Ecological Services; Conservation and Restoration account and Fish and Aquatic Conservation; Aquatic Habitat and Species Conservation; Subsistence Managers and Tribal Trust Responsibilities accounts.

REQUEST FOR PARITY IN TMDP FUNDING

We request that the line item for CRRC's TMDP funding be increased to \$1.18 million, which is less than 1/4 of our current annual operating budget. This amount would bring CRRC's budget back in line with the other programs in the TMDP account, and would allow us to establish stable programs in habitat protection and enhancement, conservation of fish, wildlife and plant resources, subsistence management, surveys and stock assessments, and technical capacity building at the local level; support the documentation and appropriate use of traditional Alaska Native ecological knowledge; monitor the ecosystem to ensure access to traditional foods; incubate kelp mariculture farms for Tribal entrepreneurs; expand hydroponics and game processing facilities for food security in our remote communities; and operate and maintain the only Tribally-operated shellfish hatchery in Alaska.

Over the past 10 years, Congress has laudably more than doubled the budget for TMDP programs. This is sound fiscal management, because every dollar provided to a Tribal organization for natural resource management at the local level results in far more savings to the Federal Government in terms of staffing, project costs, travel, research, data collection, and duplication of efforts. Unfortunately, though, our TMDP line-item funding level did not keep pace with the other programs. Our budget was increased only once, by an amount that works out to less than one percent per year in the same period.

Over the past 4 years, our annual operating budget has grown from about \$1 million to over \$5 million from other sources. This money goes right back into the Chugach region, resulting in economic development and entrepreneurship for our Tribal people; employment opportunities through full-time, seasonal, and contract work; support for food security; data on wildlife and plants that enhances community, state, and Federal agency management decisions; and monitoring of ocean conditions and subsistence resources. It is no coincidence that this growth parallels increases in funding that we have received through one-time, competitive grants from BIA through the Alaska Inter-Tribal Subsistence Cooperative Management Program for special subsistence projects.² A conservative analysis of our subsistence special projects funding shows that every \$1 of Federal money we received for this work resulted in more than 3 1/2 times that amount returned on investment. We were able to use these special project funds to leverage other public and private funds and resources. We have been able to conduct surveys and stock assessments that Federal and State agencies have neglected in our region for many years: moose, marine mammals, salmon, and vegetation and wetlands surveys. Our efforts are informing Federal and State agencies' natural resource management decisions and directly impacting and enhancing the data compiled by USFWS, NOAA, and other agencies.

But our lack of increase in recurring, base funding means that we can't make this a sustainable growth pattern. These efforts are severely limited by the short duration of the funds, the administrative burden of compiling applications and reporting, and the lack of budget certainty inherent in year-to-year fundraising. A stable, fair increase in our recurring TMDP base fundswould allow us to increase the Federal return on investment and build sustainable natural resource development foundations in the region.

REQUEST FOR CO-MANAGEMENT OPPORTUNITIES

We support USFWS's current requests for co-management and co-stewardship funding. In addition, we request that the subcommittee allocate a portion of funding for regions or species for which there are no current arrangements. There are vast areas of Alaska that are not covered by existing co-management agreements, including our own Chugach region. We have had difficulty with USFWS when requesting new agreements because they have no budget to support those agreements. This means that Alaska Natives in Alaska's southcentral region have no ability to co-manage species that are critical to our people's cultural, spiritual, economic, and nutritional sustenance. Without such agreements, there is no direct channel for compiling and sharing information that we have with USFWS about species and the changing climate and effects on the ecosystem. This also means that Federal efforts to gather data, produce reports, and manage species are less effective, more expensive and more duplicative than they can and should be.

²Subsistence is a way of life that describes the rich relationship between Alaska Natives and the gathering, fishing, and hunting of plants, fish, and animals (often referred to by the Service as resources). Subsistence harvests continue to sustain the cultural, nutritional, economic, and spiritual well-being of Alaska Natives.

Without meaningful, robust collaboration with the Native people who hold essential knowledge about the ecosystem, Federal efforts will continue to be less focused and effective than they could otherwise be.

We focus our work on bio-cultural restoration. As the original managers of the lands and waters in our region, our people have an unparalleled knowledge base and strong cultural ties that have been developed through systematic observation and use over hundreds and thousands of years. These observations have been honed and refined as our Native people developed and adapted their subsistence practices. For decades, we have framed our work around this rich understanding of the Chugach region ecosystem to conduct research, collect data, produce high-quality hatchery technology, and repopulate animal and plant resources that were devastated by the 1989 Exxon Valdez Oil Spill and continue to be affected by climate change. APMI's marine research work is founded on our Tribal communities' rich understanding of the Chugach region ecosystem. We have dedicated significant resources towards research on our subsistence populations, ocean acidification, kelp mariculture, hydroponics farming, and development of large-scale hatchery enhancement models. This work centers on the need to protect and provide subsistence resources. Our Federal partners should be able to share the knowledge from our efforts, rather than duplicating or overlooking them.

Far too often, decisions regarding subsistence resource management are made based on data collected in years past. But climate change means that conditions on the ground are rapidly deteriorating. In our region, climate change is manifesting as shoreline erosion, glacial retreat, early spring thaws, and warmer temperatures in both summer and winter. All of these changes are impacting the availability, location, and timing of subsistence resources. Yet there are no existing communication channels to exchange this type of up-to-date information between Tribes and Federal partners. This is a prime opportunity for co-management and co-stewardship agreements to bolster collaboration, and to create a better result through cooperative efforts between Federal agencies and Tribal organizations who possess the local knowledge and expertise.

AGENCY OVERSIGHT IS NECESSARY

Federal agencies must be required to have systems that implement Congress's budget appropriations in the ways they are intended. Our experience shows that these systems are not properly functioning. Although the members of this subcommittee worked hard to ensure the continuity of government through continuing appropriations this year, we did not benefit from those efforts. Even now, we are 8 months into FY2024 and have not received any funds, or any responses to our inquiries about when we may expect payment. We are paying the Federal Government's bills and performing our work without payment and without even a promise of a payment date. These delays and uncertainties undermine our ability to carry out services for our region's Native population. This in turn undermines the Federal work in our region, since it jeopardizes CRRC's work on the government's behalf.

Every year, BIA is months late paying our program funds, and is unresponsive to our requests for information. We have no budget certainty, and we are forced to leave positions unfilled and consider furloughs, with no communication from our Federal trustee about when our funds may be issued. As far as we can tell, the only way we can remedy our situation is to file a lawsuit, which we do not want to do. We want to work with our Federal partners, not against them. We urgently request that you address this situation through report language instructing BIA to make timely payments to all Tribes and Tribal Organizations and to report to you on any payments that are not made to the designated Tribes/Tribal Organizations within 30 days of BIA receiving the funding allocated by Congress under ISDEAA for FY2025.

In closing, I would like to emphasize the important work that I have briefly described that has taken place because of your support over the past few years. Thank you for fully funding the President's budget for BIA's ISDEAA programs. With some of those funds, we have been able to make a difference in the lives of the Native people of our region, and to make a start on enhancing the work of the Federal agencies responsible for our region. We ask that you fully fund our necessary operations, so that we can lay a good foundation and sustain this work, and that we can collaborate with Federal agencies to effectively manage the precious natural resources of our vast region.

[This statement was submitted by Willow Hetrick-Price, Executive Director, Chugach Regional Resources Commission.]

PREPARED STATEMENT OF COALITION TO PROTECT AMERICA'S NATIONAL PARKS

Chair Merkley, Ranking Member Murkowski, and members of the subcommittee, I am Philip A. (Phil) Francis, Jr., Chair of the Executive Council of the Coalition to Protect America's National Parks (Coalition). The Coalition is a non-profit organization composed of more than 2,500 retired, former and current employees of the National Park Service (NPS) who collectively have over 40,000 years of experience managing and protecting our National parks. The Coalition studies, educates, speaks, and acts for the preservation of America's National Park System. We appreciate the opportunity to present this statement for the record about the FY 2025 appropriations for the NPS, our National parks, and their partnership grant and assistance programs.

Our membership and the Executive Council of the Coalition speak on a regular basis with the leadership of the NPS, park superintendents and park staff, program managers in central and regional offices, as well as park partners and volunteers. The messages we receive are very similar with a sense of desperation setting in as annual appropriations and available funding have not kept up with the NPS mission. Congress has mandated and entrusted to park employees.

Visitation has grown by 10 percent over the past 10–12 years while park staff has been reduced by over 2,500 full-time equivalents. Congress recognized this situation and appropriated additional funds in some of the recent years' appropriations bills, allowing the NPS to hire additional staff. Unfortunately, the current FY 2024 appropriations reversed this progress with \$150 million less than the previous year's funding, while also requiring NPS to absorb \$125 million in fixed costs. The president's budget for FY 2025 attempts to reverse this slide by requesting an additional \$101 million for the NPS, which is appreciated, but still is inadequate to meet the needs of the NPS.

The NPS is at a crossroads, and your subcommittee will determine the direction the agency will take. At the same time, your decisions will inform the American public of the importance you place on the protection of these nationally significant historical, cultural, and natural resources. In addition, you will be sending an important signal to those who visit our parks for recreational activities, for experiencing the historic buildings and related artifacts, and for learning about the stories told, what they can expect when they arrive.

The NPS is facing an increasingly complex situation in managing park resources, as with the growing impacts from climate change. For example, recreational activities have been restricted at many of our water-based parks due to declining water levels at our lakes, reservoirs, rivers, and seashores. This is happening while both the House and Senate authorizing committees are considering comprehensive legislation to encourage more recreational activities among the visiting public at our National parks and public lands.

On top of fewer programs being available for the visiting public, the parks also are experiencing growing traffic and parking issues, overcrowding, the degradation of natural and cultural resources, and increasing safety and public health concerns for both visitors and employees. Staff are less able to carry out basic functions that are important to visitors, such as frequent cleaning of restrooms and emptying of refuse containers. In program offices, reduced staffing has resulted in less support for parks and programs. All of this has led to loss of employees through attrition, unfunded positions, and low staff morale; problems that are compounded by the increasing challenges presented by an inefficient hiring process.

Below are specific actions we recommend the subcommittee take as it prepares the FY 2025 Interior appropriations bill to address the needs of the NPS.

1) Continuing to Enhance and Build Operational Capacity (ONPS). The Coalition believes the top priority is providing an adequate appropriation for park operations that will allow the NPS to hire additional employees to replace some of those lost over the past 12 years. The president's budget recommends only an additional \$21 million above the current year's appropriation in this account. The Coalition recommends this be increased to at least an additional \$250 million.

We place special emphasis on urging the subcommittee to provide the amount needed for fixed costs to ensure park, regional, and program offices do not further deteriorate by having to absorb those costs in their base budgets. Additionally, the Coalition recommends the increased funding focus on staffing for new parks, parks experiencing dramatic increases in visitation, and those with new programs enacted by Congress. We also urge any increased funding provide adequately for youth programs and AmeriCorps, which help develop our next generation of conservation stewards. These programs are so important for alerting young people to the gateways available for working in our National parks through park ranger, laborer, and wildland firefighting positions.

The Coalition continues to be concerned about the loss of almost 30 percent of cultural resource management positions in our National parks, regional, and program offices over the past decade. Many cultural resources, including historic buildings, museum objects, and archeological sites, are unmaintained, severely threatened, or degraded due to a lack of funding.

Protection of these resources and the many compelling stories associated with our country's history remain an important part of the NPS mandate. We urge the subcommittee to continue to work with NPS on ways to address these issues within available funding. We recommend the subcommittee include committee report language accompanying the FY 2025 bill that directs NPS to provide the subcommittee with the status of vacant cultural resource positions, their anticipated ability to fill any of the vacant positions in the current fiscal year, and any recommendations they might have for prioritizing vacant positions for hiring in future fiscal years.

Further, the Coalition urges that the provision that has been repeated for multiple years in appropriations bills concerning the NPS being prohibited from reducing, mitigating, and implementing educational awareness regarding the use of toxic lead be removed so that the NPS can appropriately address the continuing human and wildlife threat of toxic lead in parks where firing ranges and recreational hunting and fishing activities occur. This will enable the parks to protect and restore resources while ensuring a safe and healthy public environment.

2) Construction. The president's budget recommends \$237.2 million for the Construction account, which is an increase of \$65 million over the FY 2024 enacted level. The Coalition supports this funding as a needed partner to the mandatory funding provided by the Great American Outdoors Act (GAOA). The NPS construction funding helps to ensure cyclic maintenance and repair/rehab activities are carried out in a timely manner so that the backlog of NPS maintenance does not continue to grow.

Of particular importance to the Coalition is funding to address the NPS' park housing needs. The FY 2025 budget recommends building on last year's momentum by increasing the housing request by \$9 million. The Coalition strongly supports this proposed increase to assist the parks in attracting and retaining the needed permanent and seasonal staffing who can live in affordable housing. Rental housing for temporary employees in resort areas has become almost non-existent due to the takeover of the rental market by weekly rentals. When government housing is unavailable, prospective employees either turn down jobs or quit when they cannot find a place to live.

The Coalition continues to work with the House and Senate authorizing committees on additional authorities that the NPS and other Federal land management agencies may need to address the critical housing needs of the parks. To help advance this effort, we recommend the Interior appropriations subcommittee include in the bill a provision to authorize the NPS to fill vacant positions using local people who already live in the area and know the area well. Having this expanded authority, outside of the usual competitive process, would help reduce the need for providing some of the additional housing while taking advantage of the knowledge and experience of local people near the park. It also would reduce the number of times individuals are offered permanent positions at individual parks in remote, or high-priced areas, only to have the offers declined due to the inability of the individuals to find and/or afford the cost of available housing.

3) National Recreation and Preservation (NR&P) and the Historic Preservation Fund (HPF). Within the president's budget, various programs such as the National Register of Historic Places, Rivers, Trails, and Conservation Assistance, and several grant programs including the Native American Graves Protection and Repatriation, Japanese American Confinement Sites, and National Heritage Areas, are funded under this account.

The Coalition notes that these programs are critical to the partnership work of the NPS; they need adequate staff to fulfill their partnership responsibilities in a timely manner, which has been an area of critical concern in recent years. The president's budget recommends a decrease in funding for these programs of almost \$7 million. However, it recognizes that the work of administering these grant programs continues to grow with the addition of the African-American Burial Grounds Preservation program in the most recent Congress and, therefore, requests an additional \$500,000 to assist with this increased workload. The Coalition recommends maintaining at least level funding for these programs in FY 2025 to confirm the importance of these partnership opportunities and the resources being protected.

An excellent example of NPS partnership activity is the collaboration through the Historic Preservation Fund, which preserves historically and culturally significant sites and provides competitive grants to non-Federal entities, including our Tribal nations. These partnerships have been of increasing importance to more and more

parks through the Centennial Challenge program, with its matching funds from park partners for individual park projects. The Coalition supports these critical partnership opportunities as they often double the funding provided by Congress and increase the impact on park and associated historic and cultural resources.

4) Great American Outdoors Act (GAOA). We note that the president's budget outlines its priorities for using the mandatory funding appropriated through the GAOA in FY 2025. The NPS is appropriated \$1.3 billion for various deferred maintenance programs through the Legacy Restoration Fund. This includes \$25 million directed to Maintenance Action Teams (MAT) that carry out projects among the small and medium-sized parks throughout the Nation. The Coalition believes this amount is too limited and we continue to emphasize that the needs of these smaller parks are just as important as the large parks and urge that the capacity of the MAT be increased to help these parks.

The Coalition is supportive of the \$104 million in mandatory appropriations through the Land and Water Conservation Fund, also coming from the GAOA. We remain disappointed that only \$58 million is recommended for NPS Federal land acquisition when so many parks have private inholdings that are waiting to be acquired. We also note how the division of the \$900 million available LWCF funding is heavily biased in the president's recommendation with over \$335 million being dedicated to NPS state assistance grants, and almost half of the total available funding being dedicated to this and other grant programs. We urge the subcommittee to use its authority to redirect some of this funding to Federal land acquisition to balance these funds more equitably commensurate with the need.

Thank you for consideration of our request. We look forward to continuing to work with you during the consideration of the FY 2025 Interior appropriations bill.

[This statement was submitted by Philip A. Francis, Jr., Chair of the Executive Council, Coalition to Protect America's National Parks.]

PREPARED STATEMENT OF THE COALITION OF REFUGE FRIENDS AND ADVOCATES

This testimony is being submitted on behalf of the Coalition of Refuge Friends and Advocates, which was formed in 2020 to support the National Wildlife Refuge System. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

"National Wildlife Refuges are places where the music of life has been rehearsed to perfection, where nature's colors are most vibrant, where time is measured in seasons, and where the dance of the crane takes center stage. They are gifts to ourselves and to generations unborn- simple gifts unwrapped each time a birder lifts binoculars, a child overturns a rock, a hunter sets the decoys, or an angler casts the water." This is a quote taken from Fulfilling the Promise in the forward by then U.S. Fish and Wildlife Service (FWS) Director Jamie Clark.

The Coalition of Refuge Friends and Advocates (CORFA) is a not-for-profit organization that supports more than 180 officially designated Friends Groups by FWS that support an individual or complex of National Wildlife Refuges across the United States. They are comprised of local citizens that volunteer and passionately support "their" refuge as well as citizens across the country that have visited a refuge and enjoyed that "gift" so beautifully described by Director Clark.

The gifts to the American public are not just in connecting with nature. National Wildlife Refuges provides billions of dollars in ecosystem services. Storm water attenuation, groundwater recharge, protection of important oil and gas infrastructure, and carbon storage are all important benefits that refuges provide to local communities as well as the country.

The Friends Community that supports Refuges is upset by the current conditions on refuges and concerned for their future due to the continual erosion in funding and staffing for the refuge system. Refuge staffs have been cut in half or have one staff person and most refuges are now part of a refuge complex with other refuges that have less staff. Trails are closed or poorly maintained, visitor centers are open only a couple days a week if at all. Worse yet is the unhealthy condition of habitats the refuges manage...rusting or inoperable water control structures, increasing spread of invasive exotics, the inability to use important habitat management techniques such as prescribed fire or impoundment management. The significant loss of biologists to monitor wildlife populations and provide the needed scientific expertise to ensure healthy wildlife populations, as well as the loss of refuge law enforcement officers to ensure the safety of the visiting public and stop poaching of wildlife have greatly impacted Refuges, the "gifts" Congress authorized over the last 121 years.

In order to continue to be the greatest network and lands and waters in the world set aside for wildlife, increased funding to operate the National wildlife refuge system is desperately needed. Although the funding need is huge, CORFA understands the current budget climate. A minimum of \$602.3 million is needed to begin the road to recovery of the refuge system and the billions of dollars in ecosystem, economic, and recreational values to the American public.

[This statement was submitted by Mark J Musaus, Vice President, Board Member for the Coalition of Refuge Friends and Advocates.]

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

This testimony is in support of Fiscal Year (FY) 2025 funding for the Department of the Interior's Bureau of Land Management (BLM) associated activities that assist the implementation of Title II of the Colorado River Basin Salinity Control Act of 1974 (Public Law 93-320). This long-standing successful and cost-effective salinity control program in the Colorado River Basin is being carried out pursuant to the Colorado River Basin Salinity Control Act and the Clean Water Act (Public Law 92-500). Congress has directed the Secretary of the Interior to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the BLM. BLM funds these efforts through the Aquatic Resources Program. BLM's efforts are an essential part of the overall effort. A funding level of \$2.0 million for salinity specific projects in FY-2025 is requested to prevent further degradation of the quality of Colorado River water supplies and increased environmental and economic damages.

The Colorado River Board of California (Colorado River Board) is the state agency charged with protecting California's interests and rights in the water and power resources of the Colorado River system. In this capacity, California participates along with the other six Colorado River Basin States through the Colorado River Basin Salinity Control Forum (Forum), the interstate organization responsible for coordinating the Basin States' salinity control efforts. In close cooperation with the U.S. Environmental Protection Agency (EPA) and pursuant to requirements of the Clean Water Act, the Forum is charged with reviewing the Colorado River water quality standards every 3 years. Every 3 years the Forum adopts a Plan of Implementation consistent with these water quality standards. The report "2023 Review: Water Quality Standards for Salinity, Colorado River System" contains both the water quality standard and the Plan of Implementation, and can be found at:

[https://coloradoriversalinity.org/docs/2023%20Review%20\(final%20with%20appendices%20to%20print\).pdf](https://coloradoriversalinity.org/docs/2023%20Review%20(final%20with%20appendices%20to%20print).pdf).

If adequate funds are not appropriated, significant damages associated with increasing salinity concentrations of Colorado River water will become more widespread in the United States and Mexican portions of the Colorado River Basin.

The EPA has determined that more than sixty percent of the salt load of the Colorado River comes from natural sources. Through passage of the Colorado River Basin Salinity Control Act in 1974, Congress recognized that much of the salts in the Colorado River originate on federally owned lands, much of which is administered by BLM. Title I of the Salinity Control Act deals with the U.S. commitment to efforts related to maintaining the quality of waters being delivered to Mexico pursuant to the 1944 Water Treaty. Title II of the act deals with improving the quality of the water delivered to water users in the United States. In 1984, Congress amended the Salinity Control Act and directed that the Secretary of the Interior develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106-459). In 2003, BLM employed a Salinity Coordinator to coordinate BLM efforts in the Colorado River Basin States to pursue salinity control studies and to implement specific salinity control practices. BLM is now working to create a comprehensive Colorado River Basin salinity control program as directed by Congress. In January 2018 BLM issued A Framework for Improving the Effectiveness of the Colorado River Basin Salinity Control Program, 2018-2023. This document lays out how BLM intends to implement Colorado River Basin salinity control activities over the next 5 years.

With a significant portion of the salt load of the Colorado River coming from BLM-administered lands, the BLM portion of the overall program is essential to the success of the Colorado River Basin Salinity Control Program. Inadequate support for BLM salinity control efforts will result in significant additional economic damages to water users downstream.

Over the fifty years since the passage of the Colorado River Basin Salinity Control Act, much has been learned about the impact of salts in the Colorado River system. As described in the 2023 Plan of Implementation, the salinity concentration of Colorado River water causes about \$348 million in quantifiable economic damages in the United States annually. Economic and hydrologic modeling by Reclamation indicates that these economic damages could rise to more than \$447 million by the year 2040 without continued implementation of the salinity control program. For example, damages can be incurred related to the following activities:

- A reduction in the ability and increased costs to reclaim and reuse water due to high salinities in the water delivered to water treatment and reclamation facilities;
- A reduction in the yield of salt-sensitive crops and increased water use to meet the leaching requirements in the agricultural sector;
- Increases in the amount of imported water;
- Increased costs of desalination and brine disposal for recycled water in the municipal sector;
- A reduction in the useful life of galvanized water pipe systems, water heaters, faucets, and other household appliances, and increased use of bottled water and water softeners in the residential sectors;
- Increased costs of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector;
- Increases in the use of water and cost of water treatment, and an increase in sewer fees in the industrial sector;
- Decreased life of treatment facilities and pipelines in the utility sector;
- Increasing difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions; and
- Increased desalination and brine disposal costs due to accumulation of salts in groundwater basins.

Based on current program cost levels, a funding level of \$2.0 million for salinity specific projects in FY-2025 is requested to continue this longstanding program for minimizing salt contributions to the Colorado River from lands administered by the BLM.

The Colorado River is, and will continue to be, a major and vital water resource to the nearly 20 million residents of southern California, including municipal, industrial, and agricultural water users in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura Counties. The protection and improvement of Colorado River water quality through the continued implementation of this very effective salinity control program avoids, or reduces, additional environmental and economic damages to California, the other Colorado River Basin States, and Mexico that rely on Colorado River water resources.

Thank you for your consideration of this testimony.

[This statement was submitted by Christopher S. Harris, Executive Director, Colorado River Board of California.]

PREPARED STATEMENT OF THE COLORADO RIVER BASIN SALINITY CONTROL PROGRAM

Waters from the Colorado River are used by nearly 40 million people for municipal and industrial purposes and for irrigation of approximately 5.5 million acres in the United States. Natural and human-induced salt loading to the Colorado River causes environmental and economic damages. Though past efforts have reduced annual damages to water users by several hundred million dollars per year, in 2023 the Bureau of Reclamation (Reclamation) estimated the quantifiable damages to Lower Basin water users due to elevated salinity levels still at about \$348 million per year (unquantifiable damages add to this amount). Congress authorized the Colorado River Basin Salinity Control Program (Program) through the Colorado River Basin Salinity Control Act (Act) (Public Law 93-320) in 1974 to offset increased damages caused by development and use of the waters of the Colorado River. Modeling by Reclamation indicates that the quantifiable damages would rise to approximately \$447 million by the year 2040 without continuation of the Program. Congress has directed the Secretary of the Interior (Secretary) to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management (BLM). BLM has funded

these efforts as directed by Congress through its Aquatic Resources Program. BLM's efforts are an essential part of the overall effort. A funding level of \$2.0 million for salinity specific projects in 2025 is requested to prevent further degradation of the quality of the Colorado River and a commensurate increase in downstream economic damages.

The U.S. Environmental Protection Agency (EPA) has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. The majority of land within the Colorado River Basin is federally owned, much of which is administered by BLM. In authorizing Program (Public Law 93–320, Act) in 1974, Congress recognized that most of the salts in the Colorado River originate from federally owned lands. Title I of the act deals with programs downstream of Imperial Dam that enable the U.S. to meet its commitment regarding the quality of waters being delivered to Mexico (Minute No. 242 of the International Boundary and Water Commission, United States and Mexico). Title II of the act addresses measures upstream from Imperial Dam, thus improving the quality of the water delivered to users in the United States. This testimony deals specifically with Title II efforts. In 1984, Congress amended the Salinity Control Act (Public Law 98–569) and directed the Secretary to develop a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by BLM. In 2000, Congress reiterated its directive to the Secretary and requested a report on the implementation of BLM's program (Public Law 106–459). Beginning in 2003, BLM employed a Salinity Coordinator to increase BLM efforts in the Colorado River Basin to pursue salinity control studies and to implement specific salinity control practices.

BLM is now working on a comprehensive Colorado River Basin salinity control program as directed by Congress. In January 2018 BLM issued A Framework for Improving the Effectiveness of the Colorado River Basin Salinity Control Program, 2018–2023. This document lays out how BLM intends to implement Colorado River Basin salinity control activities over the 5-year period. Meaningful resources have been expended by BLM in the past few years to better understand salt mobilization on rangelands. With a significant portion of the salt load of the Colorado River coming from BLM administered lands, the BLM portion of the overall program is essential to the success of the effort. Inadequate BLM salinity control efforts will result in significant additional economic damage to water users downstream.

Damages to water users in the United States and Mexico, caused by the concentration of salt in the Colorado River, by water usage sector, include the following:

- a reduction in the ability to reclaim and reuse water for beneficial uses, including drinking water and irrigation water supplies, due to high salinities in the water delivered to water treatment and reclamation facilities,
- a reduction in the yield of salt sensitive crops, increased water use to meet leaching requirements and additional actions necessary to comply with the Clean Water Act for the agricultural sector,
- an increased use of imported water and cost of desalination and brine disposal for recycling water in the municipal sector,
- a reduction in the useful life of galvanized water pipe systems, water heaters, faucets, garbage disposals, clothes washers and dishwashers, and increased use of bottled water and water softeners in the household sector,
- an increase in the cost of cooling operations and the cost of water softening, and a decrease in equipment service life in the commercial sector,
- an increase in the use of water and the cost of water treatment, and a corresponding increase in sewer fees in the industrial sector,
- a decrease in the lifespan of treatment facilities and pipelines in the utility sector, and
- difficulty in meeting wastewater discharge requirements to comply with National Pollutant Discharge Elimination System permit terms and conditions, and an increase in desalination and brine disposal costs necessary to minimize accumulation of salts in groundwater basins.

The Colorado River Basin Salinity Control Forum (Forum) is composed of gubernatorial appointees from Arizona, California, Colorado, Nevada, New Mexico, Utah, and Wyoming. The Forum is charged with reviewing the Colorado River's water quality standards for salinity every 3 years to facilitate compliance with Section 303(c) of the Clean Water Act (Public Law 92–500). In so doing, it adopts a Plan of Implementation consistent with these standards. The level of appropriation requested in this testimony is consistent with the adopted Plan of Implementation. If adequate funds are not appropriated, significant damages from higher salinity

concentrations in the water will be more widespread in the United States and Mexico.

In summary, implementation of salinity control practices through BLM is a cost-effective method of controlling the salinity of the Colorado River and is an essential component of the overall Program. Continuation of adequate funding levels for salinity control within the Aquatic Resources Program will assist in preventing further degradation of the Colorado River's water quality and a commensurate significant increase in economic damages to municipal, industrial and irrigation users. A modest investment in source control pays huge dividends in improved water quality to nearly 40 million Americans. The Forum requests that this committee direct BLM to continue its support of the Program and expend at least \$2.0 million in 2025 from its Aquatic Resources Program for Colorado River salinity-control specific activities.

[This statement was submitted by Don A. Barnett, Executive Director, Colorado River Basin Salinity Control Forum.]

PREPARED STATEMENT OF THE CONFEDERATED SALISH AND KOOTENAI TRIBES OF THE FLATHEAD RESERVATION

My name is Carole Lankford and I am a member of the Tribal Council of the Confederated Salish and Kootenai Tribes of the Flathead Reservation. We appreciate the Senate Interior Appropriations subcommittee for its dedication to the needs of Indian Country and the opportunity to present testimony concerning these important appropriations.

For thousands of years the Bitterroot Salish, Upper Pend d'Oreille, and Kootenai people thrived in portions of what is now Montana, Idaho, and British Columbia. Under the Hellgate Treaty of 1855, the Flathead Reservation was reserved as our permanent homeland and encompasses over 1.2 million acres in western Montana situated around the southern half of Flathead Lake, the largest freshwater lake west of the Great Lakes. Our Tribes are made up of approximately 8,000 enrolled Tribal members, with approximately 5,000 Tribal members living on the Reservation. Our Reservation has a total Reservation population of roughly 30,000 people.

As a Self-Governance Tribe we have for decades carried out all functions of the Bureau of Indian Affairs and Indian Health Services on our Reservation, as well as the functions of the Environmental Protection Agency under the Treatment as States authorities for many years. Local control and wise fiscal management have allowed us to stretch limited resources far beyond the capabilities of the Federal Government. Despite the efficiencies our Tribal government can achieve, limitations on Federal resources present significant challenges for the delivery of services. These challenges have been exacerbated by unprecedented drought, mental health, and addiction facing our communities.

INDIAN HEALTH SERVICE FUNDING

Our Reservation continues to face a serious mental health and addiction crisis worsened by the introduction of fentanyl and other opioids to our Reservation. Existing resources and methods are inadequate to effectively combat the complexities associated with opioid abuse. We are dedicated to providing needed mental health care and substance abuse treatment. We are engaged in several promising initiatives that, with adequate resources, will produce results. However, full funding for the Indian Health Service is a critical component to adequately address this mental health and addiction crisis.

BUREAU OF INDIAN AFFAIRS

Social Services, Public Safety and Housing. Our Tribal Council has undertaken an aggressive response to the mental health, addiction and housing crisis faced by our people. Perhaps the most significant component of our response is our participation in the Tiwahe Initiative. Tiwahe was established in 2015 to improve the health and wellbeing of families in Tribal communities by reducing poverty, substance abuse, domestic violence, and associated outcomes, such as youth suicide.

We appreciate the subcommittee's support for Tiwahe, and strongly encourage additional support for Fiscal Year 2025. The President's 2025 budget requests an increase of \$28.6 million for additional support for Tiwahe Social Services, Housing, Tribal Justice Support, Tiwahe Indian Child Welfare Act programs, services, functions, and activities, including support for Tribal capacity building, and direct funding opportunities to Tribes seeking to develop and operate Healing to Wellness courts. At CSKT we have had tremendous success with our efforts to reduce recidivism and with our drug and wellness courts. Through our participation in Tiwahe,

we intend to expand these important programs to help families and individuals struggling with substance abuse to access critical services so that they can be successful in housing, employment, and sobriety.

Since joining Tiwahe we have made significant strides in the development steps leading to a well-coordinated system of change resulting in positive outcomes for our children and families. We have identified the need to create a coordinated service delivery system to break through silos and have implemented a cross-disciplinary team to co-case manage children in need of care and services. We are working to incorporate Tribal language and cultural perspectives into our programming, reviewing our codes and policies to address current challenges, and eager to begin subsequent phases through action and strategic planning.

In addition to the President's FY 2025 requested increases, we also encourage the subcommittee to provide an additional \$2 million in Tiwahe Job Placement/Training funds and \$5 million to establish a Tribal Economic Development component within the Tiwahe Initiative to further development and deployment of multi-disciplinary socioeconomic solutions. Funding will support Tribes in developing and operating comprehensive, integrated economic and community development programs.

In addition to Tiwahe funding, we support increased resources for social services, housing, Tribal Court, law enforcement and corrections. Homelessness and overcrowding are at all-time highs across Indian country. The housing situation on our Reservation is further complicated by the drug and mental health crisis we face, as eligibility for Tribal housing may be impacted by addiction issues and drug and mental health events of one individual may have wide-reaching impacts on all members of that individual's household. The average home price on our Reservation far exceeds what a typical Tribal family can afford with a price tag of \$725,000. Increased Federal funds are necessary to enable the Tribal government to increase housing availability for Tribal members on the Reservation. And importantly, housing funding must include the resources for infrastructure to ensure all new housing has water, sewer, electricity, and broadband access.

Social services are critical to the wellbeing of families on the Reservation. For example, we provide services that support Tribal people in entering into and staying in the workforce, as well as parenting programs that help parents acquire the tools and practices of good parenting, which in turn helps keep many children out of the foster care system.

Tribal courts are essential to a strong economy and safe communities. Our Tribal Court system provides an important venue for resolution of conflicts on the Reservation. And our Tribal Defender's office is leading several cutting-edge efforts to reduce recidivism which include novel approaches to case management and the provision of wraparound services like supportive housing. But these efforts need additional funding. This is especially the case because the Tribal Court system faces additional burdens and significant challenges associated with mental health and addiction.

Similarly, law enforcement and corrections are in dire need of additional funding throughout Indian country, especially as opioid and other illegal substance use increases as people self-medicate to treat mental illness. Most cases handled by our law enforcement and in our jail have a substance abuse component.

In addition, the Tribal Council is facing significant uncertainty as the State of Montana and its political subdivisions are anticipated to seek retrocession of felony criminal jurisdiction under Public Law 280 within the next few weeks. If the State is successful in withdrawing from its public safety obligations, CSKT will necessarily need to assume a dramatic increase in public safety related services. Full funding for law enforcement and corrections is imperative if we are to adequately police our communities.

Importantly, if CSKT is required to assume additional public safety obligations due to State retrocession, existing infrastructure will be wholly inadequate. Our criminal justice programs are spread out among different buildings and locations, hindering collaboration. Funding for Tribal justice centers with space aligned with the Tribal restorative justice values and objectives will be vital in consolidating justice-related programs, ensuring adequate detention capacity, implementing effective treatment programs to address addiction and reduce recidivism, and providing vocational and other training and educational services to help people to leave the justice system with the ability to return to their communities and find meaningful work.

Natural Resources: Wildland Fire and Aquatic Invasive Species. We thank the Committee for recent increases in Federal wildland fire appropriations and appreciate continued attention to additional funding for future challenges particularly in light of unprecedented drought conditions. We also encourage continued support for parity, equity, and inclusion of Tribal wildland fire management programs during the Agency allocation of these funds. Current criteria limits funding to full-time,

permanent wildland firefighters. However, due to our remote location and limited resources we regularly rely on part-time and seasonal employees as well as employees with other responsibilities in addition to just firefighting to fight fires when they arise.

CSKT's Division of Fire was stretched to the breaking point during with fires in 2021 and 2022 that ravaged our homelands due in large part to inadequate infrastructure to support an evolving fire landscape. Lack of available space and facilities for permanent and emergency personnel and equipment is a problem that has grown exponentially over the past few years. With dry conditions expected this season we continue to see the critical need for a single engine air tanker base facility, personal facilities, vehicle bays for engines, and training and assessment facilities.

We also are keenly concerned with the detection, prevention and eradication of invasive species and on the resiliency of our Tribal lands. There has been little to no coordinated effort across the Columbia River Basin for the protection against the introduction of Aquatic Invasive Species (AIS), such as the zebra and quagga mussels. Because it only takes one boat to infect an entire watershed, every potential vector is a threat to the entire region. It is therefore critical to empower local parties who are best suited to guard against invasion with additional resources and to build strong partnerships throughout the Basin. In our view, Federal monetary support and assistance in enhancing coordination are key to adequately protecting the vital water resources of the Pacific Northwest. Because of the interconnectedness of waterways, protection against AIS is an area where Federal funds can match or supplement local efforts in a cost-effective manner.

Additionally, and just as importantly, because the Federal Highway system is the primary vector for transmission of invasive species, including AIS, any robust line of defense against invasive species must involve the establishment of permanent check stations on all Federal highways in and out of the Columbia Basin. Working in tandem, the Transportation and Interior Departments could ensure that traffic is safely and efficiently moved into check stations, where watercraft can be inspected safely by local staff from Tribes, States, and local governments. These check stations could be constructed in conjunction with rest areas and weigh stations throughout the Basin.

CSKT operates a number of programs that defend against the introduction of invasive species and mitigate the invasions that have already occurred. But funding for our efforts is sparse and inconsistent. We must have adequate resources and support for coordinated efforts among the various sovereigns in the region.

ENVIRONMENTAL PROTECTION AGENCY

Finally, we thank the Committee for additional resources provided in recent cycles for Solid and Hazardous Waste and the Brownfields Program. However, we strenuously urge Congress to prioritize adequate funding for the Environmental Protection Agency programs for Tribal communities. Tribal EPA programs steadily decreased for nearly a decade and a half, placing an unreasonable drain on our government and our ability to sustain vital programs to monitor, reduce, and prevent pollution on our Reservation. The Federal trust responsibility requires the United States to ensure the Tribes continue to have a livable homeland where pollution levels are safe for people, wildlife, and the environment. Without stable funding, CSKT cannot build sustainable and effective programs to protect our environment and community.

Critical programs for protecting the Tribes' permanent homeland have seen stagnation or decreases in funding over the past decade or so. These critical programs include the Clean Water Act Section 106 Water Quality Program, the Wetland Program Development Grant program, the Clean Air Act Section 103 and Section 105 Air Quality Program, the Underground Storage Tanks and Leaking Underground Storage Tanks Program, and Tribal Federal Insecticide Fungicide Rodenticide Act ("FIFRA") Program.

[This statement was submitted by Carole Lankford of the Confederated Salish and Kootenai Tribes.]

PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE CHEHALIS RESERVATION

On behalf of the Confederated Tribes of the Chehalis Reservation (the "Tribe"), thank you for the opportunity to provide testimony to the subcommittee. My name is Dustin Klatush, and I serve as the Chairman of the Chehalis Business Committee, the governing body of the Tribe.

The Tribe requests that the subcommittee prioritize the need for increased funding for the Bureau of Indian Affairs' (BIA) law enforcement and Housing Improvement Program (HIP), as well as ensuring that the BIA has the necessary staff and processes to make timely payments of contract support costs (CSC).

The Chehalis Reservation was established by Executive Order in 1864 and is located between the confluence of the Chehalis River and the Black River. Geographically, the Tribe is located approximately halfway between Seattle and Portland, just off Interstate 5. The Tribe's 5,500-acre reservation is largely checkerboarded, and spans three different counties in southwestern Washington state. The Tribe has approximately 996 Tribal members, with forty percent of them being under the age of eighteen.

LAW ENFORCEMENT

The Chehalis Tribal Police Department (PD) carries out law enforcement and detention services under a contract with the BIA under the Indian Self-Determination and Education Assistance Act of 1975. Our BIA law enforcement contract allows us to have greater control and flexibility in the use of funds, program designs, services, functions, and activities, as needed, to address our local public safety and justice needs.

The Tribe's PD has 13 commissioned officers who are certified under state law to enforce State and local criminal laws, in addition to Chehalis Tribal criminal laws. Currently, the Chehalis PD has two vacant positions. According to the BIA Tribal service population model for the Scalable Law Enforcement Budget¹, the Tribe receives funding for a full-time basic program. Like most Tribes, however, the BIA portion of the Tribe's law enforcement represents a fraction of the actual need.

The Tribe is responsible for more than just its service population. The Tribe daily sees an influx of approximately 5,000 to 10,000 employees and visitors to the Tribe's reservation. As noted above, the Tribe's reservation spans 5,500 acres and is checkerboarded with parcels up to 20 miles apart. The distance traveled to cover the area and reach all parcels is much larger than just the Tribe's land base of 5,500 acres. The increase in visitor traffic to the reservation and the actual distance traveled should justify an increase in BIA law enforcement funding, so that the Tribe can hire more officers.

Most Tribes also need additional resources to assist with the recruitment and retention of experienced law enforcement officers. The Tribe has lost experienced law enforcement officers to neighboring jurisdictions offering more competitive pay and benefits. This competition has been amplified by the shortage of officers in Washington and the recruiting efforts of neighboring jurisdictions. The Tribe currently offers a competitive salary only because it supplements the funding it receives from the BIA with significant Tribal funds. More BIA law enforcement funding is needed to allow Tribes to be more competitive with neighboring jurisdictions.

In FY 2024, most BIA law enforcement programs received level funding compared to the FY 2023 enacted levels. The FY 2025 President's Budget Request seeks a \$45.5 million increase in Criminal Investigations and Police Services, with \$33.5 million specifically allocated to increase the number of officers and investigators in Indian Country. The Tribe is requesting that the subcommittee fund the Criminal Investigations and Police Services account with at least the FY 2025 requested levels.

HOUSING IMPROVEMENT PROGRAM

Forty percent of Chehalis Tribal members are under the age of eighteen, demonstrating a need for new housing for Tribal members that will only become more acute over time. The Chehalis Tribal Housing Authority (CTHA), the Tribe's tribally designated housing entity, estimates that fifty low-income houses are required to meet the current waiting list demand. The CTHA primarily relies on funding from the Department of Housing and Urban Development's Indian Housing Block (IHBG) grant program.

The IHBG grant program, however, does not cover all housing-related needs. The BIA's HIP program provides funds to Tribal members with substandard or no housing and no immediate housing assistance. HIP funds can be used for home repair, renovation, replacement, and new housing. HIP funds are allocated to BIA area offices based on an inventory of housing needs, including the number of units in substandard condition and the number of units needing renovation or replacement.

¹ Report to the Congress on Spending, Staffing, and Estimated Funding Costs for Public Safety and Justice Programs in Indian Country, 2020. Bureau of Indian Affairs, Office of Justice Services. March 2023; pages 4–5.

When the Tribe receives HIP funds it provides them to the CTHA. Last year, the CTHA used HIP funds to provide plumbing upgrades in nine low-income homes. Like most Tribes with unmet housing needs, it could use more resources from the HIP program to improve and extend the life of its existing housing stock. In FY 2024, the HIP program received \$11.9 million, which is a \$280,000 decrease in funding from the FY 2023 enacted levels. The President's FY 2025 Budget Request seeks \$18 million for FY 2025. The Tribe requests that the Committee fund the HIP program at the requested levels or higher levels.

CONTRACT SUPPORT COSTS

In the BIA's Northwest Regional Office, there is an acute shortage of contracting officers to process various types of transactions, including processing payments for CSC. The Tribe is awaiting payment for its CSC for fiscal years 2021, 2022, 2023, and 2024, which collectively amount to more than \$4 million. Timely payments of CSCs assist in keeping our contracted programs, such as law enforcement, housing, and other programs and services, operating smoothly.

Based on discussions with the BIA, the reason for the delay is the shortage of contracting officers in the BIA. We understand that this problem is not limited to the Northwest Region but is nationwide. Given the backlog in payments that the Tribe (and likely other Tribes) are experiencing, the Department should deploy contracting officers from other agencies within the Department to assist the BIA in clearing the backlog of late CSC and other payments that Tribes are waiting for. We request that the Committee include the following language in the report that will accompany the FY 2025 bill:

The Committee is aware that a lack of contracting officers has resulted in a backlog of payments of contract support costs and other types of payments to Tribes, in some cases going back multiple fiscal years. The Committee directs the Department to deploy contracting officers from other bureaus and agencies to the Bureau of Indian Affairs on a short-term basis to assist in resolving this backlog.

I want to thank the subcommittee for allowing me to provide testimony. Please feel free to contact me directly with any questions.

[This statement was submitted by Dustin Klatush, Chairman, Confederated Tribes of the Chehalis Reservation.]

PREPARED STATEMENT OF THE CONFEDERATED TRIBES OF THE COLVILLE RESERVATION

On behalf of the Confederated Tribes of the Colville Reservation (the "Colville Tribes" or the "CCT"), I thank you for this opportunity to provide testimony on the subcommittee's FY 2025 spending bill.

The CCT has three recommendations for the subcommittee's consideration:

(1) Indian Health Service (IHS): The CCT would like the subcommittee to include report language directing the Government Accountability Office (GAO) to investigate and report on IHS's management of the Purchased/Referred Care (PRC) program at IHS managed facilities, specifically on why IHS has allowed such a large amount of carryover PRC funds in most IHS Area Offices.

(2) Public Safety and Justice: the Colville Tribes has a fraction of the number of officers it needs to patrol its 1.4-million-acre (2,200 square mile) reservation. The CCT urges the Committee to provide a significant increase to the applicable accounts for law enforcement officer salaries to enable Tribes nationwide to hire more officers and retain the officers that they have.

(3) Prioritize Tribal Wildland Fire Funding Requests: Approximately half of the 1.4-million-acre Colville Reservation has burned due to the wildfires during the past decade, yet Tribes routinely must compete for resources within DOI for funding from other DOI land management agencies. Tribes, on a per acre basis, receive a fraction of what is spent on U.S. Forest Service and other Federal lands for forest management and wildfire preparedness. The CCT urges the Committee to include language that would require DOI to prioritize funding requests from Tribes for preparedness and other on-reservation fire prevention purposes.

BACKGROUND ON THE COLVILLE TRIBES

By way of background, although now considered a single Indian Tribe, the Confederated Tribes of the Colville Reservation is a confederation of 12 aboriginal

Tribes and bands from across eastern Washington state, northeastern Oregon, Idaho, and British Columbia. The present-day Colville Reservation is in north-central Washington state and was established by Executive Order in 1872. The Colville Reservation covers more than 1.4 million acres and its boundaries include portions of both Okanogan and Ferry counties. Geographically, the Colville Reservation is larger than the state of Delaware and is the largest Indian reservation in the Pacific Northwest.

DIRECT GAO TO INVESTIGATE IHS'S ADMINISTRATION OF THE PRC PROGRAM AT IHS
MANAGED FACILITIES

The Colville Tribes is a "direct service" Tribe, which means that IHS provides all health services, from delivery of care to billing, using Federal IHS employees. For this reason, IHS has total control over the delivery of health care services on the Colville Reservation. The Colville Tribes in recent years have endured service delivery problems related to IHS's management of the PRC program that have directly resulted in Tribal member deaths.

For an approximately 5-year period that ended in October 2022, the Portland Area IHS Office administered the PRC program for the Colville Service Unit in using Portland Area Office staff, not local IHS employees located on-reservation. Many problems ensued, including the following:

- Onerous documentation requirements not required by the IHS handbook or any other IHS authority were imposed on Colville Tribal members to prove they were eligible for PRC. This meant that Tribal elders, on an annual basis, had to produce utility bills, blood quantum and other proof of Tribal enrollment, and other information not required by the IHS regulations or handbook in order to get referrals for specialty care. Those who were unable to produce this information either went without care or obtained care on their own and subsequently faced collection agencies when IHS refused to pay.
- During the 5-year period when the Portland Area IHS office administered the CCT's PRC program, thousands of unreconciled PRC purchase orders accumulated that have yet to be closed out. The Colville Tribes estimates that of the \$33 million in PRC carryover funds in the IHS Portland Area, as much as \$24 million is attributable to open PRC purchase orders from the Colville Service Unit.
- Private health providers have stopped participating in the PRC program and others have informed the CCT that they are considering abandoning it because the administrative difficulties in getting paid for services from IHS is no longer worth it for them.

IHS has been on GAO's high risk program list since 2017 and it would appear that many of the issues that prompted GAO to classify IHS as high risk continue on the Colville Reservation. We request that the Committee direct GAO to investigate IHS's administration of PRC program at IHS managed service units and obtain input from affected Tribal governments in the preparation of the report.

INCREASE FUNDING FOR BIA LAW ENFORCEMENT

There is a constant need for additional funding for Tribal law enforcement and detention operations. The CCT requests that the Committee provide a \$100 million increase for the Criminal Investigations and Police Services account to enable Tribes in all BIA regions to hire more police officers and retain their existing police officers.

As the Committee is aware, large land-based Tribes often lack a sufficient number of Tribal police officers. This often results in police response times in excess of four hours. There are occasions when the Colville Tribes has only a single officer on duty for the entire 1.4-million-acre Colville Reservation.

Collectively, the Colville PD has a 30 percent vacancy rate for both commissioned and non-commissioned officer positions. Nationwide, BIA law enforcement is funded at only a fraction of the actual need. Recruitment and retention remain acute issues even with the Colville Tribes supplementing the BIA funding allocation by more than 200 percent annually.

INCLUDE REPORT LANGUAGE DIRECTING THE SECRETARY TO PRIORITIZE TRIBAL
REQUESTS FOR WILDLAND FIRE PREPAREDNESS FUNDING

The Colville Tribes suggests that the subcommittee include language in its FY 2025 spending bill that directs the Secretary of the Interior to prioritize Tribal requests for preparedness funding from the Wildland Fire Management Account. During the past decade, more than half of the 1.4 million acre Colville Reservation has

burned in wildfire events and the CCT has been at the forefront of recommending policy changes to enable the Colville Tribes and similarly situated Tribes to protect their on-reservation forests.

Tribal forest managers are in the best position to assess the danger and risk to on-reservation Tribal forests. Tribes rely on their forest resources for many uses and purposes, including economic development, and have a motivation to protect them from wildfires that distinguishes them from other Federal land managers. If Tribes are able to receive preparedness funds quickly and without having to navigate bureaucratic red tape, they can prevent fire events from becoming massive wildfires.

Please feel free to contact me directly with any questions. Thank you again for the opportunity to provide this testimony.

[This statement was submitted by the Confederated Tribes of the Colville Reservation.]

PREPARED STATEMENT OF THE COOPERATIVE ALLIANCE FOR REFUGE ENHANCEMENT

The following members of the Cooperative Alliance for Refuge Enhancement urge Congress to allocate at least \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS). This funding is necessary for the Refuge System to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature.

Since 1995, the Cooperative Alliance for Refuge Enhancement (CARE) has worked to showcase the value of the Refuge System and to secure a strong congressional commitment to conserving these special landscapes. The CARE members listed below have endorsed this testimony and our request to your subcommittee. We represent millions of users of the National Wildlife Refuge System—wildlife watchers, hunters, anglers, wildlife professionals and conservationists, and Refuge Friends members.

American Birding Association	National Wildlife Refuge Association
American Fisheries Society	Safari Club International
Association of Fish and Wildlife Agencies	The Nature Conservancy
Backcountry Hunters & Anglers	The Corps Network
Congressional Sportsmen's Foundation	The Wilderness Society
Defenders of Wildlife	The Wildlife Society
Ducks Unlimited, Inc.	Theodore Roosevelt Conservation
Izaak Walton League of America	Partnership Trout Unlimited
Marine Conservation Institute	Wildlife Forever
National Audubon Society	Wildlife Management Institute
National Wildlife Federation	

The National Wildlife Refuge System is the world's largest network of lands and waters dedicated to wildlife conservation, and the only set of Federal lands in the Nation set aside for the management of America's native wildlife. Found in every U.S. state and territory, national wildlife refuges conserve a diversity of America's environmentally sensitive and vital ecosystems, including wetlands, coasts, forests, prairie, tundra, deserts, and oceans. These public lands and waters are important recreational and tourism destinations in communities across the United States, and offer a variety of recreational opportunities, including sustainable hunting and fishing, wildlife observation, photography, and environmental education and interpretation.

Funding for the Refuge System has only increased by 4.7 percent since FY2010 and currently sits at \$527 million, or \$5.55 per land acre. In today's dollars, the appropriations allocated in FY2010 equates to approximately \$765 million. Because funding has not kept up with inflation, accounted for annual fixed costs, or correlated with the growth and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased. This has led to unsustainably low staffing levels and lost capacity.

Our request of at least \$602.3 million for the Refuge System represents a needed increase over FY2024 funding levels and will help secure a strong future for the Refuge System, but more needs to be done. To achieve a fully funded and effective Refuge System, an annual budget of at least \$2.2 billion is needed to provide for its basic needs, meet mandates and public demand, and ensure commensurate staffing of other similarly sized public lands systems. This request is an important step towards that goal and we urge Congress to make significant investments in these treasured public lands and waters.

STAFFING CHALLENGES

At its peak, staffing levels exceeded 3,240 employees across the Refuge System. The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27 percent since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats.

The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day.

Rising fixed costs are also eating into annual appropriations. It costs the refuge system an estimated \$3 million for every one percent raise in payroll costs. Without base increases in the budget to cover these fixed costs, several much-needed positions are eliminated every year.

IMPACTS TO VISITORS

The Refuge System has grown significantly since FY 2010, adding 21 new refuge units and 549 million submerged marine acres, opening 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors-an increase of 47 percent since FY2011. While this growth has enhanced the Refuge System and benefited the communities around refuges, it has also put more pressure on the already stressed and underfunded System that provides vital wildlife habitat and important services to hunters, anglers, birders, and other nature enthusiasts.

Visitor Services staff has decreased by 25 percent since FY10 despite the increase in visitorship. Nearly all of the Refuge System's 125 visitor centers operate on limited hours, with some centers completely closed, and none would function without volunteers. However, many volunteer programs have been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure. In 2023, there were 48 percent fewer volunteers than in 2016.

The Refuge System has a large deferred maintenance backlog of \$2.65 billion, with most structures near or past the end of their maximum useful life spans, such as buildings, roads, bridges, and trails. As the Refuge System has opened additional acres for hunting and fishing, there has not been an equivalent increase in funding to improve habitat, maintain necessary infrastructure like blinds, boat launches, piers, parking lots, and restrooms, or support popular hunting and fishing programs for youth and serve people with disabilities, veterans, seniors, and others.

Public safety has also been jeopardized due to budget shortfalls, impacting both visitors and wildlife. As of February 2024, the Refuge System has the lowest number of law enforcement officers in over 10 years while simultaneously seeing its highest visitation and crime rates in its history. Currently, seven States have no officers stationed within their boundaries (CT, DE, IA, MI, NH, OH, VT), and nine States with just one officer (GA, Guam, HI, IN, KY, PA, PR, RI, WY). Increased funding is needed to improve visitor access, public safety, and wildlife protection.

IMPACTS ON FISH AND WILDLIFE

The limited staffing capacity has several negative impacts on the ecological health of the Refuge System. Due to capacity issues, only 27 percent, or 379 of the 1,364 threatened and endangered populations occurring on refuges, are monitored. This leads to compromised adaptive management capability, inability to manage invasive species, the destruction of native habitat, and the potential loss of more species. With current resources, USFWS can only successfully control 7 percent of 3.3 million acres of lands infested with non-native species, which has increased 30 percent since 2005. USFWS also has extremely limited capacity to effectively manage the Refuge System's millions of marine acres and 100 coastal and marine units.

Significant progress has been made in the early detection and rapid response against newly introduced invasive species on Refuge System lands thanks to the expansion of invasive species strike teams. Now up to 21 teams, this program eradicates and prevents the spread of invasive species on the Refuge System and nearby public and private lands, protecting natural resources for adjoining communities. For example, nutria has successfully been eradicated from the Delmarva Peninsula through this work in partnership with other agencies, which is helping to build resiliency against sea-level rise in impacted counties of the Chesapeake Bay. Funding for wildlife and habitat management activities is desperately needed to deal with

longer-term invasive species management challenges. Without funding to enhance and apply prevention measures, new threats will emerge and known invasive species such as phragmites, kudzu, quagga mussels, purple loosestrife, feral hogs, and invasive carps will continue their spread throughout the Refuge System.

By law, refuges must update their Comprehensive Conservation Plan (CCP) every 15 years. Up-to-date management plans ensure that each wildlife refuge can be adaptable to present and upcoming needs, from a changing climate and extreme weather events like wildfires to rising recreational visitors and commercial uses. However, over 60 percent of CCPs have become out-of-date or were never finalized, which severely limits landscape-level planning and adaptability to changing conditions. With an increased planning budget, refuges could modernize and update these important management plans that help them reach their conservation goals.

THE NEED FOR ACTION

Without a necessary increase in funding for the Refuge System, we anticipate further impacts both within and outside of refuge boundaries. These impacts could include more closures of visitor centers, elimination of environmental education programs for schools, reduced habitat quality, diminished hunting and fishing opportunities, reduced invasive species management on refuge lands and nearby private lands, and reduced capacity for prescribed fire, which is an important tool to improve wildlife habitat and to reduce hazardous fuels.

The common denominator to all these challenges is a lack of funding. Adequate staffing and funding are critical to the maintenance of healthy wildlife populations and access for recreational users to healthy ecosystems. Increasing funding for the Refuge System will empower and enable individual refuge units to deliver on-the-ground conservation that benefits wildlife and local communities across the Nation. We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System.

On behalf of our more than 16 million members and supporters, CARE thanks the subcommittee for the opportunity to submit comments on the FY2025 Senate Interior Appropriations bill. Thank you for considering our request of at least \$602.3 million for the National Wildlife Refuge System in FY2025. Please contact Libby Marking at lmarking@refugeassociation.org for additional information.

[This statement was submitted by the Cooperative Alliance for Refuge Enhancement.]

PREPARED STATEMENT OF THE COUNCIL OF INFRASTRUCTURE FINANCING AUTHORITIES

The Council of Infrastructure Financing Authorities (CIFA) represents the Clean Water and Drinking Water State Revolving Funds (SRFs), the Nation's premier programs for funding water infrastructure that protects public health. The SRFs are state-run programs that provide subsidized loans to build infrastructure that provides safe drinking water, recycled water for multiple purposes, wastewater treatment, stormwater management and environmental restoration and protection.

Requests from the Clean Water and Drinking Water SRFs:

- Fund both SRFs to congressionally authorized levels of \$3.25 billion each.
- Fund congressional earmarks separately from the SRFs.
- Eliminate duplicative mandates for additional subsidy (grants and principal forgiveness).
- Eliminate the outdated mandate for green infrastructure.
- Protect public health.

Fully funding the SRFs at \$3.25 billion each is a conservative and economical investment in water infrastructure. Stable, routine investment in water infrastructure is the single greatest factor in averting life-threatening and costly water crises in communities across the Nation.

MAINTAIN AFFORDABLE WATER BILLS

The SRFs provide loans at below market rates, which can cut interest payments by as much as 75% compared to a municipal bond or private financing. These sav-

ings alleviate the pressure on utilities to raise rates on water bills, which has a direct impact on family budgets.

MEET THE GROWING DEMAND FOR AFFORDABLE FINANCING

Increased Federal funding of the SRFs is needed to meet the growing demand for SRF subsidized loans, which has skyrocketed due to the increased cost of planning, design, construction and financing.

- According to the results of the 7th Drinking Water Needs Survey, America needs to invest \$625 billion over the next 20 years to provide safe drinking water to communities across the Nation, a 32% increase from previous assessment.
- According to the recently released results of the Clean Watershed Needs Survey, America needs to invest \$630.1 billion over the next 20 years in clean water infrastructure—55% for wastewater infrastructure, 18% for stormwater infrastructure, 15% for nonpoint source control and 12% for decentralized systems.
- Complying with more stringent water quality standards requires new investments in sophisticated and often expensive treatment technologies.
- While historic inflation has ebbed, the cost of planning, design and construction remains well above pre-pandemic levels, particularly in rural communities that can least afford it.
- Higher construction costs are compounded by higher financing costs from rising interest rates on the municipal market. The cost of borrowing has become a barrier to needed investment in water infrastructure.

STRENGTHEN FISCAL RESPONSIBILITY

Increasing Federal funding for the SRFs is a fiscally responsible approach to funding water infrastructure. Federal funding used for subsidized loans creates a perpetual, renewable source of revenue to meet the never-ending need to rehabilitate, replace and modernize aging infrastructure. Loan repayments are funding water infrastructure projects that may never have been built if the SRFs were established as a traditional Federal grant program.

RESTORE FINANCIAL INTEGRITY

Unfortunately, Congress is systematically turning the SRFs, which have been successful, sustainable, state-run loan programs, into a massive Federal grant program. Over the last 3 years, Congress has diverted \$3.73 billion in Federal funding from the SRFs to pay for congressional earmarks which are 100% grants. Congress has also mandated that the SRFs use another \$1 billion of annual Federal funding for principal forgiveness or grants instead of subsidized loans. As a result, more than 55% of recent annual Federal funding for the SRFs will be used one time for one project in one community, rather than over and over for multiple projects in perpetuity.

FUND THE SRFs FIRST

Congress can restore financial integrity to the SRFs by funding the programs first, then funding congressional earmarks in addition to the SRFs. Using the SRF capitalization to pay for congressional earmarks may be convenient, but it is inconsistent with the goals of the SRFs, one of which is to provide a long-term, cost-effective and sustainable strategy for rehabilitating, replacing and modernizing aging infrastructure to protect public health and the environment.

- First, congressional earmarks are grants, not loans. Giving away a majority of annual Federal funding as grants diminishes the long-term lending power of the SRFs.
- Second, SRF projects must be prioritized based on risk to human health, environmental protection and affordability. It's unclear how congressional earmarks are selected.
- Third, congressional earmarks redistribute the allotment of Federal funding, which is established by Federal law. Congressional earmarks don't offset cuts to programmatic funding for the SRFs. In fact, nearly all States have experienced a net loss of Federal funding for water infrastructure (SRF funding plus congressional earmarks) since Congress began using the SRF capitalization grant to pay for congressional earmarks.

SUNSET THE DUPLICATIVE MANDATE FOR “FREE MONEY”

For more than a decade, annual appropriations bills have required the SRFs to provide a portion of annual Federal funding as principal forgiveness or grants. For the last 3 years, Congress has maintained these Federal mandates, despite duplicative Federal mandates being enacted in Infrastructure Investment and Jobs Act (IIJA). Since then, the Federal mandate for the Clean Water SRFs doubled from 10% to 20% and the Federal mandate for the Drinking Water SRF increased from 20% to 26%.

Sunsetting the duplicative Federal mandates won’t end financial assistance for communities that need help. The Clean Water Act and Safe Drinking Water Act provide flexibility for the SRFs to use up to one-third of their annual Federal funding to help communities that couldn’t otherwise afford to build a water infrastructure project. Additionally, most States have more generous and flexible assistance programs to support small, rural and economically disadvantaged communities.

RESTORE AUTONOMY FOR PRIORITIZATION OF SRF-FUNDED WATER INFRASTRUCTURE PROJECTS

For more than a decade, Congress has required the SRFs to allocate 10% of annual Federal funding to build “green” water infrastructure projects as determined by the U.S. Environmental Protection Agency. While well-intentioned, this Federal mandate can have the unintended consequence of diverting annual Federal funding from water infrastructure projects that may provide greater protection for public health and the environment.

Sunsetting this Federal mandate is unlikely to impact investment in “green” projects. Green projects are the norm today, growing substantially over the last 10 years because of the need for resilient and sustainable solutions, demand by consumers, and cost-savings. Perhaps most importantly, many communities have adopted a more integrated and holistic approach, incorporating “green” components into every project rather than treating a green project as a separate special project.

FUND STATE PROGRAMS THAT SUPPORT INFRASTRUCTURE INVESTMENT

The Public Water System Supervision Grants and Water Pollution Control (Section 106) Grants play an integral role in building infrastructure projects that protect water quality and public health. Without increased Federal funding for these programs, States may not have adequate resources to process permit applications and conduct other fundamental obligations for drinking water and wastewater infrastructure projects.

[This statement was submitted by the Council of Infrastructure Financing Authorities (CIFA).]

PREPARED STATEMENT OF DETROIT INTERNATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of the nonprofit “friends group” that supports the Detroit International Wildlife Refuge (DRIWR). We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Since 2001 the Detroit River International Wildlife Refuge has existed as the only international refuge in North America and proudly stands as one of only 14 priority urban refuges in the Nation with the distinct responsibility to bring conservation to cities. Stretching from southwest Detroit to the Ohio-Michigan border, the refuge highlights a remarkable 48 miles of shoreline. With over 6,000.00 acres of land under the careful watch of the U.S. Fish and Wildlife Service priorities such as conserving, protecting and restoring habitats for birds, fish and plants are a reality.

To further the necessary work of the DRIWR a dedicated group of individuals came together in 2005 to form the nonprofit “friends group” known as the International Wildlife Refuge Alliance (IWRA). Nearly 20 years later the Alliance’s mission “to support the first International Wildlife Refuge in North America by working through partnerships to protect, conserve and manage the Refuge’s wildlife and habitats, and to create exceptional conservation, recreational and educational experiences to develop the next generation of conservation steward.” remains our prime focus.

Now in its 23rd year, the refuge continues to conserve, protect, and restore habitats for the many fish, birds, animals, and plants thriving on the refuge, while also

serving an equally important role of providing physical, mental and emotional support to the tens of thousands of visitors each year. The LEED-certified visitor center was designed and built to provide visitors of all ages and backgrounds the opportunity to experience a hands-on environmental and interpretive conservation adventure. The interpretive trails, learning stations and wildlife observation decks throughout the refuge invite individuals and families to explore, learn and embrace nature. For a truly unique opportunity, visitors can enjoy a casual stroll or the excitement only fishing can create on our 740-foot fishing pier, providing experienced or first-time anglers access to some of the Nation's finest fishing.

With fewer individuals DRIWR Staff will be required to do more to maintain the level of service the Refuge System and visitors have come to expect. In 2023, more than 180,000 people visited the DRIWR and over 18,600 visitors enjoyed the hands-on experience provided when entering the John D. Dingell Visitor Center. After only 4 months in 2024 both total refuge visitations and specifically visitor center visitations are on pace to far exceed the total numbers of 2023. We continue to ask our Refuge staff to focus on designing programs, creating habitat, increasing outreach while cutting their funding. How can we expect their devotion, passion, and commitment to the service and those they serve to remain at the highest level when our words say "continue to serve and give more" while our actions say "your service isn't valued" when we cut funding.

The DRIWR staff is comprised of dedicated individuals who give of their time, energy, knowledge, and passion to provide each visitor the opportunity to learn, explore, and grow as individuals and conservationists. To support the wonderful work of refuge staff the IWRA's Nature Store Manager, board members and volunteers help operate the Nature Store within the refuge visitor center, provide some volunteer staff to outreach events, and assist park rangers during field trips and classroom activities. IWRA's Executive Director is instrumental in researching and applying for grants, creating sponsorships, and collaborating with donors to support large and small projects on the refuge. IWRA's board continues to explore opportunities to build new partnerships, strengthen relationships, and work with local organizations and agencies to encourage and actively create an inclusive environment enjoyed by all visitors.

Since 2010 the overall Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and has seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere \$0.62 (or 62 cents) per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

The Refuge system is forced to reduce the workforce necessary to adequately run each of the refuges, which creates fewer opportunities to fully implement the worthwhile and necessary programs and educational experiences required to reduce barriers and create inclusive programs for all visitors.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Gary R. Kirsh, the Chairperson of the International Wildlife Refuge Alliance, the “friends group” of the Detroit River International Wildlife Refuge at 1-586-707-5773.

[This statement was submitted by Gary R. Kirsh, Chairperson, International Wildlife Refuge Alliance.]

PREPARED STATEMENT OF “DING” DARLING WILDLIFE SOCIETY

I submit this testimony on behalf of the “Ding” Darling Wildlife Society, the non-profit friends group supporting the J.N. “Ding” Darling National Wildlife Refuge Complex located on Sanibel Island, Florida, and its thousands of members who love this Refuge and the entire National Wildlife Refuge system.

It is an honor to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate a minimum of \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Before Covid-19, the J.N. “Ding” Darling National Wildlife Refuge welcomed more than a million annual visitors from around the world. It gave the refuge staff, volunteers and friends group the opportunity to educate and inspire these visitors about the importance of protecting our natural lands and having them available to both the wildlife and to each and every one of us. The refuge has been in existence for nearly 80 years and the friends group since 1982.

With the mission to “Protect, Educate and Inspire”, the “Ding” Darling Wildlife Society (DDWS) worked for more than 40 years supporting the Refuge and its staff. We see the challenges that the small staff faces daily in accomplishing the conservation work necessary to maintain a refuge the size of “Ding” Darling and it is our mission to help fill in the gaps where Federal funding has fallen short. But it is not enough.

Wildlife Refuges around the country not only foster a deeper connection between people and nature, but also generate significant economic benefits for the communities and surrounding areas in which they are located. By allowing visitors to explore these natural habitats, wildlife refuges promote environmental education, conservation awareness, and appreciation for biodiversity. Moreover, increased eco-tourism to these areas stimulates local economies through spending on lodging, dining, and recreational activities, thereby creating job opportunities and supporting small businesses.

To understand the significance of funding for the National Refuge System, it is important to understand how the system has grown in both size and visitors. Since 2010, the Refuge System has added 21 new refuge units and 549 million submerged marine acres and opened 6 million acres for hunting and fishing. Visitation has grown to over 68 million annual visitors—an increase of 47 percent since 2011. While we all celebrate this growth and the benefits to the communities, it also puts considerable added pressure on the already under-funded Refuge System and its dedicated staff.

Funding for the Refuge System has only increased by only 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When you add in water acres, that becomes a mere .62 per acre. Then when you consider the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System’s real time budget has decreased even more significantly. We simply cannot operate a system as important as this on a shoestring budget like that.

The number of full-time Refuge employees (FTEs) -already a fraction of the other comparable Federal land agencies at merely 2,500 FTEs-has decreased by 16% since FY2010. At “Ding” Darling, the refuge staff has decreased by nearly 50% over the last 20 years. This makes it almost impossible for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats, as well as educating the public on the importance of conservation.

The impacts of insufficient funding and increased capacity are felt here at the J.N. “Ding” Darling National Wildlife Refuge and throughout the entire Refuge System. The funding shortage impacts conservation planning, wildlife and habitat management, visitor services, law enforcement, and overall maintenance. Just like “Ding” Darling, none of the other refuges in the country are fully staffed, and more than half of the refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged, due to the lack of funding. In addition, many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day in their jobs. Many volunteer programs have been cut

back or eliminated due to a lack of supervision from professional staff or necessary infrastructure.

We ask Congress to fully fund the US Fish and Wildlife Service and its national wildlife refuge system to safeguard America's rich biodiversity, preserve critical habitats, protect imperiled species, and inspire millions of people. Adequate funding enables the US Fish and Wildlife Service to effectively manage and conserve diverse ecosystems and ensure their resilience. The national wildlife refuge system provides invaluable opportunities for outdoor recreation, wildlife observation, and education, benefiting millions of visitors each year and fostering a deeper appreciation for the natural world. It deserves adequate funding.

By investing in the US Fish and Wildlife Service and its refuge system, Congress not only ensures the long-term health of ecosystems and wildlife populations but also promotes sustainable use of natural resources and supports local economies through tourism and recreation-related revenue. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million, while considerably short of the ultimate need, is an important step toward that goal and is what we ask you to support.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me directly or our Executive Director, Ann-Marie Wildman at wildman@dingdarlingsociety.org.

[This statement was submitted by William H. Harkey, Board President, "Ding" Darling Wildlife Society.]

PREPARED STATEMENT OF DEFENDERS OF WILDLIFE

Mister Chairman, Ranking Member and Members of the subcommittee, thank you for the opportunity to submit testimony. I am Mary Beth Beetham, Director of Legislative Affairs at Defenders of Wildlife. Founded in 1947, Defenders has nearly 2.2 million members and supporters and is dedicated to the conservation of wild animals and plants in their natural communities.

Biodiversity is in crisis on a global scale. Numerous scientific studies in the last several years have raised the alarm about this crisis. A landmark 2019 study¹ compiled by hundreds of the world's leading scientists found that about one million species are facing extinction. In February 2023, a new study² found that 40% of animals and 34% of plants in the United States are at risk of extinction, while 41% of ecosystems are facing collapse. The health of wildlife and ecosystems is directly related to human health—healthy ecosystems support clean water, clean air, and pollination, on which we all depend. The 2024 World Economic Forum Global Risks report continues to find that biodiversity loss and ecosystem collapse is one of the fastest growing global risks, ranking as third most severe over the next 10 years after extreme weather events and change to Earth's systems.³

The biodiversity crisis cannot be addressed without funding—more than 1,900 scientists previously signed a letter⁴ published in the journal *Science* which asked Congress to fully fund conservation programs to protect biodiversity, including the Endangered Species Act (ESA). We were extremely disappointed with the funding cuts in the final FY 2024 bill. Given the scale of the catastrophe facing the planet's wildlife, significant increases, not cuts, are needed in every area.

Defenders very much appreciates the removal from the final FY 2024 appropriations bill of all the new riders in the House version of the bill that would have undermined the ESA, including protections for individual species, and would have blocked other key wildlife conservation efforts. However, we are deeply disturbed that the final bill once again included the longstanding prohibition on protecting the sage-grouse under the ESA that has been in the bill since 2014. We urge the subcommittee to remove the sage-grouse rider from the FY 2025 bill and to reject all such riders that undermine the ESA and protections for wildlife.

¹ Diaz, S., J. Settele, E. S. Brondizio, et al. 2019. "Summary for Policymakers of the Global Assessment Report on Biodiversity and Ecosystem Services of the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services."

² NatureServe. 2023. Biodiversity in Focus: United States Edition.

³ World Economic Forum Global Risks Report 2024

⁴ Malcom, J et al. 2019. "Solve the biodiversity crisis with funding." *Science* 365 (6459): 1256

FISH AND WILDLIFE SERVICE

The U.S. Fish and Wildlife Service (FWS) is our Nation's premier wildlife conservation agency. To address the biodiversity crisis, the agency needs additional increases to support recovery of threatened and endangered species; protect migratory birds and fish, species of global conservation concern and other trust species; and prevent domestic and international wildlife crimes.

Ecological Services—Defenders is part of a coalition of more than 115 organizations requesting a significant infusion of funds into the Ecological Services program to begin to address the biodiversity crisis. We very much appreciate the \$338.1 million in the president's request, but the need is far greater. Based on available data on the needs and costs for ESA implementation by FWS across its programs, as well as inflation adjustment, our recommendation is \$735.6 million, or \$447.3 million more than the FY 2024 level:

- Listing: There are approximately 200 species on the FWS National Listing Workplan for FY 2022–FY 2027 that must be reviewed for protections under the ESA, with more species petitioned for protection every year. For FWS to meet this obligation, a total of \$70.1 million is needed annually, an increase of \$48.1 million.
- Recovery: Of the more than 1,600 listed U.S. species, more than 1,200 have no recovery plans or have plans that are at least a decade old and that may no longer contain current scientific information, especially related to climate change. Hundreds of listed species receive less than \$1,000 per year for recovery and many receive no FWS funding at all. Congress should provide a minimum of \$101,000 per year per species for recovery. For FWS to meet its obligations under the recovery budget, a total of at least \$469.4 million is needed annually, an increase of \$358.9 million.
- Planning and Consultation: FWS conducts ESA Section 7 consultations on more than 10,000 Federal actions each year so that projects can move forward while minimizing harm to listed species. The agency also has significantly increased obligations under the Infrastructure Investment and Jobs Act (IIJA). To meet these needs and to continue development and expansion of the web-based Information for Planning and Consultation (IPaC) system, work with other agencies to develop proactive recovery plans under ESA §7(a)(1), monitor ESA compliance and work with non-federal stakeholders to develop Habitat Conservation Plans, \$185.6 million is needed annually, an increase of \$67.4 million.
- Conservation and Restoration: A total of \$10.5 million per year, a \$4 million decrease is sufficient for the Candidate Conservation element of Conservation and Restoration to assist with early conservation action on the current 23 candidate species.
- Wolf Livestock Loss Demonstration Program: Defenders urges continued funding at no less than \$1 million for this program that assists livestock owners co-existing with wolves.

National Wildlife Refuge System Operations and Maintenance—A key component of addressing the biodiversity crisis in the U.S. is to refocus Federal land management on it. Our National Wildlife Refuge System is the largest network of public lands and waters in the world dedicated to wildlife conservation. Since 2010, the System has added 2 million land acres, 18 national wildlife refuges, and 600 million acres of Marine National Monuments, has experienced a 46 percent increase in visitation, and has worked to significantly expand its urban refuge program in historically excluded communities. Despite its growing responsibilities, the System has lost 27 percent of its staff since 2010. Appropriations during that time have not kept pace with inflation, even in years when there has been a modest increase in funding. The \$527 million provided for the System in the FY 2024 bill, a decrease of \$14.5 million from FY 2023, will leave it even further below the FY 2010 inflation adjusted level of roughly \$735 million. Defenders recommends \$2.2 billion, an increase of \$1.7 billion, which is needed for the System to meet its mission.

Partners for Fish and Wildlife—Defenders supports the \$68.1 million in the president's request, an increase of \$9.1 million, to address a backlog of applications and fund practices that could restore tens of thousands of land acres and stream miles on private land. We urge inclusion of report language directing continued prioritization of projects that connect, enlarge, and buffer national wildlife refuges.

Migratory Bird Management—In North America nearly 3 billion birds have disappeared since 1970 and the only group to not suffer severe declines was waterbirds

that has received substantial funding over the decades.⁵ The administration is currently working to develop regulations to govern incidental take under the Migratory Bird Treaty Act following the restoration of previously weakened MBTA protections. We are extremely pleased with the \$73.1 million in the request, an increase of \$19.9 million, to support crucial survey and monitoring programs, to build resilience of bird species and their habitats, to help support development of proposed regulations under the MBTA, and to support Urban Treaties intended to create bird-safe environments in cities.

Office of Law Enforcement (OLE) and International Affairs (IA)—For OLE, we support the \$110.7 million in the request, an increase of \$18.8 million, to help OLE continue to address the crisis in the illegal global wildlife trade and the threat of zoonotic diseases. For IA, we support \$31 million, an increase of \$2.4 million, crucial in continuing to combat the illegal wildlife trade and to build capacity in range countries.

ePermits—We support the consolidation of the multi-program ePermits system into one subactivity at a funding level of \$13.5 million as included in the request. Defenders is hopeful that this consolidation will lead to improved oversight, compliance, and transparency. This funding also should support the provision of information on permit applications and issuances to the public.

Science Applications—We support the request of \$37.9 million, an increase of \$4.1 million, to maintain and enhance partnerships and habitat strategies focused on biodiversity, adaptation, and resilience.

Key grant programs—We support: \$121.8 million for the Cooperative Endangered Species Fund, an increase of \$67.2 million; \$10 million for the Neotropical Migratory Bird Fund, an increase of \$5 million; and \$30 million for the Multinational Species Conservation Fund, an increase of \$9.5 million.

U.S. FOREST SERVICE AND BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) and the U.S. Forest Service (FS) manage close to 20 percent of the country's land base, providing habitat for hundreds of species listed under the ESA and thousands of sensitive species. These agencies have long been deprived of the funding they need to adequately conserve and recover imperiled species. Proactive investments to recover at-risk species can prevent the need for listing under the ESA. Likewise, recovery actions help listed species reach the point where they can eventually be delisted. Given the enormity, urgency, and complexity of the extinction crisis and the importance of Federal public lands, continued increases are still needed for programs listed below to help prevent species' extinctions and restore resilient native ecosystems.

FS Threatened, Endangered and Sensitive (TES) Species—We request \$23 million for the TES Program and re-establishment of the TES budget line item under Wildlife and Fisheries Habitat Management (WFHM). Based on cost estimates in ESA recovery plans, FS would need to spend roughly twice the requested amount annually to meet its responsibility to help recover the over 400 listed plant and animal listed species on FS-administered lands. This request should also be reflected in top-line increases for WFHM to ensure that increased capacity for TES does not detract from WFHM's other mission-critical functions, including "keeping common species common."

FS Land Management Planning, Assessment and Monitoring—We request \$32 million, an increase of \$17.5 million, for planning, assessment, and monitoring. Land management plans provide the blueprints for how national forest and grassland natural resources are to be utilized and sustained for 10–15 year periods. Close to half of all land management plans are over 15 years old and not reflective of current science and conditions. Increased funding is necessary to ramp up revisions and amendments. The 2012 planning rule requires that plans advance threatened and endangered species recovery and adaptations to climate change. Outdated plans cannot provide adequate guidance for managing projects and activities in the era of climate change and unprecedented biodiversity loss.

BLM Plant Conservation and Restoration—Defenders supports \$34.7 million, an increase of \$14.1 million, for BLM, in coordination with other agencies, to support rare plants conservation and operationalize recent National Academy of Sciences (NAS) recommendations⁶ for providing a reliable supply of native seeds necessary for ecological restoration and climate resilience. NAS warned that insufficient sup-

⁵Rosenberg, L. V. et al. 2019. "Decline of the North American avifauna." *Science* 366 (6461): 120–124.

⁶National Academies of Sciences, Engineering, and Medicine. 2023. *An Assessment of Native Seed Needs and the Capacity for Their Supply: Final Report*. Washington, DC: The National Academies Press. <https://doi.org/10.17226/26618>.

plies of native seeds and plant materials are a major barrier to ecological restoration and revegetation and that “substantial inter-institutional commitment...at a much more intensive and expansive level than is currently underway” is needed. We also urge establishment of the program as its own activity given its substantial responsibilities and importance to many Bureau programs.

BLM Threatened and Endangered (T&E) Species—Defenders recommends \$38.5 million, an increase of \$4.5 million, and elevation of the program to its own sub-activity to meet its obligations to help recover the over 300 listed species that occur on public lands. This increase should be reflected in top-line increases for Wildlife Habitat Management (WHM) to ensure that increased capacity for T&E does not detract from WHM’s other mission-critical functions.

BLM Wildlife Habitat Management (WHM)—Defenders supports \$162 million, an increase of \$19 million and \$8.6 million above the president’s budget. This amount will help offset both recent needed increases in nested programs that were not reflected in increases in WHM and increases in fixed costs. It also will help fund the conservation of unlisted imperiled wildlife and wildlife corridors.

U.S. GEOLOGICAL SURVEY

Ecosystems—Defenders supports the \$326.1 million in the request, an increase of \$26.7 million to support development of crucial scientific information for sound management of our Nation’s biological resources. This includes a total of \$69.3 million, an increase of \$6.2 million for the National and Regional Climate Adaptation Centers.

[This statement was submitted by Mary Beth Beetham, Director of Legislative Affairs, Defenders of Wildlife.]

PREPARED STATEMENT OF DETENTION FACILITY AND PUBLIC SAFETY IN NORTHEAST OKLAHOMA

Problem. For many years, the State of Oklahoma and the Federal Government treated reservations in Oklahoma as disestablished, but this wrongful assumption was recently corrected. The Federal Government and Tribal Nations now need significantly more resources to provide law enforcement and public safety services throughout newly-affirmed Indian Country in Oklahoma. Most pressing for us, there is not an adequate detention facility in Northeast Oklahoma in which to house offenders, and this deficiency is a major barrier to Tribal Nations’ exercise of criminal jurisdiction on their lands. Additionally, there are not sufficient resources for detainees struggling with chemical dependency and mental health issues, resulting in serious recidivism challenges.

Reservation Affirmations. The U.S. Supreme Court ruled in *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), concerning the Muscogee (Creek) reservation, that reservations in Oklahoma are subject to the same exacting test for disestablishment as Tribal Nations’ reservations elsewhere. Since that ruling, multiple other Tribal Nations’ reservation boundaries have been affirmed, empowering Tribal Nations in Oklahoma to exercise their territorial jurisdiction. On March 7, 2024, the Oklahoma Court of Criminal Appeals in *Oklahoma v. Fuller*, Case No. S–2023–409, affirmed what we already knew to be true: the Wyandotte Reservation—the seat of our government and the land on which our Ancestors sought refuge and created a home—continues to exist. This shifted the Wyandotte Nation’s jurisdictional footprint in Oklahoma from approximately 760 acres of trust land to over 20,000 acres of reservation land. Many Tribal Nations near us have also had their reservation boundaries affirmed, including the Miami Tribe of Oklahoma, Ottawa Tribe of Oklahoma, Peoria Tribe of Indians of Oklahoma, Quapaw Nation, and Cherokee Nation. We expect the Eastern Shawnee Tribe of Oklahoma and Seneca-Cayuga Nation to receive affirmations soon.

No Existing Detention Facilities. The Tribal Nations in Northeast Oklahoma have exercised jurisdiction over their trust lands even prior to the decision in *McGirt*, and therefore they have some public safety infrastructure in place. At present, some have agreements whereby they place offenders at the local county jail. However, we cannot understate the deteriorating condition of this facility and the lack of staff and services available there, in addition to its small size. Beyond the local county jail, no Tribal Nation operates a local detention facility, nor does the Department of the Interior’s Bureau of Indian Affairs.

Cooperation. Many of the Tribal Nations located in Northeast Oklahoma have cooperated closely on their exercise of criminal jurisdiction post-*McGirt*, including the Miami Tribe of Oklahoma, Eastern Shawnee Tribe of Oklahoma, Ottawa Tribe of

Oklahoma, Seneca-Cayuga Nation, Shawnee Tribe, and Wyandotte Nation. This Tribal Consortium has also worked closely with the Oklahoma Attorney General and District Attorney, Ottawa County, and City of Miami. These governmental units have a healthy working relationship and a desire to coordinate to create a safe community for all, and they all support bringing more Federal public safety resources into the area.

Past Efforts to Secure Detention Facility. Prior to many of the reservation affirmation decisions, the Tribal Consortium in 2022 submitted and was denied a Coordinated Tribal Assistance Solicitation (CTAS) grant application to build a new detention facility. As part of the CTAS grant application process, the Tribal Nations designed a shovel-ready project that they would have operated jointly to provide detention and rehabilitative services. The Tribal Nations also made appropriations requests for this facility last year, along with other funding requests related to public safety.

REQUESTS FOR FISCAL YEAR 2025.

- Congressionally Directed Spending for Detention Facility. The Department of the Interior Budget Justification for Fiscal Year 2025 recognizes the need for funding to support “the detention and corrections needs for Tribes” in the wake of McGirt. The Wyandotte Nation seeks a congressionally directed spending item to fund construction and operation of a detention facility in Northeast Oklahoma—either by the Tribal Nations in accordance with the plans set forth in their CTAS grant application or by the Department of the Interior to house offenders prosecuted in Tribal as well as Federal courts. According to the CTAS grant application, construction costs were estimated at \$26,849,750, and annual operating costs were estimated at \$2,808,462.
- McGirt Funding for Tribes. In recent legislation, Congress has appropriated \$62 million to the Department of the Interior to allocate to Tribal Nations to implement public safety changes resulting from McGirt. This funding must be increased, and indeed the Budget Justification recognizes “other Tribes which collectively span the eastern half of the State of Oklahoma” have now had their reservations affirmed and will be sharing in this money. Additionally, the Department must allocate sufficient monies to each Tribal Nation with an affirmed reservation. Its current allocation methodology would only provide \$135,370 to the Wyandotte Nation, which is woefully insufficient. The Wyandotte Nation is seeking at least \$154 million for Public Safety and Justice monies in the Interior, Environment, and Related Agencies appropriation legislation to flow to McGirt Tribal Nations.
- Funding for Office of Justice Services’ Law Enforcement in Oklahoma. The Federal Government is responsible for providing law enforcement services in Indian Country, including policing and detention services. Some of the Tribal Nations in Northeast Oklahoma have contracted or compacted for portions of these services, including the Wyandotte Nation. The Wyandotte Nation is seeking increased funding for Public Safety and Justice monies in the Interior, Environment, and Related Agencies appropriation legislation to better fund the Department of the Interior’s Office of Justice Services’ law enforcement in Oklahoma.
- Funding for Northern District of Oklahoma U.S. Attorney’s Office. The Federal Government is also responsible for prosecuting Federal crimes in Indian Country. In the past, Congress has appropriated funding to the Department of Justice for increased workloads resulting from McGirt, including at the U.S. Attorney’s Offices. The Wyandotte Nation is seeking increased funding for Salaries and Expenses for U.S. Attorneys within the Commerce, Justice, Science, and Related Agencies appropriation legislation to provide the Northern District of Oklahoma U.S. Attorney’s Office the support it needs to prosecute crimes in Indian Country.

[This statement was submitted by Wyandotte Nation, Chief Billy Friend.]

PREPARED STATEMENT OF THE DINÉ BI OLTA SCHOOL BOARD ASSOCIATION (DBOSBA)

The Navajo Nation established the Diné Bi Olta School Board Association (DBOSBA) to represent the locally-elected school boards within the Navajo Nation. With its representation of school boards from the 66 Bureau of Indian Education-funded (BIE) schools located on the Navajo Nation in Arizona and in New Mexico, DBOSBA’s membership constitutes more than one-third of the 183 BIE-funded schools nationwide. Of those 66 BIE-funded schools, 32 are operated by the BIE and

34 are tribally-operated (33 pursuant to grants under the Tribally Controlled Schools Act, Public Law 100–297 (TCSA) and one pursuant to a contract under the Indian Self-Determination and Education Assistance Act, Public Law 93–638 (ISDEAA)). DBOSBA unites school boards to advocate for educational programs and services that help ensure each Navajo student graduates with the preparation necessary to lead a productive and fulfilling life, with knowledge and understanding of Navajo language and culture.

DBOSBA appreciates the key increases the subcommittees provided FY 2023, but is concerned that the discretionary spending caps set by Fiscal Responsibility Act for FY 2024 and FY 2025 are keeping these critical programs flat funded, when increases are in fact needed just to provide parity with other school systems. DBOSBA respectfully asks that Congress prioritize funding for Indian Education in this FY 2025 budget. Our requested funding levels and policy priorities for the FY 2025 Bureau of Indian Education and Bureau of Indian Affairs budgets are as follows:

- \$950 million for ISEP Formula Funds (BIE);
- Ensure full funding for Teacher Pay Parity (BIE);
- Ensure that all the employees of BIE-funded schools receive Federal Employees Retirement System (FERS) benefits (BIE);
- Full and Forward Funding for Facilities Operations (BIE);
- Full and Forward Funding for Facilities Maintenance (BIE);
- \$86 million for Student Transportation (BIE);
- \$50 million for Early Childhood and Family Development (BIE);
- \$39 million for Education IT, equitably provided to schools (BIE);
- Continued full funding for Tribal Grant Support Costs (BIE);
- Mandatory funding for Payments for Tribal Leases and Contract Support Costs (BIA);
- Substantial and sustained increases for Education Construction (BIE) and a robust reauthorization of the Great American Outdoors Act; and
- Ensure BIE implementation of the statutory mandates Congress established (BIE).

ISEP Formula Funds are the core account for BIE-operated and Tribally Controlled Schools. This account funds everything from classroom instruction materials and teacher salaries to gifted and talented programs, and summer programs. Increases in ISEP Formula Funds directly benefit students and help attract and retain the quality teachers vital to our students' academic success. BIE-funded schools across the Nation are facing a significant teacher shortage, but that shortage is particularly acute here on the Navajo Nation, where many schools operate in remote locations, and because the surrounding public schools in New Mexico and Arizona have responded to the teacher shortage by substantially increasing teacher pay. Having the resources to attract and retain quality teachers is one of our biggest challenges and substantial increases are needed. Unfortunately, the \$518.1 million the BIE requested for ISEP Formula Funds for FY 2025 would only provide an estimated Weighted Student Unit (WSU) value of \$8,033 per student. When adding in some prorated non-ISEP line items which schools receive, the per student amount is still far behind the estimated \$25,000 the Department of Defense Education Activity spends per student and estimated \$14,000 on average spent per student by public schools across the country. When recommending \$950 million for FY 2025 ISEP Formula Funds, the Tribal Representatives to the Tribal/Interior Budget Council calculated the average per student funding in public schools, multiplied by the WSU, and accounted for 1% contingency. When appropriating funding for ISEP Formula Funds, Congress must consider that these stark disparities, particularly between the two federally funded school systems in the Nation, are simply unacceptable and have significant, negative impacts on our students.

Full Funding for Teacher and Counselor Pay Parity is a critical tool for attracting and retaining quality teachers. Federal law requires the BIE to provide funding so that teachers and counselors in the BIE-funded school system may be paid equivalent salaries to their counterparts in the Department of Defense Education Activity. Federal law also provides that, at the discretion of the local school board, a BIE-operated school may pay salaries consistent with those paid by public schools in the state where the BIE school is located.

DBOSBA would like to thank Congress for the ongoing direction that the BIE clearly display funding amounts required to comply with Defense Department-equivalent pay rates and to include sufficient funding in its budget request to fully fund these requirements. The detailed information on this issue requested by Senate Re-

port 118–83 is particularly helpful and we ask that it be continued for FY 2025. Given the acute teacher shortages, this parity is essential to our schools' ability to recruit and retain qualified teachers.

Ensuring that all employees of BIE-funded schools receive Federal Employees Retirement System (FERS) benefits would significantly bolster the ability of Tribally Controlled Schools in the BIE-funded school system to attract and retain quality teachers. In Senate Report 118–83, accompanying the FY 2024 Consolidated Appropriations Act, Congress stated that,

“The Committee is concerned about the inequity created by the loss of Federal Employees Retirement System [FERS] benefits for teachers and staff when Tribes exercise their self-determination right to operate BIE-funded schools under Public Law 100–297 grants or Public Law 93–638 contracts. The loss of these benefits is a major impediment to the recruitment and retention of teachers and staff, as these Tribally Controlled Schools often bear the hardship of recruiting, hiring, and training teachers and staff only to lose them shortly thereafter to other schools offering better pay and benefits. Any policy denying Federal benefits to employees carrying out a Federal trust responsibility is incompatible with the Federal policy of self-determination. Congress recognized this incompatibility and barrier to recruitment and retention in 2020 when it extended the Federal Employee Health Benefits [FEHB] program to teachers and staff of Tribally Controlled Schools.”

As such, we urge the subcommittees to use the appropriations process to equitably extend FERS benefits to teachers and staff at Tribally Controlled Schools in the BIE-funded school system.

Full and Forward Funding for Facilities Operations and Facilities Maintenance. These two accounts play a pivotal role in the health and safety of our students and staff and are for day to day operating expenses. Facilities Operations is for things like monthly utilities and Facilities Maintenance is for preventive, routine, and unscheduled maintenance—not the type of things that can wait. These two accounts are also severely underfunded and two of the remaining core school operations accounts not forward funded. This means that when there are government shut downs or continuing resolutions, some schools do not receive these critical funds until the end of the school year! This also creates significant accounting problems for schools because they have to borrow from other forward funded accounts, such as their ISEP Formula Funds, when this funding is delayed. Delays in funding for these two accounts also delays Tribal Grant Support Costs (a forward funded account) from being calculated and provided to schools because Tribal Grant Support Costs are calculated based on total funding a school receives. Further, significantly more funding is needed to address the BIE system-wide deferred maintenance backlog (estimated to be more than \$804 million in the BIE's FY 2025 Budget Justification).

Student Transportation (BIE) and Road Maintenance for School Bus Routes (BIA) are of particular importance to schools located on the Navajo Nation. Our students travel some of the longest distances to their schools on some of the worst roads in the Nation. Outdated buses improperly equipped to handle the many unpaved and unimproved roads put our students' safety at risk or can mean that our students miss critical instruction days and fall behind their peers in other jurisdictions. DBOSBA also cautions that the proposed conversion to electric buses could actually present new problems given the extensive distances of remote bus routes on the Navajo Nation and the limited electric system capacity of many of our communities. Without further increases for Student Transportation and Road Maintenance, and the alignment of new technologies to our circumstances, this precarious situation will continue.

Early Childhood and Family Development funding plays a critical role in preparing children for school and supporting and empowering their parents. Substantial program increases are needed each year to expand these opportunities to more BIE-system schools. Of the 183 schools in the BIE-funded school system, the BIE's FY 2025 Budget Justification reports that just 51 receive Early Childhood and Family Development funds. The National Education Association finds that children in early childhood education programs are: less likely to repeat a grade; less likely to be identified as having special needs; more prepared academically for later grades; more likely to graduate from high school; and more likely to become higher earners in the workforce. DBOSBA asks the subcommittees to increase funds for this critical line item.

Education IT, specifically, funding to increase connectivity for schools and students is critical: our schools' connectivity needs persist even after the worst of the pandemic recedes. Further, DBOSBA is concerned to hear reports that the BIE may be prioritizing Education IT resources for BIE-operated schools, while directing Tribally Controlled Schools to “just use your ISEP funds” to address critical technology needs. Any policy denying Federal resources to Tribally Controlled Schools

carrying out a Federal trust responsibility is incompatible with the Federal policy of self-determination. Education IT and other Federal resources must be equitably shared throughout the entire BIE-funded school system.

School Replacement Construction and School Facilities Improvement & Repair in the BIE's Education Construction budget significantly impact the health and safety of our students and staff. This funding not only helps keep our students and staff safe, it also helps prolong the useful life of our school buildings. Unfortunately, many schools throughout the BIE-funded system are far beyond the end of their safe and useful life and must be replaced. Many of these schools in poor or dangerous condition are located on the Navajo Nation. The BIE's FY 2025 budget justification reports that only five of the 10 schools on the 2016 School Replacement List are complete and none of the 40 schools identified through the Site Assessment—Capital Investment (SA—CI) program lists for 2019, 2020, 2021, 2022, or 2023 are complete. Of these 40 schools identified through the SA—CI process, only 10 of them are classified as “funded.”

If we take these 30 unfunded schools identified through the SA—CI process and estimate \$90 million per school, that calculates to \$2.7 billion in unfunded schools waiting on the current SA—CI replacement lists, alone. Indeed, the \$7.3 billion recommended by the Tribal/Interior Budget Council (TIBC) Tribal Representatives just for the BIE's FY 2025 Education Construction budget (of which \$6.2 billion would be for Replacement School Construction and \$1 billion would be Facilities Improvement and Repair), is based on replacing all the schools rated in poor condition that have not yet been funded. If Congress continues to fund Replacement School Construction at the FY 2023 rate of \$116.5 million per fiscal year, Congress will never catch up. Unfortunately, we understand that the type of significant and necessary increase in funding recommended by the TIBC Tribal Representatives is not likely to be a reality for FY 2025, given the current discretionary budget caps and subcommittee allocations in place. With this in mind, we urge Congress to protect and increase Education Construction funding to the greatest extent possible and to swiftly reauthorize the Great American Outdoors Act, which has provided a supplemental \$95 million per year for 5 years to help address this staggering and dangerous backlog in the BIE-funded school system.

Continued Full Funding for Tribal Grant Support Costs means that Tribally Controlled Schools can focus ISEP funds where it counts: supporting students, improving classroom instruction, and attracting and retaining quality teachers. DBOSBA thanks Congress for providing full funding for Tribal Grant Support Costs since FY 2016.

Shifting Tribal Leases and Contract Support Costs to Mandatory Funding would make the discretionary budget process more predictable and would free up additional funding for Indian Education programs within the topline allocation for the Interior, Environment and Related Agencies appropriations bill. In the BIA's FY 2025 budget request, the Administration is requesting that these accounts be classified as mandatory spending in FY 2026. DBOSBA strongly supports the request to reclassify these accounts, but urges that this occurs in FY 2025.

Ensure BIE implementation of the statutory mandates Congress established in Public Law 95–561 and Public Law 100–297. Congress provided clear statutory parameters to “facilitate Indian control of Indian affairs in all matters relating to education.” 25 U.S.C. §2011(a). For example, when Congress enacted Public Law 95–561, it established consultation requirements to ensure Tribal school officials have the opportunity to guide BIE policy and improve the BIE's response to the needs of Indian students and our communities. Through Public Law 95–561, Congress also authorized local Tribal school boards to exercise substantial control over the hiring and budgeting decisions of BIE-operated schools. Through Public Law 100–297, Congress limited the BIE's bureaucratic authority over Tribally Controlled Schools' resources and prohibited the BIE from unilaterally transferring Federal responsibilities to local school boards unless such transfers are accompanied by the resources to carry them out. Yet, the BIE is undermining local school board authority at BIE-operated schools by ignoring statutory mandates that require BIE to consult with local Tribal school boards when making hiring and budgeting decisions and to provide school boards with approval authority over such decisions. The BIE is also subjecting Tribally Controlled Schools to burdensome requirements that are not permitted by statute, have not been agreed to by the schools, and that operate to perpetuate the Federal bureaucratic domination of Indian education programs. These policy concerns have an adverse practical effect: the BIE has made it much more difficult and much more expensive for Navajo schools to provide quality educational services in our communities. BIE must establish a training program to ensure BIE officials at all levels in the BIE bureaucracy comply with the statutory framework governing Indian education.

[This statement was submitted by Ervin Chavez, Executive Board Chair of the Diné Bi Olta School Board Association.]

PREPARED STATEMENT OF THE ENTOMOLOGICAL SOCIETY OF AMERICA

The Entomological Society of America (ESA) respectfully submits this statement for the official record in support of funding for entomology-related activities at the U.S. Environmental Protection Agency (EPA), the U.S. Department of Agriculture (USDA) Forest Service, and the U.S. Department of Interior (DOI). For fiscal year (FY) 2025, ESA recommends \$976 million for the EPA Science and Technology (S&T) account, with \$40 million towards the Science to Achieve Results (STAR) Program, as well as strong support for programs across the agency that advance the safe application of pesticides. ESA also strongly supports EPA's commitment to work with other Federal agencies to monitor and improve pollinator health. In addition, ESA requests the Forest Service be funded at no less than \$9.7 billion in discretionary funds. Within the Forest Service, ESA requests the Forest and Rangeland Research budget be supported with at least \$349 million to preserve valuable invasive species research and development. The Society also supports the Forest Inventory and Analysis Program be funded at levels no less than \$36.7 million and continued investment in Forest Health Management programs across the Forest Service at no less than the FY 2020 request level of \$100 million. ESA also recommends that DOI continue to support the important work of the National Invasive Species Council (NISC), at a level no less than \$2 million for its critical coordination of efforts across agencies to respond to invasive species.

Advances in forestry and environmental sciences, including the field of entomology, protect our ecosystems and communities from threats to our Nation's economy, public health, and agricultural productivity and safety. Through improved understanding of invasive insect pests and the development of biological approaches to pest management, entomology plays a critical role in reducing and preventing the spread of infestation and diseases harmful to national forests and grasslands. The study of entomology also contributes to the development of Integrated Pest Management (IPM) techniques, which use science-based, environmentally conscious, comprehensive methods to take effective management action against pests, often resulting in lower costs through a more judicious use of pesticides. Entomology also improves our knowledge of pollinators and factors affecting pollinator health and populations, helping to ensure safe, reliable crop production that meets the needs of a growing world population.

EPA carries out its mission to protect human health and the environment by developing and enforcing regulations, awarding grants for research and other projects, conducting studies on environmental issues, facilitating partnerships, and providing information through public outreach. Through these efforts, EPA strives to supply the Nation with clean water, clean air, a safe food supply, and communities free from pollution and harmful chemical exposures. EPA's Pesticides Licensing Program Area, supported by EPA's Science & Technology and Environmental Program & Management budgets, evaluates, and regulates new pesticides to ensure safe and proper usage by consumers. Through the mandate of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA uses scientific expertise and data, including knowledge gained from entomological sciences, to set maximum tolerated residue levels and to register pesticide products as effective and safe. By controlling insects that carry diseases of humans and domesticated animals, consume agricultural and horticultural products, and become established as invasive species that endanger our environment, pesticides registered by EPA help protect public health and the Nation's food supply.

Although pesticide registrations and regulations are within EPA's purview, the agency has not been a major sponsor of entomology research. However, EPA has provided support to projects that promote IPM adoption and the safe application of pesticides while also promoting pollinator protection. For example, the EPA has supported the Pesticide Educational Resources Collaborative (PERC), a cooperative agreement between the EPA's Office of Pesticide Programs and University of California Davis Extension, in collaboration with Oregon State University, which empowers farmworkers and other pesticide handlers to employ better and safer practices in pesticide use. Since 2016, PERC has developed and implemented over 40 multilingual pesticide-related training programs, manuals, videos, and guides which

are widely relied upon by the community.¹ The program has been so successful that it was renewed in 2021 for a second cycle, along with a similar program, PERC-Med focuses on education and awareness raising of the safe application of pesticides among health professionals. In addition, the EPA's Pesticide Environmental Stewardship Program (PESP) grants enable grantees to "implement sustainable pest management practices that reduce unnecessary risks from pests and pesticides."² While IPM is a long-standing paradigm for mitigating pests, relatively few focused funding sources are available to support entomologists conducting research or participating in community outreach on this subject. ESA encourages the committee to encourage EPA to expand IPM investments and support of other programs to promote the safe use of pesticides through increased funding for such activities across the agency's research and regulatory portfolios. ESA also requests \$976 million for EPA S&T including \$40 million for EPA's Science to Achieve Results (STAR) Program.

ESA is also supportive of increased funding for scientific studies and other efforts to protect pollinator populations and health. Pollinators play a vital role in our Nation's agriculture industry. Honeybees alone pollinate more than 100 crops in the U.S. and are essential to produce an estimated one-third of all the food we eat or export, contributing over \$24 billion in annual crop and seed production in the U.S. alone, with even greater contributions when accounting for ecosystems services. To ensure a healthy bee population, more research is needed to fully understand the diverse factors that endanger bee health. Pesticides represent just one potential risk to bees, but both the risks and benefits must be balanced, and they will vary between different crops and different crop-producing regions of the U.S. EPA is well-positioned to identify methods for protecting bee health. The agency has awarded agricultural grants to three universities to aid in the development of IPM practices that lower pesticide risks to bees while protecting valuable crops from pests. ESA supports EPA's continued participation in multi-agency efforts to investigate pollinator health and implement plans to prevent pollinator population decline -including the new Vulnerable Species Pilot Project.

The U.S. Forest Service (USFS) sustains the health, diversity, and productivity of 193 million acres of public lands in national forests and grasslands across 44 States and territories. Serving as the largest supporter of forestry research in the world, the agency employs approximately 30,000 scientists, administrators, and land managers. In addition to activities at the Federal level, the Forest Service provides technical expertise and financial assistance to state and private forestry agency partners. The USFS Forest and Rangeland Research budget supports the development and delivery of scientific data and innovative technological tools to improve the health, use, and management of the Nation's forests and rangelands. Programs within Forest and Rangeland Research provide science-based approaches to reduce and prevent the spread of destructive insects, plants, and diseases that can have serious economic and environmental consequences for our Nation. For example, USFS scientists are working to understand the impact of the mountain pine beetle (MPB, *Dendroctonus ponderosae*) on U.S. forests. Since 2000, outbreaks of MPB have affected more than 10 million hectares of lodgepole pine forests, compromising long-term forest health while creating the potential for more dangerous wildfires, loss of wildlife habitat, poorer water quality, and soil erosion.³ Such outbreaks are predicted to continue in the face of increased temperatures and drought associated with climate change. Funding for such studies will enable land managers to better predict and respond to ecosystem changes that occur following such outbreaks. ESA requests that Forest and Rangeland Research be funded with at least \$349 million for FY 2025.

In addition, research conducted through the Forest Service's Forest Inventory and Analysis (FIA) Program have provided valuable insight on how forest environmental conditions affected three problematic tick species in the southeastern United States. This research found that each species responds differently to environmental conditions, meaning that using only one forest management approach, such as controlled burning, may not be able to adequately control all tick populations. As tick populations increase and their habitats expand, more research is vital to better under-

¹ EPA Awards \$6 Million to the University of California, Davis to Support Pesticide Safety Outreach <https://www.epa.gov/newsreleases/epa-awards-6-million-university-california-davis-support-pesticide-safety-outreach>. Accessed April 19, 2024.

² Pesticide Environmental Stewardship Program Grants <https://www.epa.gov/pesp/pesticide-environmental-stewardship-program-grants>. Accessed April 19, 2024.

³ Fettig, C.J., R.A. Progar, J. Paschke, F.J. Sapio. Forest insects. G. Robertson, T. Barrett (Eds.). (2020) Implications of Forest Disturbance Processes for Sustainability in the Western U.S. PNW-GTR-XX. U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station, Portland, OR.

stand how to modify current forest management practices to control these populations and limit the spread of harmful diseases. ESA requests that the Forest Inventory and Analysis Program be funded at levels no less than \$36.7 million.

The Forest Health Management program, also implemented by the USFS, conducts mapping and surveys on public and private lands to monitor and assess risks from potentially harmful insects, diseases, and invasive plants. The program also aids State and local partners to prevent and control outbreaks that threaten forest health. Invasive forest insects cost local governments alone an average of over \$2 billion per year; direct costs to homeowners from property loss, tree removal, and treatment averages \$1.5 billion per year. The damage caused by these pests can often be mitigated by integrated pest management programs, but the success of such initiatives depends heavily on the presence of sustained funding and national response frameworks. A recent investigation of forest pest management programs supported by the USDA Forest Health Protection program identified several key weaknesses in modern pest management programs.⁴ Critically, these programs suffer from the lack of nationally coordinated response frameworks for invasive pests and minimal Federal investment in forest pest management programs, ultimately reducing the impact of programs that are designed to mitigate the economic impact of forest pests. The USDA Forest Health Management program provides the needed leadership and national coordination required to mitigate the economic burden of forest pests, but the success of their efforts is contingent upon a renewed national investment in forest health protection and insect pest management. To support these important functions, ESA requests that the subcommittee provide no less than \$100 million for Forest Health Management.

The National Invasive Species Council (NISC) plays a critical role in coordinating policy, communication, and technology application to address invasive species detection and response across 16 Federal agencies. NISC serves a vital function since the impacts of invasive species are felt across sectors (agriculture, environmental protection, public health). According to the NISC, invasive species impose substantial costs on society, leading to an estimated \$120 billion in environmental damages and losses annually in the United States. Invasive insects have directly impacted native insect populations and entire ecosystems through predation, plant consumption, and disease transmission. For example, emerald ash borer (EAB, *Agrilus planipennis*) is an exotic beetle discovered in Michigan in 2002. Since its discovery, EAB has been detected in 36 States, Washington, D.C. and five Canadian provinces. It has killed hundreds of millions of ash trees in North America and cost cities, property owners, forest products industries and many other stakeholders hundreds of millions of dollars.⁵ Preventing establishment of invasive species like EAB requires early detection and rapid response. Improving these efforts requires standard means of inspection and tracking and new technologies. NISC has responded by developing guidelines for decision makers that improve access to and analysis of invasive species information.⁶ Such methods enable effective communication and aid in early detection of invasive species and rapid response, saving billions of dollars' worth of crops, safeguarding ecosystems, and preventing the destruction of property. There are many other examples of NISC success addressing invasive species.⁷ ESA requests that the Committee provide the DOI funds to support NISC at no less than \$2 million.

ESA, headquartered in Annapolis, Maryland, is the largest organization in the world serving the professional and scientific needs of entomologists and individuals in related disciplines. Founded in 1889, ESA has more than 7,000 members affiliated with educational institutions, health agencies, private industry, and government. Members are researchers, teachers, extension service personnel, administrators, marketing representatives, research technicians, consultants, students, pest management professionals, and hobbyists. Thank you for the opportunity to offer the Entomological Society of America's support for programs at the National Invasive Species Council, Forest Service and EPA programs.

⁴ Coleman, T.W. et al. 2023. Evaluating a decade (2011–2020) of integrated forest pest management in the United States. *Journal of Integrated Pest Management* 14(1). <https://academic.oup.com/jipm/article/14/1/23/7317488>

⁵ Emerald Ash Borer Information Network <http://www.emeraldashborer.info/index.php>. Accessed April 19, 2024.

⁶ Enabling Decisions that Make a Difference: Guidance for Improving Access to and Analysis of Invasive Species Information 2018. https://www.doi.gov/sites/doi.gov/files/uploads/ism_guidance.pdf.

⁷ Holland, J.S., J.R. Kirkey, and J.K. Reaser. 2018. Protecting What Matters: Stories of Success. National Invasive Species Council Secretariat. 2018. https://www.doi.gov/sites/doi.gov/files/uploads/protecting_what_matters_stories_of_success.pdf.

For more information about the Entomological Society of America, please see <http://www.entsoc.org/>.
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[This statement was submitted by Jennifer A. Henke, BCE—President, Entomological Society of America.]

PREPARED STATEMENT OF THE ENVIRONMENTAL COUNCIL OF THE STATES

The Environmental Council of the States (ECOS)—the national nonprofit, non-partisan association of State and territorial environmental agency leaders—appreciates the opportunity to submit written testimony on the Fiscal Year 2025 (FY25) President's budget request for the U.S. Environmental Protection Agency (EPA). ECOS requests: \$671M for three specific Categorical Grant programs to help counter stagnant funding to the States for carrying out Federal delegated programs over the last two decades; \$3.25B each—full appropriations—for the Clean Water (CW) and Drinking Water (DW) State Revolving Funds (SRFs); and robust support for addressing per- and polyfluoroalkyl substances (PFAS) and the circular economy.

BUILDING STATE CAPACITY

Federal infrastructure funding and regulatory program support for States—the primary implementers and enforcers of the Nation's environmental laws—is critically needed for States to maintain robust, legally defensible programs.

Congress has established in the Nation's three key environmental statutes—the Clean Water Act (CWA), the Clean Air Act (CAA), and the Resource Conservation and Recovery Act (RCRA) Subtitle C—its intent for States to have primary responsibility and rights to prevent, reduce, eliminate, and control water, air, and hazardous waste pollution through the management of permit and enforcement programs. In assuming delegation, primacy, and authorization for Federal programs, States have made a commitment to match required Federal funding through approaches including seeking fees from the regulated community. However, States have been forced to seek funding to significantly overmatch costs to implement Federal programs. Federal support has eroded in the past two decades, whereas inflation has soared. A November 2023 report of the Association of State and Territorial Solid Waste Management noted, for example, that "STAG [State and Tribal Assistance Grants] funding fell \$63[M] short of the total cost to run the program in FY[22]." The \$63M difference was covered by "overmatch" by States, with States actually matching 48% of the grant funding, well beyond the 25% state match required. In FY24 enacted funding, the STAG grant supporting hazardous waste programs was reduced \$3.5M to \$101.5M, with \$5M directed to support post-consumer materials management or recycling facilities—further reducing funds for authorized state implementation of Federal hazardous waste programs to their lowest levels since before 2010 while new state program requirements are being added.

Failure to increase Categorical Grant funding to keep up with growing regulatory and permitting responsibilities has a material impact on a State and territory's ability to deliver permits in an effective and efficient manner. The Infrastructure Investment and Jobs Act (IIJA) provided funding to support communities and economic growth with transportation, water, and other infrastructure projects, yet these projects depend upon state environmental agencies to carry out permitting requirements. State environmental agencies are struggling to keep pace with increased permitting demands with limited staff.

At an April 2024 National Governors Association-ECOS Congressional Briefing on environmental protection, a State agency environmental director noted, "Finding and keeping knowledgeable staff is a real challenge, and... as long as staff see that the funding isn't necessarily stable, that's going to be a factor for them in terms of whether they stay at a State agency versus looking around to other opportunities.... State and local agencies really are the frontline for implementing the Federal clean air programs... it's really a challenge to keep... staff that are very knowledgeable in those areas." Other States have reported pulling staff away from permitting activities to meet deadlines for CAA State Implementation Plans or single projects that require multiple permit writers. Federal funding is critical to consistently support the state capacity required to implement and enforce these federally delegated programs. Many agencies are concerned about becoming a bottleneck in infrastructure and economic development projects because of the difficulties in competing for and retaining a specialized environmental permitting and related workforce.

To ensure States are able to support effective programs that respond to new regulatory requirements, maintain vibrant communities, and act as co-regulators with our Federal partners, ECOS asks Congress to:

- Provide \$271.9M in combined funding through the STAG account of EPA to support state implementation of CAA Sections 103, 105, and 106 for State and local air quality management;
- Provide \$275.1M in funding through the STAG account of EPA to support state implementation of CWA Section 106 actions for water pollution control; and
- Provide \$124M in funding through the STAG account of EPA to support state implementation of Section 3011 of RCRA for hazardous waste management, with any funding for implementation of a Federal permit program for coal combustion residuals in nonparticipating States, as authorized under section 4005(d)(2)(B) of the Solid Waste Disposal Act (42 U.S.C. 6945(d)(2)(B)), or to provide technical assistance to States establishing their own permitting program under section 4005(d) of the Solid Waste Disposal Act (42 U.S.C. 6945(d)) in addition to the amount for State programs.

STATE REVOLVING FUNDS

States ask the Committee on Appropriations to protect the integrity of the state-run and federally financed CW and DW SRFs, which affects our States' and territories' capacity to carry out Federal drinking water standards—including the recently adopted EPA PFAS standards—along with properly managing SRF programs to make new loans from these perpetual revolving funds. ECOS requests fully authorized FY25 funding of the CW and DW SRFs at \$3.25B each.

According to the Council of Infrastructure Financing Authorities, the subsidized loans offered by SRFs nationwide to build CW and DW infrastructure may result in as much as 75% in interest payment savings for communities. In 2022, the average interest rate was 1.25%, compared to market rates that exceeded 3% and are among the highest interest rates in decades. Lower interest rates result in more affordable water rates, a more favorable platform for business development, and cleaner water.

With the enactment of the 2022 IIJA, investments directed to the CW and DW SRFs were seen as transformative. Beginning in FY22, Congress appropriated funding for Community Project Funding/Congressionally Directed Spending (CPF/CDS) projects from SRF capitalization monies—now approximately half of the SRF appropriations—without a requirement for these projects to be included on a publicly vetted state Intended Use Plan (IUP). CPF/CDS erodes the corpus of the SRFs while designated funding waits for the specified community to apply. Forty-seven States and all five territories saw cuts to net water infrastructure funding in at least one of the last three fiscal years regardless of whether CPF/CDS projects were received.

A July 2023 Congressional Research Service report, *The Role of Earmarks in CWSRF and DWSRF Appropriations in the 117th Congress*, considered the impact of CPF on the SRFs in FY22 and FY23, including IIJA funding. Five States, the District of Columbia, Puerto Rico, and two territories did not receive CPF in these 2 years, but these and all States and territories saw across-the-board capitalization cuts. CRS found, “The States, territories, and the Tribes that received no earmarks for clean water infrastructure projects received approximately 13% less in clean water infrastructure funding after (emphasis added) considering the FY[22] IIJA supplemental appropriation for the CWSRF general program. For drinking water infrastructure funding, the States, territories, and Tribes that received no earmarks received approximately 19% less in available drinking water infrastructure funding after considering the FY[23] IIJA supplemental appropriations for the DWSRF general program.” IIJA does not cover the gap created by CPF/CDS for all States and territories, makes planning for annual SRF management more challenging, and is fiscally unsound over the long term once IIJA funding reaches its limit. We request that Congress maintain the corpus of the SRFs, and separately fund CPF/CDS projects.

In FY25, State and territorial SRF managers must also meet the increased required IIJA match of 20% (from 10% the first 3 years) and respond to increased EPA SRF oversight on climate resiliency and equity, increased project costs due to the scarcity of construction contractors, and competition for qualified engineers.

FUNDING AND MANAGING PFAS RESPONSIBILITIES

PFAS treatment, disposal, and destruction need continued advancements to enable water systems to fully comply with the National Primary Drinking Water Regulations (NPDWR), and to ensure PFAS is not moved across media, including to air.

States encourage funding to EPA to continue to establish science-based recommendations related to treatment technologies, to research and approve methods for total destruction, and to continue to assist States with monitoring—all with a greater sense of urgency and Federal resources. States need support from EPA to understand and successfully implement the updated interim guidance on destruction and disposal.

In addition, while the NPDWR rule applies only to public water systems, many Americans are on private wells and also experience challenges with PFAS contamination, but do not receive funding assistance under the SRFs. Congress should consider providing additional financial and technical support for all public water systems and communities before and after reaching the 5-year implementation deadline. We also encourage Congress to consider funding to assist State agencies in providing support to Americans who rely on private wells that are contaminated with PFAS. States need significantly more funding for state capacity building and infrastructure, including for assessments and the certification of laboratories, to achieve compliance with PFAS-related regulations.

ACCELERATING THE CIRCULAR ECONOMY

States and territories agree that sustainable materials management is a key strategy to help reduce carbon pollution and other environmental stressors, increase equity and community resilience, and grow the circular economy. Funding for solid waste and recycling infrastructure supports market-based and customized solutions in each State to maximize landfill diversion and ensure materials continue to have productive economic use.

ADVANCING INNOVATION AND PRODUCTIVITY

Finally, States and territories alongside EPA and Tribes benefit when we share information and learn from each other and from our colleagues in the public and private sectors. Congressional funding for state capacity building funds these supportive activities, such as through E-Enterprise for the Environment, to modernize the business of environmental protection through permitting efficiencies, improved data exchange, and other advancements.

Thank you for your consideration of these funding requests.

[This statement was submitted by Elizabeth Biser, Secretary, North Carolina Department of Environmental Quality, and President, Environmental Council of the States.]

PREPARED STATEMENT OF ENVIRONMENTAL WORKING GROUP

Testimony prepared for the U.S. Senate Committee on Appropriations subcommittee on Interior, Environment, and Related Agencies regarding the Environmental Protection Agency—Funding for the development and implementation of Effluent Limitation Guidelines for PFAS industrial discharges

The Environmental Working Group (EWG) respectfully requests no less than \$20 million in dedicated funding to the Environmental Programs and Management, Clean Water Program within the Environmental Protection Agency (EPA) for the development and implementation of Effluent Limitation Guidelines (ELGs) for PFAS industrial discharges under the Clean Water Act.

EWG has estimated that nearly 30,000 companies could be discharging PFAS into the Nation's water supply.⁶ Industrial discharges of PFAS have caused significant contamination in places like North Carolina's Cape Fear River Basin;⁷ Parkersburg, West Virginia;⁸ and Hoosick Falls, New York.⁹

Uncontrolled industrial discharges of PFAS pose a major threat to drinking water supplies across the country. ELGs would regulate industrial polluters, requiring them to adopt technology that would result in the greatest PFAS pollution reduc-

⁶Twelvefold Increase in Suspected Industrial Dischargers of 'Forever Chemicals', Env'tl Working Group

⁷Lewis Kendall, A Town's Water is Contaminated with 'Forever Chemicals'—How Did it Get This Bad?, *The Guardian* (Apr. 2, 2021), <https://www.theguardian.com/us-news/2021/apr/02/pfas-testing-forever-chemicals-pittsboro-north-carolina>.

⁸Mariah Blake, Welcome to Beautiful Parkersburg, West Virginia: Home to One of the Most Brazen, Deadly Corporate Gambits in U.S. History, *Huff Post* (Aug. 27, 2015), <https://highline.huffingtonpost.com/articles/en/welcome-to-beautiful-parkersburg/>.

⁹Hoosick Falls Area: Region 4—Environmental Remediation Project Information, N.Y. Dept. Env'tl Conservation, <https://dec.ny.gov/environmental-protection/site-cleanup/regional-remediation-project-information/region-4/hoosick-falls-area> (last visited May 3, 2024).

tions that are economically achievable in their respective industries, limiting the amount of PFAS that can be present in dischargers' wastewater.

Recognizing the importance of regulating industrial polluters in addressing the PFAS contamination crisis, the EPA's 2021 to 2024 PFAS Strategic Roadmap includes the potential development of ELGs for nine industrial categories.¹⁰ The Roadmap stated a goal of significant progress by the end of 2024, including proposed rules establishing ELGs for two industrial categories by the summer of 2023 and 2024 respectively.¹¹ The EPA has missed its deadline for developing a proposed rule for its first ELG for PFAS in part due to limited resources.

Congress has expressed its intent that the EPA work expeditiously to establish ELGs for PFAS discharges from nine industrial categories, or what would likely amount to over 7,800 suspected PFAS dischargers.¹² Twice in 2021, the House of Representatives has passed legislation that would require the EPA to issue ELGs for all nine categories within 4 years.¹³

The requested \$20 million dollars in dedicated funding to support the development of ELGs would allow the EPA to hire additional full-time employees. The funding would allow the Agency to devote increased resources and personnel to data collection and conducting the studies necessary to inform these rulemakings.

The funding in this request would expedite the process of developing ELGs for industrial discharges of PFAS, and in turn better protect communities living downstream from industrial dischargers. We urge Congress to recognize the importance of protecting these communities and provide the funding required to turn off the tap on PFAS pollution at the source.

[This statement was submitted by Gianfranco Cesareo, Stabile Law Fellow.]

PREPARED STATEMENT OF THE FEDERATION OF STATE HUMANITIES COUNCILS

Chairman Merkley, Ranking Member Murkowski and members of the subcommittee, my name is Phoebe Stein and I am the President of the Federation of State Humanities Councils (Federation), the membership organization of the 56 state and jurisdictional humanities councils. Thank you for the opportunity to submit testimony. The state and jurisdictional humanities councils were authorized in the founding legislation for the National Foundation for the Arts and Humanities and are funded, in part, through the Federal/State Partnership (F/SP) line in the National Endowment for the Humanities (NEH) budget. The councils are 501(c)(3) nonprofit organizations, with voluntary boards and they leverage their NEH funding to raise tens of millions of dollars to invest in local projects and grassroots organizations. While councils' funding comes from a variety of sources, NEH support is critical, especially for on-going operations.

It is important to remember that the state councils are the local face of the public humanities. They are long-standing institutions that understand the culture and the cultural organizations in their States. Councils offer a rich variety of programming—all driven by community needs. Nearly all councils focus on grantmaking to local entities; others concentrate on developing and presenting free public programs; many do both. The F/SP line is the principal NEH investment in many States and is the most evenly distributed, direct, and consistent Federal source of humanities funding within a State or jurisdiction.

The Federal/State Partnership (F/SP) funding, currently (FY 2024) at \$65 million, goes directly to the state councils by a distribution formula. The Federation is requesting a \$68 million appropriation for the F/SP in FY 2025. This would mean an increase of approximately \$50,000 per council (although individual state allocations would vary according to the formula). Funding has been flat for 2 years so the \$3 million increase requested would help compensate for inflation, allow councils to reach additional unserved and underserved areas, and address new and expanded needs and requests for services. Every council has far more requests for funding than it can accommodate. We also strongly support the request for funding of at

¹⁰ EPA, PFAS Strategic Roadmap: EPA'S Commitment to Action 2021–2024 13–14 (Oct. 2021).

¹¹ *Id.*

¹² Clean Water Standards for PFAS Act of 2024, H.R. 8076, 118th Cong. (2024); Jared Hayes, EPA Plan to Regulate Industry 'Forever Chemical' Discharges Omits Thousands of Potential Polluters, Env'tl Working Group (Sept. 30, 2021), <https://www.ewg.org/news-insights/news/2021/09/epa-plan-regulate-industry-forever-chemical-discharges-omits-thousands>.

¹³ PFAS Action Act of 2021, H.R. 2467, 117th Cong. 2021; Infrastructure Investment and Jobs Act, H.R. 3684, 117th Cong. 12023 (2021); see also Melanie Benesh, EPA's Plan to Regulate Industry 'Forever Chemicals' Discharges Falls Short, Env'tl Working GROUP (Sept. 17, 2021), <https://www.ewg.org/news-insights/news/2021/09/epas-plan-regulate-industry-forever-chemicals-discharges-falls-short>.

least \$211 million for each of the NEH and the National Endowment for the Arts in FY 2025.

In 2023, councils made more than 3,700 grants to local entities and partnered with more than 6,500 local organizations. In 2023, more than 90% of councils supported civic education in their communities; 85% of councils provided cultural resources to rural residents; 47% of councils provided programs for veterans, active military, and families; and 34% of councils provided programs focused on health and well-being outcomes.

Let me give you some details about specific programs and their contributions to your constituencies.

Civic Education For decades, the State and jurisdictional humanities councils have actively conducted or supported nonpartisan programs, resources, and events providing civic education in support of our democracy. In Montana, The Democracy Project is a non-partisan initiative led by teens and supported by local libraries, community partners, and Humanities Montana to empower young people to address community needs while learning about their role in a changing democracy. Now in its third year, The Democracy Project is implemented in libraries throughout Montana, including rural, frontier, and Indian Country communities.

Rhode Island continues to build upon its Civic Health Index which examines public engagement. Joining with partners across the State as well as the National Conference on Citizenship, the Council has developed a data-driven assessment that documents community participation, volunteerism, civic understanding, voting and other civic engagement, donating to political and non-profit organizations, use of public parks and libraries, connections to neighborhood and communities and other factors that illuminate how Rhode Islanders define and address public problems.

Understanding and Sharing Our History Historical and cultural events, local, State, national and international, have been a mainstay of councils over the past half-century. A review of any council website will illustrate the breadth and scope of programming on historical topics. For example, the majority of councils have long participated in the annual National History Day Program which reaches far beyond a "day." The effort involves more than half a million students in grades 6-12 and tens of thousands of teachers annually in the student history contest which culminates in a week-long session for 3,000 winners.

The West Virginia Humanities Council, through History Alive, features scholars who portray historical figures in many venues, including museums, schools, libraries, community centers and fairs and festivals. Among the characters portrayed are Pearl Buck, Mother Jones, Walt Disney, Charles Schulz, Frances Perkins, Theodore Roosevelt, Harriet Tubman and Mark Twain.

Michigan Humanities is supporting the Chaldean story through its Great Michigan Stories grant initiative. Features will include personal journeys from Iraq to Michigan, stories of business acumen and success, Chaldean spiritual life and the cultural influences contributed to Michigan.

Maine Humanities' Community History project is engaging focus groups in all 16 counties to determine local and regional histories of special interest, a prime example of the local focus of council programs in general. And, many councils have been planning for some years for the Semiquincentennial in 2026 when our Nation will commemorate the 250th anniversary of the Declaration of Independence. Council representatives are also serving in leadership positions on their state and jurisdictional 250th commissions.

Strengthening rural connections and cultural opportunities Ninety-seven percent of the American landscape is rural, and rural areas impact many aspects of our lives: food supply, water and other natural resources, forest products, recreational activities and are home to millions of Americans.

Maryland Humanities, among other councils, will soon be hosting SPARK: Places of Innovation, the Smithsonian traveling exhibition that focuses on innovation in communities across the Nation, whether it be the innovation is technical, social, cultural or artistic. Programming in support of the exhibition will involve museums, libraries, colleges, humanities organizations and other non-profit institutions. The Arizona SPARK effort will ask how innovation shapes communities including the ones hosting the exhibit.

Alabama Humanities Alliance, in its Humanities and the Future of Journalism in Rural Alabama, is exploring connections among democracy, journalism and an informed citizenry. Oregon Humanities recently supported a solicitation that funded mini grants for rural and rural-serving libraries to create and host humanities events that are meaningful to their communities and focus on Fear and Belonging. Recent grants include one featuring the award-winning children's book, *Wonder*, by R.J. Palacio which advocates for nurturing a culture of kindness, friendship and inclusion. The library sponsoring the program will offer the book in English and Span-

ish. Another offers six sessions for youth and adults covering immigration, Japanese internment, Native American history, slavery and emancipation, and Chinese railway workers. Each event will include a reading and an activity.

Veterans Councils support veterans and their families in a myriad of ways, including the collection of oral histories, the sharing of experiences, the examination of service as seen through literature, writing workshops encouraging the expression of and reflection on aspects of war and its aftermath, dealing with injuries and medical conditions, support for VA medical staff, and helping communities to understand their challenges. Nebraska's Warrior Writers project enables Humanities Nebraska to partner with the University of Nebraska-Lincoln to offer writing and discussion workshops with combat veterans, retired military, military spouses and civilians whose lives were touched by war. In celebration of the 10th anniversary of this program, Humanities Nebraska will publish a new anthology of fiction, non-fiction and poetry by participating veterans. In Maryland, Veterans Book Groups bring together veterans from all eras to talk about military experiences and returning to civilian life.

Healthcare and the Humanities Councils have a long history of collaborating with the medical community and play a prominent role in efforts to better position those in the field to deliver their services as well as to help individuals and their families manage the many aspects of their illnesses. Since 1997, when Maine Humanities Council created and piloted "Literature & Medicine: Humanities at the Heart of Healthcare," the reading and discussion program for healthcare workers has been a hallmark effort for many councils, including Arizona, California, Illinois, Maryland, Massachusetts, Missouri, Nevada, New Jersey, New York, North Carolina, South Carolina, South Dakota, and Vermont. Councils have also targeted specific medical challenges, such as opioid addiction, with their programming.

Serving Teachers & Students Support for our Nation's educators and students has never been more important. Arizona Humanities partners with K-12 schools and organizations to bring books, supplies, visiting authors and more to classrooms across the State through its AZ Reads program. Other councils, including the Louisiana Endowment for the Humanities, continue to support educators, students, and families with nationally-recognized literacy programs, such as "PRIME TIME, Inc." and other similar programs. National History Day, referenced earlier, focuses on students in grades 6-12. Teacher institutes are widespread.

Serving Native and Indigenous Populations The Minnesota Humanities Center has, for many years, actively reached and served Indigenous populations, educating Minnesotans about the history and culture of Indigenous people through the award-winning traveling exhibit, "Why Treaties Matter: Self Government in the Dakota and Ojibwe Nations," and the "Bdote Memory Map," a resource for teaching about the Dakota people's relationship to the people of Minnesota.

In New Mexico, the Manitos Community Memory Project is a collaborative initiative to build an online digital cultural heritage archive by and for the Manitos, the Indo-Hispanic natives of northern New Mexico and southern Colorado, whether they live in the region or the diaspora. Part of the project includes developing repository of stories, reflections and insights regarding communal experiences from the Spanish flu to the pandemic of 2020 and wildfires of 2022.

Environmental Humanities In 2023, 57% of councils provided their communities with resources related to the environment, using literature and history to make sense of the changing environmental concerns facing Americans.

In late 2022, eastern Kentucky faced historical flooding that killed more than 30 people and caused catastrophic damage including to cultural facilities. With help from the NEH, Kentucky Humanities provided assistance to the affected cultural facilities. And, in the aftermath, it developed a series of workshops on readiness, response, recovery and resilience. These workshops are available online.

Youth programs have been integral to council activities over the decades. For example, Alaska's "Ilakucaraq Project," conducted in collaboration with the Alaska Native American Education Program, empowers youth to identify their heritage as a source of strength through personal reflections, positive self- and cultural identity formation, cross-cultural experiences, peer-to-peer learning, elder and culture-bearer teachings and art.

Kentucky, through its Youth Innovation in Rural America effort, is partnering the Smithsonian SPARK exhibit with a school district or youth organization to encourage participants to look for innovative solutions to current challenges.

Community Connections North Dakota remains committed to lifelong learning throughout the state. Since 1973, it has offered a series of in-person and online programs designed to provide affordable, accessible and engaging courses and events for all citizens.

PA Humanities partners with communities to lead their own growth and change, bringing people together to shape their future through the power of stories, reflection, and relationships. “PA Heart & Soul” is a program using a unique community planning approach with storytelling and conversations to spark collective decision-making and action. This award-winning program is now in 13 towns.

In this space, I described only a very few of the many activities underway in communities across the Nation. Councils are proud of their work and their contributions. But we are far from meeting the needs and interests of the States and localities. We need additional resources, and we ask this subcommittee’s support for directing those additional resources to cities, towns and rural areas throughout the Nation. We can easily double the 3,700 annual awards that we make with additional funding. Investments in the Federal/State Partnership are a direct investment in communities. In a complex, fast-paced and rapidly changing nation, much work remains to be done. Please support the F/SP at a level of at least \$68 million in FY 2025.

[This statement was submitted by Phoebe Stein, President, Federation of State Humanities Councils.]

PREPARED STATEMENT OF THE FOND DU LAC BAND OF LAKE SUPERIOR CHIPPEWA

Chairman Simpson, Ranking Member Pingree, and respected members of the Committee, I am Kevin Dupuis, the Chairman of the Fond du Lac Band of Lake Superior Chippewa. On behalf of the Band, I would like to thank you for inviting me to testify. We submit this testimony to urge Congress to increase, or, at the very least preserve, the Federal funding levels for Indian programs.

As we talk about funding needs in Indian country, it is essential to keep in mind that the problems that face communities nationwide are far more severe for Indian communities, with Tribes having far fewer resources to address problems like substance abuse, domestic violence, public safety, and homelessness. The Band has worked, and will continue to work, to find solutions to problems of this kind. With seed money from Federal funds, we provide health, education, social services, public safety and other governmental services to our 4,200 members and more than 7,300 Indian people who live on and near our Reservation. We are proud of what we have accomplished, but more remains to be done. Federal funding allows us to use Band resources and attract private partners so we can provide jobs, grow the local economy, educate our children, prevent crime, and care for our elders and infirm. We urge Congress to continue to fund these programs.

BIA: Trust-Natural Resources Management. There is nothing more important than preserving and protecting the territories and resources that our ancestors reserved for our people when they signed our Treaties with the United States. The Band is committed to the management, conservation, and sustainability of the natural resources of the Fond du Lac Reservation and within our Ceded Territory, where we have Treaty rights to hunt, fish and gather. We urge you to provide full funding for Trust-Natural Resources Management in FY 2025, including increased funding for Rights Protection and Implementation which will allow us to protect, enhance, and restore natural resources within our Reservation and Ceded Territory.

Our Reservation consists of 101,153 acres, including forests, lakes and rivers that must be managed and protected for the current and future generations. Our Ceded Territory covers 30 million acres in portions of Upper Michigan, Northern Wisconsin, North Central Minnesota and all of Lake Superior within the United States. The challenges to our natural resources across the region are diverse and complex, from species restoration and reintroduction to adaptation to climate change. Band members depend on our Treaty rights to put food on the table and for ceremonial practices that serve as the foundation for our culture. The stewardship of those natural resources-through scientific study, resource management, and enforcement of Band laws that regulate Tribal members who hunt, fish and gather-is critical and an important source of local employment.

A great example of how the Band utilizes BIA funding can be seen with how we use BIA Endangered Species Program dollars to monitor our local ma’iinganag (wolves). Ma’iingan (the wolf) is an animal of special cultural significance to the Ojibwe people. BIA’s Endangered Species Program funding has enabled the Band to annually estimate the number of wolves, track where they go and what happens to them. We have been able to determine how wolves responded to oil pipeline construction across the Reservation, we annually cooperate with the Minnesota Department of Natural Resources to estimate Statewide wolf populations and cooperate with local school districts and students on wolf ecology presentations and student science fair competitions.

Environmental Protection Agency (EPA). We appreciate Congress's continued support to provide Federal funds for EPA, but we ask that funding for EPA in FY 2025 be increased.

State and Tribal Assurances Grants (STAG). We thank Congress for continuing to support funding for STAG, including increasing funding for Sections 106 and 319 funding. We strongly urge Congress to increase funding for this Program, which has not seen a substantive increase in years, yet the Band's responsibilities continue to grow and face increasing pressures and obstacles.

Water Quality. We have a robust federally-approved water quality standards program. Given the current threats to water resources in our region, we urge that Tribal Section 106 funding be doubled so that we can do the work needed to protect our waters. Additionally, Congress should continue to provide funding to EPA to support Tribal training in ATTAINS, the National water quality assessment database as well as training funding to assist Tribes in conducting and reporting on water quality assessments. Finally, as Tribes apply for treatment as a State to implement various Clean Water Act regulatory programs, such as 303(c) or water quality standards, 404 wetland dredge and fill permitting, 402 NPDES permitting, or 303(d) impaired waters listing and Total Maximum Daily Load implementation, there should be financial support for that capacity.

Air. We have a long-standing air monitoring program that has faced a steady decline in Federal funding. As the impacts of climate change continue to be felt in higher temperatures and more frequent heavy precipitation events, both indoor and ambient air quality concerns continue to impact Band members and their health. We request that air quality program funding for Tribes be increased.

Climate Change. Climate crisis is imminent, and we request funding for planning, preparation and adaptation to deal with this existential threat to resources both on our Reservation and in our Ceded Territory.

Wetlands. One-half of our Reservation is made up of wetlands. Funding for sustained wetland monitoring and protection for proper management and restoration of this valuable resource is needed.

Great Lakes Restoration Initiative. The Band fully supports this initiative and thanks Congress for its continued bi-partisan support. We ask that Congress maintain the current level of funding for this initiative. This initiative has broad-reaching benefits to resources of importance for all stakeholders (state, Tribal and private) in the Great Lakes region. Funding helps support our wildlife programs, wild rice restoration efforts, fisheries stewardship and environmental staffing capacity. A good example of how this funding has a regional impact is how the Band has led an effort supported by the Great Lakes Restoration Initiative to restore omashkooz (elk) to the Band's Reservation and parts of the Lake Superior basin where they've been absent for over 150 years. Elk restoration will return a native species adaptable to a wide range of future climates, diversify and increase the Band's natural food sources and provide a local economic boost from elk tourism.

Invasive Species. Invasive species threaten all natural resources within the Reservation and in the Band's Ceded Territory. They can inhibit cultural, agricultural, recreational, and ecological use of the land. Due to increasing pressure from climate change, development, and transportation we are finding invasive species in more areas than ever. To protect our resources, the Band utilizes Federal funding for its comprehensive program for the prevention, control, education, and monitoring of invasive species. We request continued funding and more capacity funding be made available for long term positions and programs for invasive species management.

BIA: Public Safety and Justice. A significant part of protecting our homeland is having a fully staffed and trained law enforcement department. We appreciate Congress's decision to increase funding for BIA's Public Safety and Justice, including funding to solve Missing and Murdered Indigenous Women cold cases. Our law enforcement responds to a wide range of issues and calls, with the largest issues being related to opioids and other substance abuse problems.

We address law enforcement by a combination of Tribal and available Federal funds and cooperative agreements with local law enforcement agencies, but more funding is needed. To meet need, we should have 25 full-time peace officers to provide 24-hour coverage on the Fond du Lac Reservation, but currently we only have 21. Those 21 peace officers include the Chief of Police, Lieutenant Chief of Police, 4 Investigators (General Crimes, Sex Trafficking, Narcotics), 1 Victim Advocacy Officer, 4 Patrol Sergeants, 9 Patrol Officers, 1 Officer in Field Training Program, and 1 K-9 Officer. With additional funding we would be able to add 2 more General Crimes and Narcotics Investigators. This would allow us to better respond to calls and protect our Reservation community. We currently respond to over 9,100 calls per year in two counties, an increase of approximately 30% in the last year.

Funding is also needed for training. Due to the COVID-19 pandemic and with an increase in the drug epidemic and related crimes, our officers need, but are not receiving, vital training, including for dealing with an increase in people with mental health issues. We have consistently seen an increase in Heroin and Fentanyl overdoses, including fatal overdoses. We are also seeing that these incidents correlate with general crimes, burglary, theft and assaults. We have a regular need to replace equipment, including both marked and unmarked squad vehicles for narcotic investigations. A patrol vehicle typically only lasts 3 years due to the needs of law enforcement and our expansive patrol area—we have 2 major highways on the north and south borders of our Reservation and 1 major interstate along our eastern border.

With the evolving trends in drug/illegal substances, our law enforcement has experienced an increase in services and equipment needs. Officer safety is critical in this area as the substances are becoming more dangerous to officers and all parties involved. Increased funding for Personal Protection Equipment is needed as costs are rising. Although our officers are utilizing equipment and training to address these community needs, more funding is needed for substance testing and identification, as well as First Aid response supplies for medical overdoses.

Bureau of Indian Education. With funding from the BIE and the Department of Education, we operate the Fond du Lac Ojibwe School serving an average of 220 children from pre-K through 12th grade. BIE has failed to provide any funding increases to meet our needs.

More than 90% of our students come from very low-income households, and 97.3% receive free or reduced-price lunch, which is an increase from prior years. We are slowly making progress in improving the outcomes for our students. While the high school graduation rates for American Indians in Minnesota is at 61.3%, we are now at 71.43%, which is still far behind the State-wide rate of 83.7%. BIE funding has never kept pace with need, which prevents us from providing the educational services needed for our students. We urge Congress to significantly increase Federal funding for Indian education.

Indian Health Service. We appreciate Congress's continued support to increase funding for IHS. However, incremental increases do not begin to address standard outcomes in Tribal communities. We urge Congress to both provide full funding and continue to advance appropriations for IHS. Our members continue to face severe disparities across a broad range of health issues. We serve over 7,300 Indian people at our clinics, but the current funding level meets only 33% of our health care funding needs.

We support the preservation of Medicaid, and the continuation of the Indian Health Care Improvement Act ("IHCIA") and other Indian-specific provisions in the Patient Protection and Affordable Care Act. We believe there needs to be dedicated funding to begin implementing the new authorities contained in the IHCIA, which have not yet been implemented and funded.

We continue to support Congress's prior actions to provide advance appropriations for IHS and request that this be continued. We also believe that Tribal health and other programs should be permanently excluded from sequestration and rescissions. IHS is the only Federal health care system created as the result of treaty obligations, yet it is the most chronically underfunded.

We support the proposal to make both Contract Support Costs and the 105(l) leasing funding mandatory, including establishing a mandatory appropriations account that is funded every year. This is important because this funding, which is a non-discretionary funding obligation for the agency, competes with discretionary funding. As a result, any Congressional increase in discretionary funding for IHS never truly results in the full amount of that funding reaching discretionary programs because a large part gets redirected to cover IHS's legal obligations to fund Contract Support Costs and 105(1) leasing requirements.

We also support permanent reauthorization of the Special Diabetes Program for Indians ("SDPI") and that it be funded at \$250 million per year indexed for inflation. Tribes and Tribal organizations should also be authorized to receive SDPI awards through Public Law 93-638 contracts or compacts.

Congress recognized that the COVID-19 pandemic exposed the lack of infrastructure funding and support for Tribes. To address this need we support an increase of \$627.5 million as well as recurring funding to support Public Health Infrastructure. Lastly, Congress should authorize Federally-Operated health facilities and IHS headquarters to use Federal dollars efficiently and adjust programmatic fund flexibility across accounts at the local level, in consultation with Tribes.

Miigwech. Thank you.

[This statement was submitted by Kevin R. Dupuis, Sr., Chairman, Fond Du Lac Band of Lake Superior Chippewa.]

PREPARED STATEMENT OF THE FORT PECK RESERVATION

I am Dana Buckles, Councilman of the Assiniboine and Sioux Tribes of the Fort Peck Reservation. I would like to thank the Senate Interior Appropriations subcommittee for the opportunity to present testimony concerning FY 2025 appropriations for the Indian Health Service (IHS) and Bureau of Indian Affairs (BIA).

The Fort Peck Reservation is in northeast Montana, forty miles west of the North Dakota border and fifty miles south of the Canadian border, with the Missouri River defining its southern border. The Reservation encompasses over two million acres of land. We have approximately 13,000 enrolled Tribal members, with approximately 7,600 Tribal members living on the Reservation. We have a total Reservation population of approximately 12,000 people.

Congress has long recognized that the foundation for economic development and prosperity in Indian country lies in community stability, which begins with quality healthcare and infrastructure, such as safe drinking water, roads, public safety and a clean environment.

INDIAN HEALTH SERVICE FUNDING

Last year, former Chairman Floyd Azure testified before you about the mental health and addiction crisis facing Indian country and which the people of Fort Peck, in particular, are experiencing at devastating levels. Over the last year, this crisis has only magnified. It is critical, therefore, that the Indian Health Service be fully funded and Tribes economically empowered to face this crisis head on.

The COVID-19 pandemic showed the Nation the chronic health care deficiencies in Indian country. Native people acquired and died of this disease at some of the highest rates in the Nation. This is because we suffer from comorbidities at higher rates, and because Indian country lacks access to adequate healthcare and basic community infrastructure. These same health inequities facing Native people are also exacerbating the current mental health and addiction crisis.

For the current year, Congress funded the IHS Services Clinical Services account at \$4.46 billion, an increase of \$27.7 million over the FY 2023 enacted level-in other words, an increase of 6/10 of one percent. For FY 2025, the Administration proposes \$5.12 billion, a proposed increase of \$664 million, or what would be nearly a 15% increase over the FY 2024 level.

Within the FY 2024 funding amount of \$130 million for IHS Mental Health needs across Indian country, the Fort Peck Tribes receive \$132,205 (about 1/10 of one percent). Within the FY 2024 funding amount of \$267 million for the IHS Alcohol and Substance Abuse Program across Indian country, the Fort Peck Tribes receive \$1.77 million (6/10 of one percent). It is not enough, and we urge the subcommittee to appropriate funds commensurate with the documented needs.

I do not know how to describe the level of our needs other than to say that modest budget increases cannot begin to address the shortage of health professionals and the shortage of long-term and in-patient substance use disorder (SUD) programs our Tribe requires to address the mental health and substance use needs of our Tribal citizens.

The addiction crisis at Fort Peck is fueled by opioids, specifically fentanyl, the availability on the Reservation of which has skyrocketed over the last several years. This is true across Indian country in Montana, where the opioid death rate for Indian people is twice that of non-Indians.¹

At Fort Peck, we have the Spotted Bull Recovery Resource Center (SBRRC) that serves as the Tribal SUD program. We provide best practices, evidence-based and culturally appropriate prevention, intervention and treatment services primarily related to substance misuse, complemented by mental health services to patients who present with SUD needs. We provide services according to the American Society of Addiction Medicine (ASAM) levels of care.

Our program offers four levels of care: Level 0.5 (Prevention and Education); Level 1.0 (Outpatient); Level 2.1 (Intensive Outpatient); and Level 3.1 (Day Treatment). We make referrals to higher levels of care involving primary residential inpatient treatment programs that we do not offer on the Fort Peck Reservation. I wish it were otherwise.

¹ See Tribal Leaders Sound the Alarm, NPR (June 1, 2022), <https://www.npr.org/sections/health-shots/2022/06/01/1101799174/tribal-leaders-sound-the-alarm-after-fentanyl-overdoses-spike-at-blackfeet-nation>.

At SBRRC, we offer the following services:

- 10 hours of individual/group therapy per week;
- 2 hours of Level 0.5 Early Intervention per week;
- 2 hours of Anger Management related to SUD;
- 2 hours of Recovery Support per week;
- 2 hours of Family Programming per week;
- 4 hours of Clinical Staffing per week;
- 2 hours of Community Education/Outreach bi-weekly; and
- 4 hours of Prime for Life programming.

We urge the subcommittee to devote additional appropriations to IHS mental health and substance misuse programs so that outpatient and inpatient treatment services can be greatly expanded and made widely available on our Reservation and across Indian country.

Furthermore, the Tribes contracted the IHS Dental and Public Health Nursing Program last fall. We are still working to establish Tribal servers and a Dentrix System independent of the IHS. We work daily to provide quality dental and PHN services with the few dentists, hygienists and PHN professionals we are able to employ. We urge the subcommittee to consider more than a 1.7% increase (\$4.4 million) in FY 2025 for the IHS Dental Health Program budget of \$248 million and more than a 1% increase (\$1.2 million) in FY 2025 for the IHS Public Health Nursing Program.

BUREAU OF INDIAN AFFAIRS FUNDING

1. Law Enforcement—One of the main symptoms of the fentanyl crisis on the Fort Peck Reservation has been a corresponding rise in crime on the Reservation. We have seen an increase in crime across the board, but especially in property crime and violent crime—including sexual and other violent assaults, kidnapping and homicide. Crimes at Fort Peck are being committed by and against every demographic within our community. Just last September, the Tribal Executive Board issued a State of emergency due to the severe increase in juvenile crime. Our Police Chief estimates that at least 80% of criminal conduct on the Reservation relates back somehow to drugs. For example, a perpetrator may have been high when they committed the crime, they may have committed the crime to secure money to purchase drugs, or they may have committed the crime in retaliation for something related to drug use or distribution.

The Fort Peck Tribes have provided law enforcement and correctional services on our Reservation since 1996 under an Indian Self-Determination and Education Assistance Act contract.

BIA law enforcement must be fully funded so that Tribes like ours can attract, hire and retain more law enforcement personnel to live and work in our community. For FY 2024, Congress appropriated \$274 million for the BIA's Public Safety and Justice Program's Criminal Investigations and Police Services Account, the same funding level as FY 2023. We are losing Tribal police due to burnout and the higher salaries and better benefits that surrounding State and county law enforcement programs can offer.

We urge this Congress to pass this session the "Parity for Tribal Law Enforcement Act" to provide increased salaries and fringe benefits to Tribal law enforcement similar to other Federal law enforcement officers. Crime doesn't stop at our Reservation boundaries. We are not insulated and neither are surrounding areas. We must do better by our first responders. I ask this subcommittee to include Tribal public safety needs in the FY 2025 budget.

2. Tribal Court Funding—Similarly, BIA must increase funding for Tribal justice systems. As Congress has known for years based on thorough, bipartisan study, the most effective law enforcement is locally determined and administered, and thus reflective of local values-in Indian country this means tribally determined and administered and reflective of Tribal values.² At Fort Peck, we have always known that strong Tribal government is the best way to keep our community safe.

It is for that reason that, for more than fifty years now, the Fort Peck Tribes have had an independent judicial system, including an appellate court. Our Tribal court system includes law-trained judges, law-trained prosecutors and public defenders, probation officers and experienced court clerks and court reporters. Our Tribal code

²See generally A Roadmap for Making Native America Safer: Report to the President & Congress of the United States, Indian Law & Order Commission (Nov. 2013), available at https://www.aisc.ucla.edu/iloc/report/files/A_Roadmap_For_Making_Native_America_Safer-Full.pdf.

is published and publicly available. We are also one of a small number of Tribal court systems exercising expanded jurisdiction and enhanced sentencing under VAWA and the Tribal Law and Order Act.

This kind of work requires additional resources to attract, hire and retain skilled professionals and provide high-level services to all the individuals and families in the system. That is why I ask Congress to significantly increase funding for Tribal courts in the FY 2025 budget.

3. Housing—It is important that sufficient BIA funding be dedicated to addressing the social conditions on the Reservation that are interrelated with many of the problems we see with the mental health and drug crisis, the Reservation crime rate and health disparities within our community and one such area for this is housing. We have a significant shortage of housing at Fort Peck. In many cases, we have multiple families living in a single home. There is overcrowding. This means that exposure to illness and unhealthy behaviors is unavoidable for many people, especially children. We must have greater funding to increase housing on the Reservation for families, to increase housing for people in recovery so that they do not go homeless during such a critical time (or return to homes where they may endanger others if they experience a relapse or other crisis), and to enable Tribes to better be able to recruit professionals to live and work in our community—especially teachers, law enforcement and healthcare professionals. Importantly, housing funding must include the resources so that new developments are built with access to basic infrastructure like water, sewer, electricity and broadband.

Additionally, the BIA Housing Improvement Program (HIP) is insufficiently funded to address housing needs on the Reservation for the least well off. FY 2024 funding was \$12 million. We understand, however, that the Tiwahe Initiative Program provides greater flexibility regarding Tiwahe HIP funding than the BIA HIP Program. We urge the subcommittee to increase the Tiwahe Initiative Program to benefit more Tribes and trust Tribes to wisely use Tiwahe Initiative funds to address unmet housing and interim housing needs of our members.

4. Social Services & ICWA Funding—Our Tribal Social Services program has needed increased funding for some time, as our former chairman testified about last year. For FY 2024, Congress cut BIA Social Services about 2% below the FY 2023 level of \$167 million. Our needs have only grown over the last year, particularly in light of the mental health and substance misuse issues I have highlighted. These issues have hit young adults, many of whom are parents, particularly hard and are thus exacerbating the stress put on our already thinly stretched social services providers and programs. Our families need additional wraparound and preventive social services support so that their children do not enter the foster care system. And for those children who do enter the system, we must have greater funding to recruit and retain licensed foster care homes on the Reservation.

Thank you for the opportunity to testify.

[This statement was submitted by Dana Buckles, Councilman Assiniboine and Sioux Tribes of the Fort Peck Reservation.]

PREPARED STATEMENT OF THE FRIENDS OF BLACKWATER NATIONAL WILDLIFE
REFUGE INC.

This testimony is being submitted on behalf of the Friends of Blackwater National Wildlife Refuge, Inc., which was formed in 1987 to support the Blackwater National Wildlife Refuge near Cambridge, Maryland. We appreciate the opportunity to offer comments on the FY 2025 Interior Appropriations bill. We request that this subcommittee allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance under the United States Fish and Wildlife Service (USFWS).

Blackwater National Wildlife Refuge (NWR) was established in 1933 as a waterfowl sanctuary for birds migrating along the Atlantic Flyway. It is home to an incredible amount of plant and animal diversity in its three major habitats—forest, marsh and shallow water. The Refuge contains one-third of Maryland's tidal wetlands, which makes it an ecologically important area within the state. These wetlands also provide storm protection to lower Dorchester County, including the city of Cambridge. Blackwater NWR is recognized as a "Wetland of International Importance" by the Ramsar Convention and was named a priority wetland in the North American Waterfowl Management Plan. In addition, the Refuge has been designated as an Internationally Important Bird Area. Blackwater NWR is home to the largest natural population of formerly endangered Delmarva peninsula fox squirrels and is also home to the largest breeding population of American bald eagles on the east

coast, north of Florida. Blackwater NWR encompasses over 33,000 acres, including an area believed to be the birthplace of Harriet Tubman.

The Friends of Blackwater NWR (FOB) assists the Refuge with its environmental education, recreation, biological, and wildlife conservation programs in hopes of making the visitor experience the best that it can be. Over the past couple of years, visitation increased over 27% to over 233,000 visitors. Along with volunteering, we provide annual bus transportation and supplies for the Refuge environmental education program for all 4th and 6th graders in Dorchester County's public schools. FOB supports the maintenance of four Refuge hiking trails and over 20 miles of water trails. FOB recently supported studies of deer and bat populations on the Refuge and provided funds for tree planting projects. We operate five web cameras overlooking a bald eagle nest, two osprey nests and two waterfowl impoundments. In addition, FOB conducts monthly "Night Sky Tours" using a telescope we installed at the Refuge Visitor Center. FOB supports the annual Eagle Festival, Kids Fishing Event, and the Junior Duck Stamp Competition for Maryland. In recent years, the Refuge has sought support for other things out of the normal realm—like a mowing contract, new gutters on the environmental education building, a cleaning contract for the Visitor Center and Headquarters buildings, a well repair for managing the waterfowl impoundments, repair of the Marsh Edge Trail pavilion, and acquiring an intern for the Visitor Services program. In the 20 years I've been volunteering at Blackwater NWR, I've watched the Refuge workforce continue to dwindle, being asked to do more with less.

Since 2010 the Refuge System has added 21 new refuge units, 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors—an increase of 47% since FY2011. While these additions have enhanced the Refuge System and benefitted the communities around these Refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere 62 cents per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased!

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at about 2,500 FTEs—has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step toward that goal.

Thank you for your consideration, and please feel free to contact Richard Abend, the President of the Friends of Blackwater NWR, at 1111 Taylors Island Road, Madison, Maryland 21648, email rdabend@yahoo.com, or cell phone 443-521-2201.

[This statement was submitted by Richard Abend, President, Friends of Blackwater National Wildlife Refuge, Inc.]

PREPARED STATEMENT OF FRIENDS OF THE FRONT RANGE WILDLIFE REFUGES

This testimony is being submitted on behalf of the Friends of the Front Range Wildlife Refuges, which was formed in 2013 to support the Rocky Mountain Arsenal National Wildlife Refuge. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations

and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Friends of the Front Range Wildlife Refuges (FFRWR) is a 501(c)(3) nonprofit organization founded in 2007 to support Colorado's two largest National Wildlife Refuges, Rocky Mountain Arsenal (RMANWR) and Rocky Flats (RFNWR) National Wildlife Refuges. FFRWR is part of the National Wildlife Refuge Association & Coalition of Refuge Friends & Advocates. These "Friends" groups raise funds for education programs, habitat restoration, community partnerships, and special outreach events.

Friends envisions a space rich in natural and intercultural diversity that furthers environmental education and recreation for Front Range communities. Our mission is to support and advocate for the conservation and restoration of Rocky Mountain Arsenal and Rocky Flats National Wildlife Refuges and provide opportunities for the public to experience wildlife near a major metropolitan area in the form of volunteering, events, environmental education, and more.

Ongoing programming Friends supports at RMANWR includes family and community programs and events and programs including the Pollinator Garden and Black-Footed Ferret Exhibit, Historical Egli House Restoration and Development, and host location of the Generation Wild Northeast Metro Coalition (GenWild NEMC) Youth Council program.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

The Projects Leaders and Visitor Services Manager at RMANWR are incredibly dedicated and hard-working individuals who are committed to fostering a connection to wildlife for future generations.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Vanessa Thurk, the General Manager of the Friends of the Front Range Wildlife Refuges at Rocky Mountain Arsenal National Wildlife Refuge.

[This statement was submitted by Vanessa Thurk, General Manager, Friends of the Front Range Wildlife Refuges.]

PREPARED STATEMENT OF FRIENDS OF GREAT SWAMP NATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of Friends of Great Swamp National Wildlife Refuge, which was formed in 1999 to support Great Swamp National Wildlife Refuge. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 mil-

lion in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Great Swamp National Wildlife Refuge, a hardwood swamp relic of the Wisconsin glacial Lake Passaic, located in north-central New Jersey, was founded in 1960 as the result of a years-long campaign in opposition to the proposal of the Port Authority of New York and New Jersey to fill in the swamp to build a fourth jetport in the New York Metropolitan area. Local citizenry fought to preserve the swamp and acquired over 3,000 acres of swampland and presented it to the USFWS as the initial landholding of the refuge. The Refuge is currently nearly 8,000 acres, which includes a wildlife management area and 3,000 acres of the first Congressionally designated wilderness in the National Wildlife Refuge System. It provides critical habitat for the endangered Bog Turtle, the Red-shouldered Hawk and the Spotted Salamander. It is a stopping place for migrating waterfowl, warblers and other seasonal migrants. 244 different bird species have been identified on the Refuge. Great Swamp NWR is home to 39 species of mammals, 12 species of turtles and 12 species of snakes.

The Refuge is 26 miles from Times Square, NYC, and is surrounded by suburbs. It is within easy driving distance of both the New York and Philadelphia Metropolitan areas. It includes approximately 11 miles of hiking trails, in both the management and wilderness areas. The Refuge averages about 250,000 visitors per year.

Friends of Great Swamp National Wildlife Refuge ("Friends") was incorporated as a 501(c)(3) nonprofit in 1999. It supports and assists the refuge by providing volunteers to staff the Helen C. Fenske Visitor Center, which includes a nature shop, and the Wildlife Observation Center, which includes boardwalks and trails. A construction crew aids the refuge in building and maintaining trails and boardwalks. The Friends, which is an entirely volunteer organization, provides an array of programs for the public, including a Fall Festival, birding and wildlife programs, lectures, service opportunities, and hosting school, scout and community groups. Friends have partnered with local organizations, including Groundwork Elizabeth, to bring underserved children and adults into nature settings. The Friends have two separate invasive species removal groups which regularly provide invasive species control, as well as a GardenKeepers group that plant native species, as needed. The Friends organization supports the operations of the refuge staff, donating between 15,000 and 18,000 hours per year (the equivalent of 8-9 FTEs).

To provide a local perspective on the devastation continued budget cuts have caused, in 1999, when the Friends group was formed, the Refuge had 14 full-time employees. In 2005, the Refuge was complexed as one of four refuges in three States (New Jersey, New York and Pennsylvania). With the allocation of USFWS employees across the four refuges, Great Swamp NWR currently has the equivalent of only 5 full-time employees! To appreciate the scope of this deficiency even further, it is noted that Great Swamp NWR currently has no single full-time, on-site USFWS staff. In fact, there are only 13 full-time equivalents across the entire four refuge, multi-State complex. One wage grade maintenance employee recently took a position outside the Refuge System and there are no plans to fill the position due to lack of funds. The Complex has one law enforcement officer and only one visitor services specialist. The Friends have 160 volunteers who help provide services, but because of the loss of staff, personnel can no longer provide adequate supervision. As a result, volunteers cannot pursue needed projects as there are insufficient staff to advise and monitor. Habitat restoration goals cannot be met, participation in meaningful research is stymied, and collaboration with partners in conservation becomes a luxury, rather than standard operating procedure. The lack of funding is creating a situation that can only result in the failure of refuges to maintain habitat and encourage appreciation for and enjoyment of our natural resources.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insuffi-

cient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. If you have any questions or would like added information, please contact Thomas Gula, President of Friends of Great Swamp National Wildlife Refuge at tomgula@gmail.com.

[This statement was submitted by Thomas Gula, President, Friends of Great Swamp National Wildlife Refuge.]

PREPARED STATEMENT OF FRIENDS OF HAKALAU FOREST NATIONAL WILDLIFE
REFUGE

This testimony is being submitted on behalf of the Friends of Hakalau Forest National Wildlife Refuge to support the Hakalau Forest National Wildlife Refuge (NWR) in Hawaii and the National Wildlife Refuge System nationwide. We appreciate the opportunity to submit comments on the fiscal year 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million, the amount requested by the President, to support the National Wildlife Refuge System Operations and Maintenance under the United States Fish and Wildlife Service.

The future of native forest birds in Hawaii has never been more dire. Conditions have reached a crisis point, with all the rare and endangered species at critically low populations. Extinction of some of these species is a real possibility in the next few years. Conditions at Hakalau Forest National NWR are more favorable than other refuges in Hawaii but could reach a crisis point in the next 5–10 years unless we can reverse the trends. Indeed, the upper elevations of Hakalau Forest NWR are perhaps the only safe refuge for many of the endangered birds because most of the reserve is located at relatively high elevations currently free from avian malaria.

Hakalau Forest NWR was established in 1985 by the U.S. Fish and Wildlife Service. It consists of two distinct parcels. The Hakalau Forest Unit is a 32,830 acre parcel on the windward slopes of Mauna Kea on Hawai'i Island. The other parcel is a 15,448 acre unit south of Kailua-Kona on the slopes of Mauna Loa, which is called the Kona Forest Unit.

The higher elevation Hakalau Forest Unit contains some of the finest remaining stands of native montane rain forest in Hawai'i and habitat for 29 critically endangered species including seven birds, one insect, one mammal and 20 plants found nowhere else in the world. Currently, it is the only place in Hawai'i where native forest bird populations are stable or increasing.

The lower elevation Kona Forest Unit is predominantly 'ohi'a (*Metrosideros polymorpha*) trees with an understory of nonnative trees and shrubs and home to a number of endangered birds, plants and one insect. This area was home to the last wild pair of 'alala (*Corvus hawaiiensis*) in 2002. The primary purpose of this unit is to protect, conserve and manage this native forest for threatened or endangered species.

Volunteers and staff have restored approximately 5,000 acres of koa-ohia forest over the last four decades at Hakalau Forest. This has had a profound impact on habitat improvement as well as carbon sequestration. Awareness of the plight of the native forest birds has never been greater.

Avian Malaria and Avian Pox, transmitted by introduced mosquitoes, are perhaps the most imminent and substantial threats to forest birds in refuges throughout the Hawaiian Islands. This threat is accelerating with the uphill movement of mosquitoes due to warming climate. Efforts to control/eliminate avian disease are underway on Kauai, Oahu and Maui. The use of a technique involving *Wolbachia* infused mosquitoes to control mosquito breeding has been shown to be locally effective but

is not a viable long-term solution. More cost-effective, long-term means of control are needed.

Loss/damage to the native forest habitat in both the Hakalau Forest and the Kona Forest units is also a major threat. Introduced ungulates (pigs, cattle, sheep, goats) continue to do significant harm to the sensitive habitats the native birds and plants depend upon. Introduced predators, such as feral cats, mongoose, and rats, also pose a substantial threat to native forest birds at all refuges in Hawaii.

Hakalau Forest NWR and its surroundings offer the best hope for survival of native forest birds throughout the Islands. Most of the Hakalau Forest lands are at higher elevations than other native forests (i.e. less accessible to mosquitoes) and active management is stemming the tide of habitat damage to the forest floor by ungulates and invasive plants. The Kona Forest unit is not as actively managed, and in both units controlling mosquitoes, feral pigs, feral cattle, feral sheep, and predators is a relentless challenge.

Volunteers recruited by the Friends currently work to help plant trees and shrubs and offer other assistance to Fish and Wildlife Service (FWS) staff to support tree planting, visitations, and other special projects. They are doing a terrific job, but additional Federal support for staffing and maintenance activities is desperately needed. Fencing to keep out ungulates needs to be regularly inspected and repaired is perhaps the greatest challenge, and the removal of invasive species in both units is a never-ending task.

The Friends are working on developing a Visitor Services Plan to enhance access and visitor experiences and staff support at Hakalau Forest NWR. This plan would provide a small visitor/education center with restrooms, storage facilities, a suitable parking area, shelters for observing wildlife, and other amenities that do not exist today. Currently, there are no bathrooms or handwashing facilities for visitors or staff. Increasing opportunities for public visitation and education is an essential component in support of the Refuge system and its overall objectives. There are currently no funds in the Administrative Budget Request for such facilities.

The conservation of the endangered and other native plants and animals at Hakalau Forest will require more support at the National level. Considering inflation, annual fixed costs, and increased salaries and other needs of the Refuge System, the Refuge System budget has effectively decreased since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats, including those in Hawaii.

We are doing our very best to support Hakalau NWR to address the plight of native forest birds, and to preserve and protect the forest and other wildlife in Hawaii, but your support is needed to effectively manage the system in Hawaii and the Refuge System nationwide.

We urge Congress to address these funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and support staff and visitors at Hakalau Forest and all the other refuges throughout the US that rely on the health and integrity of the Refuge System. The President's FY2025 Budget Request is an important step towards that goal.

Thank you for considering our request that you support \$602.3 million, as requested by the President, for operations at the National Wildlife Refuge System in FY2025. Please feel free to contact me, President of the Friends of Hakalau Forest National Wildlife Refuge, at debbieanderson808@gmail.com should you have any questions.

Mahalo!

[This statement was submitted by Deborah J. Anderson, President, Friends of Hakalau National Wildlife Refuge.]

PREPARED STATEMENT OF FRIENDS OF HEINZ REFUGE BOARD OF DIRECTORS

This provides testimony on behalf of the Board of Directors and Members of the Friends of the Heinz Refuge. Friends of Heinz Refuge Board of Directors (FOHR) by Carol Armstrong, Ph.D., Secretary of the Board of Directors. The Friends was formed in 1997 to support the John Heinz National Wildlife Refuge. We appreciate the opportunity to offer comments on the FY 2025 U. S. Senate Appropriations.

The FOHR is a non-profit charitable organization that works in partnership with the Refuge to connect people with nature, and promote a culture of environmental stewardship through education for all that also reaches children from low-income communities, and through outreach, service, and nature-based recreation for the conservation of wildlife and habitat.

The John Heinz National Wildlife Refuge (JHNWR) is in the nexus of the Delaware River, Schuylkill River, and Tinicum Marsh—the largest remaining tidal marsh in Pennsylvania. It provides key environmental services by absorbing water during storm surges that otherwise would make the communities completely unlivable around Tinicum Marsh and Darby Creek, and which would otherwise flood the Philadelphia International Airport. It also provides cleaner air, protects drinking water drawn from the Delaware River, protects the Delaware Estuary, and is critical in the conservation and enhancement of biodiversity. It is a bird migration superhighway that provides safe forage and breeding areas for migrating birds along the Atlantic Flyway. It is home to over 360 birds, such as this year's breeding Bald Eagles, the National Bird. The increased funding from FY 2025 appropriations would greatly impact this National Refuge by allowing them to hire needed staff for basic operations, repair infrastructure damage from storms, restore the confluence wetlands of the Delaware River watershed, complete watershed restoration, and build out environmental education programs.

The 10 miles of hiking trails in the Refuge remained open for outdoor nature experiences for visitors during the covid-19 pandemic and all year round, which was so severely needed and for which Philadelphians and the 5,821,000 people who live in the total metropolitan area, flocked in record numbers to the Refuge during the pandemic. About 150,000 to 250,000 people visit the Refuge each year, which is heavy use and requires intensive management of facilities, educational programs, and visitor services along with the wildlife and watershed restoration programs that are carried out every year. In addition, there are storms each year that cause damage to the trails and water control structures that require repairs. The Refuge provides environmental and natural resource goods and services to people in the categories of:

1. Maintenance and conservation of environmental resources, services, and ecological processes,
2. Protection of natural resources such as fish, wildlife, and plants;
3. Protection of cultural and historical sites and objects;
4. Provision of educational and research opportunities; and
5. Outdoor and wildlife-related recreation.

Boardwalk at John Heinz National Wildlife Refuge, 2023

In Summary:

Rising fixed costs eat into the increases in appropriations and as a result do not keep up with inflation, so that Refuges are actually losing support every year. The Refuge System actually needs \$2.2 billion to effectively fulfill its conservation mission, connect communities to nature, and provide opportunities for wildlife dependent recreation. The President's FY 2025 request for \$602 million is an important step towards that goal.

The National Wildlife Refuge System was our country's first systematic program to protect biodiversity and climate resilient habitats, and meet the needs for expanding wildlife dependent recreation nationwide. The 588 Refuges are staffed by highly knowledgeable, dedicated, and committed individuals, but Refuge staff are under too much pressure and we are losing staff at a concerning rate without needed funding to rehire. Refuge law enforcement officers patrol an average of 440,00 dry acres per officer, and some States have no officers. The actual need for program staff is more than twice what was funded in FY2022; for example, we need 152 Conservation Planning specialists in FY2025 rather than 16 in FY2022; 1,595 Visitor Services specialists in FY2025 rather than 470 in FY2022; and 3,840 Wildlife and Habitat Management specialists in FY 2025 rather than 1,201 in FY2022.

During the frequent and severe hurricanes and tropical storms of the past several years, the JHNWR sustained major damage to its hard structures, while the plantings survived, showing the importance of natural processes in becoming resilient to climate change. This refuge has geothermal facilities, and solar panels that were undamaged and are needed to reduce greenhouse gas emissions. The U. S. Fish & Wildlife Service work efficiently, consistently, and untiringly in their mission to provide all of this to the American people.

However, their efforts require more support from Congress to enable them to recover from the damage caused by increasingly intense storms, because at the same time, they are stabilizing the region in the face of these storms. The Refuge System has accumulated (1) needs for repairs from storms and heavy public usage, and (2) pro-active work to become more resilient to climate change. They have been understaffed and undermaintained, and are desperately in need of more funding. The

requested large increase in funding is critical to the health and capabilities of the Refuge System, and retention of staff.

Economically, the JHNWR also makes local contributions through economic output to resident and non-resident visitors, jobs, job income, and State and local tax revenue (cf The Economic Contributions of Recreational Visitation at John Heinz National Wildlife Refuge at Tinicum, May 2019, Div. of Economics, U.S. Fish & Wildlife Service.)

Wildlife refuges are economic engines for their communities, yet the biggest challenge facing the Refuge System is a lack of funding. Each Refuge requires tailored management to protect its rich and diverse wildlife habitat, but faces a stark lack of staff. Since FY2010, when the budget was the same (\$503 million) as it is today in FY2021, 3,500 staffers worked to maintain and protect the Refuge System. Today, that number is under 2,500, an enormous 30% loss in capacity.

Due to years of low budget allocations, the funding gap has degraded critical wildlife habitat and imperiled important species. The number of wage grade staff have declined by 50% in the last 20 years to a level of just 500. These staff move the water, maintain the roads, and support all the infrastructure involved in Refuge management. Without them, roads are not repaired, trails are lost, wetlands do not receive the necessary water to grow food for migratory birds, invasive species management is neglected, and buildings (fishing piers, bridges, etc.) fall into disrepair.

Refuge staff are working with escalating urgency to try to compensate for the lack of staffing, maintenance, and operations support, as they are incredibly stoic and are dedicated to their purpose with a great deal of grit. However, those of us who support the Refuges, can see the desperate situations they are in.

Thank you for your consideration, and please feel free to contact the President of the Friends of Heinz Refuge.

[This statement was submitted by Carol Armstrong, Ph.D., Secretary of the Board of Directors, Friends of the Heinz Refuge.]

PREPARED STATEMENT OF FRIENDS OF LOUISIANA WILDLIFE REFUGES, INC.

This testimony is being submitted on behalf of the Friends of Louisiana Wildlife Refuges, Inc. (FLWR), which was formed in 1967 and continues today, to support the United States Fish and Wildlife Service (USFWS) in eight National Wildlife Refuges (NWRs) totaling over 135,000 acres within the a) Southeast Louisiana NWR Complex and b) the Bayou Sauvage Urban NWR Complex of the NWR System in Southeastern and South-Central Louisiana. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for the NWR System Operations and Maintenance account under the USFWS. In addition, we ask that the focus of funding be toward increasing staffing of the USFWS to adequately address stewardship of not only the wildlife refuges in our two Complexes but NWRs nationwide.

As stated in our bylaws, the purpose of FLWR, which has a mailing list of over 800 citizens, is to promote better awareness, appreciation and conservation of the refuges in our two Complexes and to work with other agencies and organizations to assist in the educational, interpretative and environmental projects of the USFWS.

There are many highlights within the Southeast Louisiana NWR Complex and the Bayou Sauvage Urban Refuge Complex, which provide astounding environmental resources and opportunities for recreation, fishery, hunting and tourism. The Southeast Louisiana NWR Complex

- Atchafalaya NWR is recognized as a “Globally Important Bird Area” by the American Bird Conservancy for sightings of birds, habitat for migratory waterfowl and nesting of wood ducks. Hunting for white-tail deer and fishing for crawfish are important here.
- Big Branch Marsh NWR supports a population of the endangered red-cockaded woodpeckers, numerous species of native wildflowers, marsh grasses for the cover and nesting of birds and habitat for migrating birds.
- Bogue Chitto NWR is used annually by thousands for fishing, hunting, hiking, photography, primitive camping and observations of birds and mammals and possibly four threatened or endangered species.
- Breton NWR persistently provides vital habitat for species of shore birds, sea birds and seasonally large populations ducks. Hunting and crabbing are permitted.

- Cat Island NWR is designated as an “Important Bird Area” by the National Audubon Society and includes the National Champion Bald Cypress Tree. Visitor opportunities include hunting, fishing, canoeing/kayaking, hiking, photography and wildlife observation.
- Delta NWF is the food source for fish, waterfowl and other animals. It is important as a wintering habitat and sanctuary migratory for birds and hundreds of thousands of snow geese and ducks. Hunting and fishing are allowed.

The Bayou Sauvage Urban NWR Complex

- Bayou Sauvage Urban NWR, the second-largest, urban wildlife refuge in the United States, is only thirty minutes from downtown New Orleans, LA. Throughout a year, 340 species of birds including the American bald utilize this refuge. Presently, canoeing, hiking, birding and fishing are allowed on the refuge with some restrictions. This refuge may have enormous potential for more economically-friendly development, such as a visitor center.
- Bayou Teche’s primary purpose is to preserve and manage habitat for the Louisiana black bear. Other objectives are to provide habitat for additional wildlife and fish, environmental education and recreation. Boating, fishing, hunting, photography and wildlife observation are permitted.
- Mandalay NWR conserves and protects freshwater marshes and forested habitats for thousands of migratory waterfowl and other birds.

As stated above, the nine refuges are important to their communities by providing educational, recreational, harvesting and tourist opportunities to their citizenship. Personnel with the USFWS teach at Junior Ranger and home school events, give presentations to schools and serve on wildlife boards, such as Delta Waterfowl. Recreational opportunities, as mentioned above, are hiking, photography, canoeing/kayaking, and observations of wildlife and plants at all of the refuges. Harvesting wildlife at many of the refuges is through hunting, fishing and crabbing. Tourists from most States and overseas visit the refuges to experience the unique ecosystems.

FLWR supports the refuges and their communities through community events, donations to the USFWS, obtainment of grants, and co-staffing a Visitor Center at the Headquarters of the Southeast Louisiana NWR Complex at Lacombe, LA. With the assistance of one or more personnel of the USFWS, we annually host four, major community events including 1) Bayou Gardens Open House (450+ attendees), 2) Bogue Chitto Youth Fishing Rodeo (125 youth participants, 350+ attendees), 3) Wild Things (7,200+ attendees) and Cajun Christmas (500+ attendees). Annually, FLWR also participates in nine community activities in Southeast Louisiana including 1) Christmas Tree Drop/Bayou Sauvage Urban NWR, 2) Northshore Youth Conservation Event/Covington, 3) Big Bass Rodeo and Fishtival/New Orleans, 4) Plant Fest/Lacombe, 5) Earth Day/Lacombe, 6) Earth Fest in the Dell/Slidell, 7) Step Outside Day/Lacombe, 8) Beach Sweep/Lacombe and 9) Walk for the Wild/Lacombe. Within communities our directors are a member of and assist with many environmental organizations including: Audubon Society, Common Ground Relief, Cornell Lab of Ornithology, Delta

Waterfowl, Ducks Unlimited, Lake Pontchartrain Basin Foundation, Louisiana Native Plant Society, Louisiana Master Naturalists, Delta Chapter of the Sierra Club, and Wild Ones. Recent donations to the USFWS include a laptop with software and materials for demonstrations and Christmas decorations for the Visitor Center. Recently, following one of the field trips for visitors, we were given a plaque of gratitude from the Student Chapter of the Society of Wetland Scientists at Louisiana State University. Grants in progress are for an educational pollinator garden to demonstrate the value of native plants to insects and birds in the community. On Thursdays, Fridays and Saturdays our Visitor Center is open to the public to experience the sounds and vistas of eight of the refuges. Eventually, we hope to obtain funding to portray another refuge, Cat Island NWR, to the community. Finally, the FLWR is investigating starting and leading an environmentally-oriented Explorer Scout Post for boys and girls between 14 to 20 years old at a local high school.

Since 2010, the NWS System has added 21 new refuge units and 549 million submergible marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the NWS System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded NWS System.

Funding for the NWR System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land-acre. When accounting for total land and water acres, the

NWR System budget is a mere 0.62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the NWR System since FY2010, the NWR System budget has effectively decreased.

The number of full-time employees (FTEs) already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the NWR System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the NWR System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the NWR System. Ultimately, the NWR System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the NWR System in FY2025. Please feel free to contact William C. Trimble, President of the Friends of Louisiana Wildlife Refuges, Inc., at wctrirnble@yahoo.com or 334-663-5854.

[This statement was submitted by William C. Trimble, President Friends of Louisiana Wildlife Refuges, Inc.]

PREPARED STATEMENT OF FRIENDS OF MALHEUR NATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of the Friends of Malheur National Wildlife Refuge, which was formed in 1999 to support the Oregon refuge of the same name. We request that Congress allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Our group does not make this request lightly. Malheur is a large refuge, containing over 290 square miles of critical habitat, and it holds iconic status as one of our Nation's oldest refuges and as a critical stop for migratory birds. In the twenty-five years since our organization was established, we have sought to support and enhance the refuge's operations and the visitor experiences that make it such a special place. Our thousand members care deeply about Malheur and show their support through cash donations and volunteer work group participation. This allows us to do everything from funding student interns to work with government staff to assisting with the refuge's trail and fencing needs. We also operate a nature store and information station at refuge headquarters that provides an important visitor service.

In recent years, Malheur, like nearly all other Federal wildlife refuges, has seen annual reductions and erosion of its funding. This trend simply cannot be sustained without real damage to the refuge's natural resources and even more loss of public use and enjoyment. Groups like the one represented by this letter do not have the capacity to fill the resulting gaps. The scale of these reductions only makes full sense when the cuts to the entire refuge system are laid out.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insuffi-

cient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

This level of funding is, quite simply an embarrassing failure for all those who endorse it. America's National Wildlife Refuge system deserves better.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. We know that many other organizations are making the same recommendation, and we urge you to listen to this groundswell of public opinion.

Please feel free to contact me if I may be of further assistance to the committee.

William C. Tweed, Board President
Friends of Malheur National Wildlife Refuge
559-786-6649
wtweed@bendbroadband.com

[This statement was submitted by William Tweed, Board Chair, Friends of Malheur National Wildlife Refuge.]

PREPARED STATEMENT OF FRIENDS OF THE MID-COLUMBIA RIVER NATIONAL
WILDLIFE REFUGE COMPLEX

This testimony is being submitted on behalf of the Friends of the Mid-Columbia River National Wildlife Refuge Complex, which was formed in 2001 to support seven (7) U.S. Fish and Wildlife Services refuges (McNary, Conboy Lake, Toppenish, Cold Springs, Columbia, McKay Creek, Umatilla) and the Hanford Reach National Monument, all in eastern Washington State. We appreciate the opportunity to offer comments on the FY 2025 Interior Appropriations bill. With this written testimony, we are requesting that Congress allocate \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS). Our reasons for supporting this action are given below.

Our Friends group works closely with Refuge staff on many projects, including wildlife habitat remediation, environmental education including field trips for the general public, trail maintenance (including improved ADA access), and citizen science programs. We know from personal experience how hard Refuge staff work to keep these lands healthy for wildlife and, where appropriate, open to the public.

Recent development and extensive construction in our area has resulted in the loss of much valuable habitat. Similar issues on a national level are resulting in a reduction in the population of many species. The Mid-Columbia River National Wildlife Refuge Complex provides critical habitat for hundreds of thousands of waterfowl, endangered salmon, and rare/declining species including burrowing owls, long-billed curlews, and ferruginous hawks. We feel strongly that the Refuge system should continue playing a role in turning around national trends, and if we do not act now, we will lose much that we hold precious and valuable to our very existence.

The Mid-Columbia River NWR Complex sees about 100,000 visitors annually, including hunters, photographers, birders and naturalists, and this number is growing. Despite this increase in use, funding constraints have had a significant negative impact on the ability of our local Fish and Wildlife Service staff to serve our area. For example, staffing at the Complex has decreased from 13 employees in 2019 to just eight as of this year. And this count does not include the reduction in law enforcement staff, which has decreased from three LEs shared across two Complexes with seven Refuges and a National Monument totaling 250,000 acres, to just one individual.

It is our understanding that funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. Accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

We urge you to address these funding challenges so that the USFWS can effectively manage wildlife and habitat programs and also provide safe and worthwhile opportunities for the many visitors that use our Refuges. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you in advance for your support of this important issue and providing the necessary funds for the National Wildlife Refuge System in FY2025. For clarification or additional details on any of the issues raised in this testimony, please contact Carl Berkowitz, Secretary of the Friends of the Mid-Columbia River National Wildlife Refuge Complex at CDBerkowitz@charter.net.

[This statement was submitted by Carl Berkowitz, Secretary, Friends of the Mid-Columbia River National Wildlife Refuge Complex.]

PREPARED STATEMENT OF FRIENDS OF MISSISQUOI NATIONAL WILDLIFE REFUGE

Thank you for the opportunity to submit testimony and offer comments on the FY 2025 Interior Appropriations bill. My name is Julie Filiberti, and I sit on the board of the Friends of Missisquoi National Wildlife Refuge, a non-profit organization formed in 2002 to support the Missisquoi National Wildlife Refuge in Swanton, Vermont. My comments in this testimony are on the behalf of this organization. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

The Missisquoi National Wildlife Refuge is situated in the northwest corner of Vermont on the eastern shore of Lake Champlain. It is made up of lands and waters cared for by the Abenaki for thousands of years and is one of only two National Wildlife Refuges in the State of Vermont. Missisquoi NWR was established in 1943 to protect habitat for migrating waterfowl, and 70 years later, in 2013, was designated as a Ramsar Wetland of International Importance. In addition to the main parcel located where the Missisquoi River delta feeds into Lake Champlain, the 7218 acres of the refuge includes a 457 acre Eagle Point Unit in Derby, VT, co-managed with the Vermont Fish and Wildlife Department, and a 262 acre tract located in upstate New York. The refuge is also responsible for the management and oversight of 376 acres of Conservation Easement in both Vermont and New York.

The main parcel of the acreage in northwestern Vermont encompasses a variety of habitats. A majority of the refuge is composed of wetlands and floodplain forest where the Missisquoi River empties into Lake Champlain. This area is the most expansive intact floodplain forest in the state. The refuge also contains the largest bog in the northeast, the 900-acre Maquam Bog. In addition to these expanses of unique habitat, the refuge also contains shrublands and maintains 250 acres of managed grasslands. The refuge is an essential resting and feeding stopover for migrating ducks, geese, shorebirds, and other water birds. It is a haven for 17 state threatened or endangered species, including Spiny Softshell turtle, Black Tern, and the recently listed Eastern Meadowlark.

The refuge is utilized for all six of the public use focuses of the National Wildlife Refuge system: hunting, fishing, wildlife observation, photography, interpretation, and education.

Because of limited public lands in the area, the trails and waterways of the Missisquoi NWR provide the population of northwest Vermont with available areas for these outdoor recreation activities in all seasons. The Covid pandemic saw a dramatic increase in the usage of the refuge as people sought out places to safely immerse themselves in the natural world. The refuge lands also provide the habitats for important learning and mentoring opportunities for students engaging in environmental education. Perhaps most importantly, the Missisquoi National Wildlife Refuge, like most refuges in the system, has the critical job of protecting and conserving a biologically diverse, internationally important, and archaeologically significant area.

In 2002, the non-profit Friends of Missisquoi National Wildlife Refuge, Inc. was formed to support the work at the refuge. Now in our 22nd year, our small but dedicated group works to bring awareness to the refuge through public outreach by organizing educational and fun events for the public at large. We provide environmental education webinars, presentations, group birding opportunities, and various other outdoor events. Through our membership funds and donations, we support

learning opportunities at the refuge for both students and adults. Our financial support also stretches to assist the refuge in acquiring grant funding for invasive species control. We work in collaboration with the refuge manager to provide financial assistance with any projects that do not have funding but are deemed necessary for the operation of the refuge.

It has been many years since the Missisquoi NWR has had adequate Federal funding to keep up with its mission to appropriately manage the refuge for public use and provide protection for the lands and waters. According to the Comprehensive Conservation Plan, the refuge would need 7 permanent full-time positions to completely function and meet its goals. Missisquoi is currently operating with a Refuge Manager, a Wildlife Biologist, a regional Administrative Officer, one Maintenance Worker, and an occasional seasonal technician. This current level of staffing is making operations and maintenance of the refuge difficult.

The difficulties are seen in many areas. Missisquoi lost its Park Ranger in 2018, and the position has yet to be replaced. This critical loss, on top of an already short staff, has left a huge hole in the educational opportunities available, so our interpretive center and spacious classroom sit essentially unused. Many loved long-running programs such as the fishing derby and the Jr. Waterfowl Duck Stamp program have come to an end without staff to organize them. The refuge struggles to find volunteers to operate the visitor's center during the workweek, and it remains closed on weekends, which is peak visitation on the refuge. The trails and boardwalks are falling into disrepair because recruitment, management, and coordination of volunteers and supervision of youth programs such as YCC are no longer possible. The absence of a Law Enforcement Officer means poaching, vandalism, dumping, and drug use are going unchecked since the closest Federal officer to respond is in Massachusetts. The State Wardens respond when they can, but they cannot fully dedicate themselves to ongoing refuge enforcement. Planning for any new projects for the refuge has not been possible when even emergency projects are struggling to get done. This refuge, with its small staff, is struggling. The Friends of Missisquoi contributes when possible, but our small organization with limited dollars and limited time, cannot make up for the lack of Federal funding or staffing. Like refuges all across the country, ours is visibly showing the suffering under a continual lack of appropriate Federal funding.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

As you see, the situation at the Missisquoi NWR is not unique. Refuges across the country are suffering the same staffing and maintenance challenges. We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

The National Wildlife Refuge System is a national treasure in this country, providing valuable areas for our citizens to recreate and enjoy the great outdoors. In our current world threatened by climate change, protecting these critical habitats

for wildlife as a whole is increasingly important. Refuges are places that provide environmental learning opportunities and are areas to immerse oneself in nature's wonders, both of which are crucial for future generations to develop an appreciation and respect for our natural world. This country's refuge system is uniquely set up to effectively protect these important habitats, but they need adequate funding to do their job. Dollars spent on the National Wildlife Refuge System are a wise investment for our country and our world, and I urge you to consider adequately funding the System.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Rich Kelley, President of the Friends of Missisquoi, at info@friendsofmissisquoi.org if you would like any further information regarding our organization.

[This statement was submitted by Julie Filiberti for the Friends of Missisquoi National Wildlife Refuge.]

PREPARED STATEMENT OF THE FRIENDS OF THE NATIONAL INSTITUTE OF
ENVIRONMENTAL HEALTH SCIENCES

The Friends of the NIEHS are pleased to submit the following testimony regarding Fiscal Year (FY) 2025 Federal appropriations for the Interior, Environment and Related Agencies in support of the vital work being carried out by the NIH/NIEHS as a result of the annual appropriation provided for this work in the subcommittee's bill. We ask you to provide at least \$89.3 million for the Superfund Research program in FY2025.

Our coalition of organizations represent a variety of interests, including medical and scientific professional societies, environment and public health focused organizations, children's health advocates, women's health advocates, and many others. Collectively, our community supports and calls attention to the vital work being done by the National Institute of Environmental Health Sciences (NIEHS). NIEHS, one of the component institutes and centers of the National Institutes of Health (NIH), focuses on the prevention of health problems and diseases with special emphasis on the intimate interactions between our bodies and the environments where we live, work, and play over our lifetimes.

The NIEHS Superfund Program (SRP) supports research to address the health impacts from hazardous substances in the environment, develop clean-up technologies for hazardous waste, advance new risk assessment methods, and train the future generation of scientists to work in interdisciplinary research teams to tackle such problems. The SRP provides the scientific foundation used by the Worker Training Program (WTP) to train hazardous waste workers, to accelerate remediation efforts, and to prevent health consequences related to toxicant exposure. These programs have provided the safety tools and training to transform contaminated sites into new opportunities for residential, industrial, and commercial ventures—which means new jobs for the surrounding community and new sources of revenue for State and local governments.

The SRP's research portfolio and research successes include:

- Pregnancy Complications—Researchers at the University of Michigan revealed how exposure to Trichloroethylene (TCE), a widely used industrial chemical frequently found at Superfund sites as a contaminant in soil and groundwater, may have a negative impact on placental growth during pregnancy, which may affect the growth and wellbeing of the baby.
- Childhood asthma—Researchers at Louisiana State University are investigating how the presence of environmentally persistent free radicals (EPFRs) in household dust is linked to persistent wheeze in children. The presence of these emerging environmental contaminants in settled dust inside the home demonstrates their longevity in the environment and the association between EPFR characteristics and wheeze status points to the involvement of oxidative stress.
- Hurricanes—Researchers at the Texas A&M University Superfund Research Program Center are developing methods and tools to predict exposure during environmental emergencies, such as the aftermath of Hurricanes Harvey and Florence and to produce applied solutions to mitigate negative effects of environmental disasters on human health. Researchers from Northeastern University are providing water filtration kits and other support to its study participants in Puerto Rico in the aftermath of Hurricanes Irma and Maria. The researchers are investigating links between the high preterm birth rate of 11.8% on the island, and the extent of hazardous waste contamination there. Puerto

Rico has more than 200 contaminated sites that include 18 active Superfund sites.

- Groundwater Contaminant Sensing, Tracking and Removal—Researchers at MIT are developing ways of using tiny sensors and smart phones to sense and track the movement of emerging chemical contaminants in the environment. Researchers at the University of California, Berkeley are developing a device for convenient on-site treatment to remove lead and arsenic from drinking water.
- Addressing PFAS contamination—Researchers at the Brown University, Harvard and Texas A&M SRP Centers and other SRP-sponsored SBIR projects are heavily engaged in addressing legacy and emerging PFAS contamination, providing urgently needed scientific information on exposure sources, toxicity, and clean-up methods to inform policy, and aiding States and impacted communities.
- Airborne PCBs—Researchers at the Iowa superfund research program are leading efforts to measure exposure to airborne polychlorinated biphenyls and understand how these exposures contribute to children's neurodevelopmental health, metabolic syndrome, and other human health effects.
- Remediation Efforts—Research teams supported by the University of Kentucky Superfund Research Center are developing intervention and prevention strategies to reduce disease risks from exposure to hazardous chemicals, while also engineering solutions to current and future exposures through innovative technologies. Importantly, the Center, like other SRP funded projects, includes stakeholder engagement activities to ensure that solutions address the unique challenges faced by highly exposed and under-resourced communities.

To ensure that the critical activities of this program continue to advance alongside other important national research priorities, we ask the NIH/NIEHS Superfund-related activities receive an increase in funding in Fiscal Year 2025 to a total of at least \$89.3 million, which will help to keep our air, soil, and water safe to improve public health, advance private sector job creation, and bolster the economy. If the opportunity to meet the current investment needs of the NIEHS Superfund Research Program and Worker Training Program is lost, we risk reversing a variety of public health, environmental, and economic gains. Thank you for considering our request.

[This statement was submitted by Joseph Laakso, Director of Science Policy, Endocrine Society.]

PREPARED STATEMENT OF FRIENDS OF NEAL SMITH NATIONAL WILDLIFE REFUGE

This testimony is being submitted by me in support of the Friends of the Neal Smith NWR near Prairie City, Iowa, a refuge that was established in 1990 as the Walnut Creek NWR to reestablish or regenerate a tallgrass prairie and oak savanna from row cropland so as to be able to answer basic questions and educate the public about the native tallgrass prairie lands of the 1840s and to extract valuable solutions to agricultural, land and water problems of the 21st century.

I appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. I request Congress to allocate the full \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS) as recommended by the U.S. Dept. of the Interior and the National Wildlife Refuge System.

My Friends organization, the Friends of Neal Smith NWR, has been in existence since 1993, grown to 350 supporters, and supplies over 14,000 volunteer hours to this refuge each year. Our primary purposes are to support the refuge and in so doing we have purchased land within the 12,000-acre boundaries defined by Congress and held it until purchase and transfer to the FWS could occur, supported up to 13 interns and maintained a nature store with nearly a \$100,000 in sales to support interns and projects.

We support collaborative research projects with partners from colleges and universities. Supported research included "prairie strips" for water quality improvement and runoff control and bee diversity with the finding that bee species diversity increases four-fold over row cropped land. Projects included plantings of prairie violets and species of milkweed to support the fritillary and the monarch. Perhaps the most significant effort is in education. We have brought to the refuge some 8,000 students in elementary schools each year for age-appropriate environmental education. Of course, this was before Covid-19. But during the peak of Covid, refuge visitation increased from 240,000 to 320,000 visitors per year placing a strain on our ability to manage all these visitors. Today, some 4 years later, we have recovered school chil-

dren visitorship lost during Covid-19 and have additional strains on our infrastructure.

Help! That is what is required. The refuge has lost 77% of its original 13 FTE positions. We are fortunate to have a project leader, a visitor services and a maintenance position but neither maintenance nor our mission and goals can be preserved. It has become discouraging to volunteers who have helped so much.

I am told that since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Calculations show that funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased. This has led to sparse or non-existent field support, poor customer service, increased dependency on volunteer support, biodiversity loss, increased vulnerability to climate hazards and decreased conservation partnerships.

Presentations by the DOI show that the number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

Again, I say Please Help!

I urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering my request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me as a former Board member involved with grants within the Friends of Neal Smith NWR in Iowa.

[This statement was submitted by Prof. James Johnson, Ph.D, Friends of Neal Smith National Wildlife Refuge Board Member (Retired) and Volunteer.]

PREPARED STATEMENT OF FRIENDS OF O'AHU NATIONAL WILDLIFE REFUGES

This testimony is being submitted on behalf of the Friends of O'ahu National Wildlife Refuges, which was formed in May 2023 to support the James Cambell National Wildlife Refuge and the Pearl Harbor National Wildlife Refuge. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Our Friends group was organized to provide much needed support to the O'ahu National Wildlife Refuge complex. The complex has the only urban refuge in the Pacific and provides a variety of benefits. Four endangered birds, two of them endemic to Hawaii, use the refuge as vital habitat. Numerous migrants also use the refuges as migration and winter habitat. Endangered Monk Seals, Green Sea Turtles, and a variety of threatened insects and plants benefit as well. The refuge provides potential flood control if needed and supports cultural artifacts from early Polynesian inhabitation. Our Friends group has supported public education and refuge tours, in addition to assisting in habitat improvement efforts. In 2024, we received a \$10,000 grant from the National Fish and Wildlife Foundation. These funds will be used to support the most critical needs of the refuge complex.

In these highly populous and increasingly developed islands, these small refuges are critical for the animals and plants that live on the refuges and are also very important in providing a learning experience in a natural world.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

Our Friends group is dedicated to growing our membership and our ability to support and fund our refuges. The shortfall in manpower and funding has taken its toll. Our dedicate professionals work hard to keep the programs going smoothly, but to get best results, more personnel and more funds are clearly needed. Our invasive plant species grow rapidly, 365 days a year, reducing viable habitat for the endangered species, and a variety of management actions are needed daily to merely keep up, much less to incorporate the improvements we hope for to add viable habitat within the complex and to better accommodate an eager public.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitor facilities that rely on funding for the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Richard M. May, Jr, the President of the Friends of O'ahu National Wildlife Refuges at rmayhi02@hotmail.com, or via phone or text at (808) 375-2439.

[This statement was submitted by Friends of O'ahu National Wildlife Refuges.]

PREPARED STATEMENT OF FRIENDS OF PATUXENT RESEARCH REFUGE, INC.

Supporting wildlife conservation, education, and research at the Patuxent Research Refuge, a National Wildlife Refuge of the US Fish and Wildlife Service, and the Eastern Ecological Science Center of the US Geological Survey. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. This testimony is being submitted on behalf of the Friends of Patuxent Research Refuge, Inc.

We would like to offer comments on appropriations needs generally for the National Wildlife Refuge System, of which Patuxent Research Refuge is a National Wildlife Refuge, and specifically on behalf of the Eastern Ecological Science Center of the US Geological Survey.

The Friends of Patuxent Research Refuge was formed in 1992 to support the then Patuxent Wildlife Research Center which was later divided by the Department of the Interior into the Patuxent Research Refuge (PRR) under the jurisdiction of the US Fish and Wildlife Service and the Eastern Ecological Science Center (EESC) under the jurisdiction of the US Geological Survey. The Friends of Patuxent since its founding has remained dedicated to equally supporting the research, education, and conservation missions of the refuge and the science center. The Friends of Pa-

tuxent raise funds, conduct educational programs, and support the refuge and science center through an extensive network of volunteers.

For FY2025, the Friends of Patuxent supports full funding for the personnel at the refuge and science center including being able to fill all current and future vacancies in the coming fiscal year for both the Patuxent Research Refuge and the Eastern Ecological Science Center. As we have seen in recent years, past budget increases have not kept pace with inflation, costs-of-living increases, and annual fixed costs expenses. As a result, the refuge and the science center have had to make up these costs by effectively reducing their budgets to make up the operational costs, the cost-of-living increases, and the fixed costs that continue to grow dramatically due to inflationary pressures. The net result has therefore been budget reductions and a lack of ability to fulfill their missions. These facilities must be adequately funded to achieve their approved level of service in FY 2025.

Patuxent Research Refuge is unique among the National Wildlife Refuges of our Nation. It is the only refuge dedicated to wildlife research. Additionally, it is critically located within the fast-developing Baltimore/Washington corridor. The 13,000 acres of PRR have been called “the green lungs of Baltimore and Washington” by the late Sen. Paul Sarbanes. Patuxent is not only home to vital wildlife research and conservation, but also serves as a crucial conservation and educational resource to a burgeoning urban population which it serves.

In general, we request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS). Recent additions of refuges and new responsibilities have enhanced the Refuge System and benefited the communities around these refuges, but this growth has also put more pressure on the already stressed and underfunded Refuge System. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure. We see these effects at the Patuxent Research Refuge, which notably has been identified as one of FWS’s urban refuges.

Specifically for the Eastern Ecological Science Center under the US Geological Survey (USGS), we would like to see Congress address several urgent research needs. These include providing an additional \$6 million (at least \$2 million to start) to the US Geological Survey Ecosystem Mission Area’s Biological Threats and Invasive Species Program to develop a comprehensive, multi-pronged and science-based response plan in collaboration with State agencies and coordinate a research program to understand the ecological and socio-economic impacts and inform population monitoring, control and mitigation strategies in Chesapeake Bay. USGS is the right organization and has the inherent capability to take on this mission.

Additionally, the recent proliferation of invasive catfish in our Nation’s waterways, especially the blue catfish, is now endemic in many of the Chesapeake Bay’s major rivers and has the potential to disrupt the Baywide restoration efforts of not only the Federal Government, but a broad partnership of State, local, and nonprofit partners, and limit the full potential restoration of this critical ecosystem. USGS can increase science leadership and harness the technical capabilities to work with stakeholders, academics, and resource managers to provide a more strategic approach for managing this challenge.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025 and the specific requests for additional research funding for the Eastern Ecological Science Center of USGS. Please feel free to contact Richard Dolesh, the chair of the board of directors of the Friends of Patuxent Research Refuge.

Contact information for Richard Dolesh:

dolesh@gmail.com
301-848-8154 (cell)
19603 Aquasco Road
Aquasco, MD, 20608

[This statement was submitted by Richard Dolesh, Chairman of the Board of Directors of the Friends of Patuxent Research Refuge.]

PREPARED STATEMENT OF THE FRIENDS OF PRIME HOOK

I am submitting this testimony as a lover of our Nation’s wildlife heritage, especially as found in our National wildlife refuges. I am a member of the Friends of

Prime Hook NWR and a director of the National Wildlife Refuge Association, but I do not represent them in this testimony.

Over the last 20 years I have visited refuges in Alaska, Hawaii, and many of the lower 48 States, including my native Virginia and coastal Delaware where I have a house. Over these two decades I have seen staff cut and cut, reducing public access to, and enjoyment of, our wonderful lands. I beg you to reverse this terrible trend, beginning this year by funding the Refuge System's Operations and Maintenance account under the Fish and Wildlife Service at \$602.3 million.

The following facts detailing the challenges to the Refuge System are courtesy of the National Wildlife Refuge Association.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering inflation and the increased needs of the Refuge System since FY2010, the Refuge System budget has substantially decreased.

The number of FTEs -already a fraction of those of the other comparable Federal land agencies, has fallen by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering this request.

Please feel free to contact me at robmorgan322@gmail.com.

[This statement was submitted by Rob Morgan, Director of the National Wildlife Refuge Association.]

PREPARED STATEMENT OF FRIENDS OF RACHEL CARSON NATIONAL WILDLIFE REFUGE

I have been a member of the Friends of Rachel Carson National Wildlife Refuge for the past 35 years. The group was founded in 1987, we are a small group supporting the refuge and it's staff in various ways. The mission of the U.S. Fish and Wildlife Service is to work with others to conserve, protect, and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. For FY25, I request that this subcommittee allocate \$1.9 billion in funding for U.S. Fish and Wildlife Service (FWS). This includes \$602.3 million to address the National Wildlife Refuge System's Operations and Maintenance Budget. For Rachel Carson National Wildlife Refuge, I request \$1.5M in land acquisition funds for the purchase of critical wildlife habitat.

The Rachel Carson National Wildlife Refuge is named in honor of one of the Nation's foremost and forward-thinking biologists. After arriving in Maine in 1946 as an aquatic biologist for the U.S. Fish and Wildlife Service, Rachel Carson became entranced with Maine's coastal habitat, leading her to write the international best-seller *The Sea Around Us*. This landmark study, in combination with her other writings, *The Edge of the*

Sea and Silent Spring, led Rachel Carson to become an advocate on behalf of this nation's vast coastal habitat and the wildlife that depends on it. Our Friends group continue to have community activities that involve the local schools and neighbors with the teachings of Rachel Carson and her impact on the awareness of the natural world. In the past few years, The Friends have had a photography contest with the winners displayed in yearly Friends Calendar. We have kept busy working with the new Visitor Service Specialist in various educational programs and public outreach. With the refuge's building of a new headquarters, we will have a new Visi-

tor's Center and a Multi-purpose room that will aid in more continuous community engagement. The Friends will have a bookstore and office by early 2026. People can use the refuge as a springboard to connect to nature by experiencing wildlife observation, environmental education, interpretation, wildlife photography, hunting and fishing.

Rachel Carson National Wildlife Refuge was established in 1966 in cooperation with the State of Maine to protect valuable salt marshes and estuaries for migratory birds. Located along 50 miles of coastline in York and Cumberland Counties, it consists of 11 divisions in 12 municipalities protecting approximately 5,600 acres within a 14,800 acre acquisition zone. Consisting of meandering tidal creeks, coastal upland, sandy dunes, salt ponds, marsh, and productive wetlands, the Rachel Carson NWR provides critical nesting and feeding habitat for the threatened piping plover and a variety of migratory waterfowl, and serves as a nursery for many shellfish and finfish. The proximity of the Refuge to the coast and its location between the eastern deciduous forest and the boreal forest creates a biodiverse composition of plants and animals not found elsewhere in Maine. Major habitat types present on the Refuge include forested upland, barrier beach/dune, coastal meadows, tidal salt marsh, and the distinctive rocky coast. The Refuge provides public recreational opportunities, including wildlife observation, fishing, hunting, photography, and kayaking for the growing, and increasingly diverse and more urban, population of southern Maine and its summer visitors.

With 568 units, the National Wildlife Refuge System is a model for conservation around the world. More than 160 coastal refuges buffer communities from the increasing frequency and intensity of storms, and even more provide habitat for millions of migrating birds each year. All of the refuges are in dire need of staffing and upkeep. An investment in the Nation's Refuge System is an excellent investment in the American economy, generating \$3.2 billion and creating about 41,000 jobs in local economies. Without increased funding for refuges, wildlife conservation and public recreation opportunities will be jeopardized. Overall, the National Wildlife Refuge System requires at least \$602.3M in Operations and Maintenance Funding to be considered "full funding", which all refuges staffed, with adequate maintenance, biological, hunting, fishing, environmental education, and interpretation programs. The failure to offset the impacts of inflation has led to unsustainably low staffing levels and lost capacity. Over 800 permanent positions have been lost since FY2011—an enormous 25% loss in capacity. Much of the Refuge System is virtually unprotected due to the lack of law enforcement officers, with some officers covering entire States and refuge units hours away from one another. Several much-needed positions like these are eliminated every year as congressional appropriations lag behind inflation and actual funding needs. This also impacts the Friends Refuge volunteer groups like ours, as many volunteer programs—critical for the operation and maintenance of refuges—are being cut back or eliminated entirely due to a lack of supervision from full-time professional staff. We urge the subcommittee to do everything possible to bridge this inflation gap and provide the necessary additional funding of \$602.3M to adequately fund the Refuge System.

Here in Maine, Rachel Carson National Wildlife Refuge is seeking to have \$1.5M secured in LWCF monies for land acquisition for 146 acres of vital marshland and upland habitat. FWS is in negotiations with landowners to acquire tracts that contain riparian and tidal habitats. These acquisitions will support salt marsh migration which is crucial to the long-term viability of this salt marsh focused Refuge. One parcel encompasses the west bank of the Little River in Kennebunkport, one of the least developed tidal river habitats in southern Maine. The parcel is adjacent to Timber Point and existing Refuge lands in the Little River Division in Biddeford and Kennebunkport. In 2009, your subcommittee was very supportive in securing funds to acquire Timber Point and its surrounding lands, the refuge is now requesting to allow further expansion within the division. This acquisition would connect these parcels and improve public access for kayaking, fishing, and hunting on the river. The parcels are in very desirable areas of development in southern Maine and the funds are needed to conserve several properties. With towns in the area growing rapidly—at rates ranging between 11 percent and 32 percent over the next 10 years—development pressures continue to spiral upwards and additional coastal properties are under threat. RCNWR needs the \$1.5M. This will provide great dividends for refuge trust resources such as shorebirds and waterfowl and life and safety for local communities. As well as delivery of ecosystem services such as clean water, air, economically important marine resources and coastal protection in the face of sea level rise and increased storm incidences fueled by global climate change.

I again extend our appreciation to the subcommittee for its ongoing commitment to our National Wildlife Refuge System and respectfully request the Interior, Environment and Related Agencies Appropriations subcommittee allocate \$1.9B for the

USFWS , \$602.3M for the Refuge System's O & M Budget and \$1.6M for Rachel Carson National Wildlife Refuge from the LWCF.

Thank you again, Chair Merkley and Ranking Member Murkowski for the opportunity to present this testimony in support of protecting wildlife and its habitat. Enjoy your next walk out on a National Wildlife Refuge.

[This statement was submitted by Bill Durkin, President, Friends of Rachel Carson National Wildlife Refuge.]

PREPARED STATEMENT OF FRIENDS OF THE SAVANNAH COASTAL WILDLIFE REFUGES

All public lands are our Nations greatest treasure, one of our proudest achievements, and an ideal that separates us from other countries. They are truly American, however they are not treated the same. The National Wildlife Refuge System encompasses more acres than all other public lands combined, a staggering 62%, yet is appallingly underfunded to the pitiful amount of \$0.62 per acre; roughly 4% of total appropriations amongst all public lands. While I struggle to comprehend the reasons for this disparity, I ask that the budget for the National Wildlife Refuge System be brought in-line with an appropriate respect to the other public land agencies.

I choose to refrain from any lengthy discussion about staffing shortages or deferred maintenance projects, to which much could be said, because the truth is that no one will judge us, or remember, how many jobs we created or what backlog we cleared. Instead, we will all be judged on what we chose to invest in and what we saved for the future. If I could raise the stakes a bit higher, these underfunded refuges are some of our last bastions of hope against climate change here in America. They are home to some of our greatest carbon sinks, our greatest natural filters of drinking water, our greatest sponges against rising sea levels, yet we are dangerously close to losing them if we don't start investing in their protection, and subsequently our own.

But it's not solely the ecosystem services the refuges bestow, a 27 billion+ annual benefit to our Nation¹, that's in jeopardy but our Nation's character- our American spirit. Near my home in Savannah, Georgia each refuge contains tidal salt marsh. No other place in the world has the same unique charm that the marsh provides here. It's the embodiment of legend, the very subject of song and verse, the reason that millions visit and the privileged few stay. Just one opportunity to witness the hypnotic sway of the grasses, the gentle texture of the late afternoon colors that awash the horizon in shades of gold, the rich umber browns of the plough mud that clings to your feet and binds to your soul- and your heart will ache at the thought of ever losing it.

What will we lose as a country if we allow these refuges to slip away? What will it say about us as a society, when we cannot prioritize that which we cannot create ourselves?

If not to save it for us, those who have already been blessed with these environs, then to save it for future generations, who may miss out through no fault of their own. What America will we choose to leave them? One without wonder, without wild places, without hope?

I support these refuges because I choose to save the promise of a better tomorrow. One where alligators bellow under moss draped oaks, where snowy egrets dance in shallow pools, and where hardwood giants shield entire islands from view.

I support these refuges because they hold the secrets needed to protect us from the worst effects of climate change.

And I support these refuges because my children still run with open arms to the ocean, because their eyes still twinkle at the sight of fireflies, and because I want their children, one day, the chance to see the same magic.

So now I ask you, for your support of these, our last wild places.

[This statement was submitted by Matthew Emmer, President, Friends of the Savannah Coastal Wildlife Refuges, Inc.]

¹Molly W. Ingraham, Shonda Gilliland Foster, The value of ecosystem services provided by the U.S. National Wildlife Refuge System in the contiguous U.S., *Ecological Economics*, Volume 67, Issue 4, 2008, Pages 608–618, ISSN0921–8009, <https://doi.org/10.1016/j.ecolecon.2008.01.012>. (<https://www.sciencedirect.com/science/article/pii/S0921800908000396>)

PREPARED STATEMENT OF FRIENDS OF SENEY NATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of the Friends of Seney National Wildlife Refuge which was formed in 1987 to support the Seney National Wildlife Refuge in Germfask, Michigan located in Michigan's Upper Peninsula. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

We are a volunteer-powered nonprofit membership organization and a proud partner of the Seney National Wildlife Refuge. Our mission is to support the Seney National Wildlife Refuge through community building, awareness and education, and fundraising. We've been working hard to build community engagement, raise private funding and communicate the importance of wild spaces like the refuge. We've been more successful than ever this past year, joining together with people who love the wildness of the refuge and who want to preserve and nurture it into the future. No matter how hard we work, as volunteers we can never make up the gap of lost funding caused by many years of inadequate Federal appropriations.

The refuge is critical to the economy of our region in addition to its importance in maintaining essential biodiversity. Many visitors come to the UP for outdoor recreation and Seney is almost always a stop. The refuge protects wildlife and habitats and provides a level of resilience for our communities in responding to climate hazards. Without tourism, and people's love of our wilderness, we would lose many jobs and families would be forced to move elsewhere to make a living.

Since 2010 the Refuge System has added 21 new refuge units, 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact William MacLachlan, the President of the Friends of Seney at friends@friendsofseney.org.

[This statement was submitted by Polly Sheppard, Member, Board of Directors, Friends of Seney National Wildlife Refuge.]

PREPARED STATEMENT OF THE FRIENDS OF SHERBURNE NATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of the Friends of Sherburne NWR, which was formed in July 1993 to support the Sherburne National Wildlife Refuge, Zimmerman, MN. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3

million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

The Friends of Sherburne National Wildlife Refuge is a grassroots nonprofit organization with more than 600 members. We have a single purpose: to nurture an appreciation for, and the conservation of, the Sherburne National Wildlife Refuge. We are a 501(c)(3) Minnesota corporation founded in 1993 with a formal partnership agreement with the Sherburne National Wildlife Refuge, a unit of the U.S. Fish and Wildlife Service. We are an all-volunteer organization with no paid staff, and we serve visitors from Central Minnesota and beyond, including the Twin Cities of Minneapolis and St. Paul, outstate Minnesota, neighboring States, and beyond to the entire United States and even foreign countries. Our areas of strategic focus include Education, Advocacy, Volunteerism, Sustainability, and Diversity/Equity/Inclusion.

The refuge, within 50 miles of downtown Minneapolis, is a unique place with 30,700 acres of rare oak savanna as well as prairie, wetlands, and some woodlands. Well over 100,000 visitors come in all seasons of the year to explore the Blue Hill, Mahnomen, and Oak Savanna Learning Center hiking trails, tour the Wildlife Drive, and enjoy birding-from spring migrants, to summer nesting favorites like trumpeter swans and sandhill cranes, to the tens of thousands of sandhill cranes that stage at the refuge each fall before heading to the Gulf Coast and other southern locations for the winter. Hunting-including waterfowl, deer, and turkey-is popular as well, and the refuge's nature education program serves thousands of students of all ages throughout the year. In addition, the refuge's events draw visitors from miles around. The highlight of the event calendar is the fall Wildlife Festival, which has attracted as many as 2,000 visitors in one day. Visitors especially flocked to the refuge for an escape in nature during the 2020 pandemic, when trailhead parking lots overflowed and lines of vehicles crowded the Wildlife Drive.

We have seen that Sherburne NWR offers notable benefits beyond conservation. Refuge visitors and the refuge itself significantly enhance the quality of life as well as the economy of the surrounding area. Spaces like ours bring people together-regardless of age, ability, background, or political preference. It seems to us that funding for the Refuge System should be a winning proposition for Congress members, regardless of political party.

The Friends of Sherburne do much to support the refuge through outreach in surrounding communities and volunteering to assist with education and conservation programs. We also raise funds to support the refuge's nature education program, free public events, informational brochures and signage for visitors, and more. Local support is important to both us and the refuge. We have recently raised more than \$400,000 from the community to construct an amphitheater adjacent to the Oak Savanna Learning Center on the refuge. We have also raised funds to contract with a naturalist to assist the refuge's Visitor Services staff member.

During my 25-year "career" as a Friends member and volunteer for the refuge and US Fish and Wildlife Service, I have watched refuge visitor and program numbers increase while the Service staff has shrunk. In fact, I would estimate that the current staff is only about half of what it was in 2010. Unfortunately, as staff numbers have decreased, funding has as well. In short, fewer people are being asked to do the same amount of work-and even more-but with much less financial support. When a staff member retires, transfers to another site, or otherwise leaves our refuge, that person is very rarely replaced. My greatest fear is that if we lose our Visitor Services Specialist-who works for the benefit of volunteers as well as visitors-we may no longer be supported to do the very valuable work that we perform as volunteers. By the way, volunteers perform as much as 20% of the work done on National Wildlife Refuges each year!

This sad situation is not unique to Sherburne Refuge! I am acquainted with many Friends and Service staff from across the United States, and I don't know any of them who currently have a full staff at their Service site. To me this is an unforgivable situation and shows no respect for the American people, for whom Service staff are "working with others to conserve, protect, and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people."

So how has this happened? Let's take a look back. Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to more than 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, an-

nual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased. I recently read that “the five branches of the United States armed forces maintain nearly 150 military bands ... with annual spending on music ensembles in excess of \$300 million.” We have nothing against the military or its bands but believe that we can-and should-do better than \$527 million to support the Refuge System’s 95 million land acres and 755 million water acres.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have no staff at all on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitors that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President’s FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. For more information, please feel free to contact Carol J. Mertesdorf, President of the Friends of Sherburne NWR, at cjmertesdorf@yahoo.com

[This statement was submitted by Susan L Hix, Member, Friends of Sherburne National Wildlife Refuge, Inc.]

PREPARED STATEMENT OF THE FRIENDS OF ST. MARKS WILDLIFE REFUGE

This testimony is being submitted on behalf of the Friends of St. Marks Wildlife Refuge, which was formed in 1987 to support the St. Marks National Wildlife Refuge in St. Marks, Florida. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request the Senate to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

The Friends of St. Marks Wildlife Refuge group was founded in 1987 to support the educational and biological objectives of the St. Marks National Wildlife Refuge in Florida. It was awarded the National Friends Group of the Year in 2021 and the groups’ accomplishments are numerous. Signature programs developed and implemented by the Friends include: support of over 73 youth conservation interns over 10 years to support endangered species management on the refuge; fundraising over \$1 million for the extensive restoration of the St. Marks Lighthouse, a National Historic Site; support of a staffed “lighthouse keeper” to run the lighthouse volunteer program for thousands of visitors; advocacy and support of the full-time staff to run the Nationally recognized Environmental Education program; coordination of the donation of the 160-acre Byrd Hammock archeological site to the Refuge; and providing direct funding and facilitated donations by environmental partners to acquire Smith’s Island, an important bird rookery.

St. Marks National Wildlife Refuge in St. Marks, Florida was established in 1931. Stretching along 45 miles of fragile Gulf Coast in northern Florida, the refuge is of vital importance to the local community, maintaining healthy ecosystems that protect residents and their property and attracts over 320,000 visitors annually. Also, it is an asset to people and wildlife as the refuge:

- is part of the North American Coastal Plain “biodiversity hotspot,” one of 36 biologically rich and deeply threatened regions across the globe targeted by Conservation International for plant and wildlife conservation and critical to human survival.
- protects 32,000 acres of pristine Apalachee Bay as an Executive Closure Boundary to benefit migratory birds and marine resources.

- is embedded within a matrix of over 1.46 million acres of nearly contiguous public lands.
- contains 17, 746 acres of Wilderness salt marshes, designated by Congress in 1975.
- is the only refuge in Florida to host a segment of the Florida National Scenic Trail.
- is designated as a Globally Important Bird Area in the United States and considered in the top 50 sites nationally for birding.
- is recognized as the National Land Management Research Demonstration Area for the endangered Longleaf Pine ecosystem.
- offers one of the few Environmental Education programs with a full-time staff position in the National Wildlife Refuge System, reaching thousands of pre-school students- adults annually.
- staff actively recruits youth conservation interns to support monitoring and maintenance of the endangered red-cockaded woodpecker and frosted flatwoods salamander populations.

Since 2010 the Refuge System has added 21 new refuge units, 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

Specific challenges facing the St. Marks National Wildlife Refuge include reduced law enforcement presence and biological inventory and management capacity due to reduced staffing and expansion of the staff's geographic areas of responsibility; aging and unsafe infrastructure; inadequate space for professional staff, interns, volunteers and Friends in a 45-year-old wooden Visitor Center/Office and lack of funding to overcome these challenges. This coastal wildlife refuge will continue to face resiliency issues for wildlife and visitors with climate change ongoing and increased pressure from development and invasive species encroachment.

We urge the Senate to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitor ship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Myrtle Bailey, Vice President, of the Friends of St. Marks Wildlife Refuge at (850)524-5756 or myrbailey@aol.com for more information.

[This statement was submitted by Myrtle Bailey, Vice President, Friends of St. Marks Wildlife Refuge.]

PREPARED STATEMENT OF FRIENDS OF THE TAMPA BAY NATIONAL WILDLIFE REFUGES

This testimony is being submitted on behalf of the Friends of the Tampa Bay National Wildlife Refugees which was formed in 2008 as a 501c3 to support the Tampa Bay Refuges, which include Egmont Key, Passage Key, and Pinellas National Wildlife Refuges. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request that Congress allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS) for the 2025 fiscal year.

The Tampa Bay National Wildlife Refuge Islands are a part of the Crystal River National Wildlife Refuge Complex located in west central Florida. The offices are located roughly 90 miles north of Tampa Bay. Our Tampa Bay Friends group has over 300 members who spend many hours volunteering and raising funds. Our volunteer hours this past year were the equivalent of 1.5 full time employees. Our members are passionate about the environment, the wildlife, and the history of Egmont, Pinellas, and Passage Keys.

The Tampa Bay National Wildlife Refuge islands were set aside for nesting and resting birds as well as preserving the ruins of Ft. Dade on Egmont Key NWR. The refuge complex has lost almost all of its staff due to budget cuts and staff retirements. They are not even close to having enough personnel to carry out their mission and mandates. The Tampa Bay NWR's have one visitor services manager for Tampa Bay but he frequently has to fill in at the Refuge Headquarters in Crystal River. There is almost always a budget shortfall towards the end of the fiscal year causing staff to discontinue many of the activities they should be doing to fulfill the mandates for each refuge. The Complex has a Project Leader, Visitor Services Manager, Visitor Service Specialist, and one maintenance employee to cover the five refuges which are located a hundred miles apart. The Complex doesn't even have a Biologist! The complex used to have 12 staff members and now they have 4. It is a next to impossible task for the few staff left. Our Friends group is understandably concerned that there is not enough staff to protect these incredible places and wildlife on our refuges.

The Tampa Bay Refuges large populations of wonderful birds, gopher tortoises, box turtles, and Loggerhead sea turtles are important to the community as well as our Friends members. The Friends do monthly bird counts for Pinellas Refuge Islands, but are not equipped to count Egmont or Passage Keys, that requires a biologist. The Friends also fill the gap of providing environmental education and field trips for adults and kids, as well as public outreach at festivals and presentations. Friends spend countless hours repairing boats to get to the islands, refurbishing informational kiosks, picking up trash, pulling invasive plants, and posting and re-posting signs to keep the birds safe. We fund items for the refuges as needed if we have the funds and apply for community grants for larger projects to help protect the islands from erosion.

Tampa Bay loves the refuges. Egmont Key NWR has hundreds of thousands of visitors each year who enjoy the beaches, see the Ft. Dade ruins, and watch the birds in the areas that are open to the public. Visitors are always thrilled to see the healthy gopher tortoises and some of the more than 150,000 birds during nesting season. Many of these folks are from all over the U.S. and abroad. Boating across the bay, exploring the island, and beachcombing gives people a feeling of relaxation and a way to unwind. Everyone needs that. It is important to protect Egmont and equally important for Passage Key and Pinellas Refuges which do not have visitors but supply the area with new generations of beautiful birds.

Since 2010 the Refuge System has added 21 new refuge units, 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 16% since FY2010. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation

planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitation that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me, Barbara Howard, President of the Friends of the Tampa Bay National Wildlife Refuges at 727-512-4914 or Friends@TampaBayRefuges.org.

[This statement was submitted by Barbara Howard, President, Friends of the Tampa Bay National Wildlife Refuges.]

PREPARED STATEMENT OF THE FRIENDS OF TUALATIN RIVER NATIONAL WILDLIFE
REFUGE COMPLEX

I am submitting this testimony on behalf of Friends of Tualatin River National Wildlife Refuge Complex. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

I appreciate the opportunity to provide written testimony on behalf of the Friends of Tualatin River National Wildlife Refuge Complex (Friends), near Portland, Oregon. Friends is a 501 (C) (3) nonprofit organization whose mission is to promote the conservation and welfare of the Tualatin River National Wildlife Refuge for all dependent species and to enrich the lives of citizens through education and experience. Our organization has approximately 350 members. I am President of the Board of this organization. The Refuge Complex also includes Wapato Lake National Wildlife Refuge, in Gaston, OR. Our volunteer organization helps to support these two refuges and the refuge system. We provide thousands of volunteer hours each year to assist our understaffed and underfunded refuges and refuge system.

In 2020, when the pandemic quickly shutdown most federal, State, and local parks, our beloved Oregon Coast beaches, and other public lands in the Portland area, there was one place where visitors could go and safely bask in nature. That place was Tualatin River National Wildlife Refuge. Although the Visitor Center and restrooms and even part of the parking lot were closed for a time, we flocked there by the thousands to soak up our much-needed ration of nature. The refuge became just that for humans as well as wildlife and we value it more today than ever.

Located just 15 miles from the heart of Portland, OR, Tualatin River National Wildlife Refuge, founded in 1992 and opened to the public in 2006, is cradled in Portland's southwest suburbs and is easily accessible to this urban population including being accessible by public transportation with a bus stop at its main gate and a wheel-chair friendly trail. The refuge has existed as a designated Urban Refuge since it was created. I am blessed to live less than a mile from the main gate of the refuge. As a 4th generation Idahoan, I grew up outdoors in nature and am passionate to protect these treasured places for all to enjoy.

As more and more people "discovered" the Refuge as a respite in a very stressful time, there has been a heightened public awareness of its value as a resource to our community. But, with increased awareness and usage comes increased need for upkeep and protection. Being in an urban area results in a higher level of required management to safeguard the wildlife and habitat.

Our Fish and Wildlife Staff has done a stellar job of preserving the refuge, but they are working at a great handicap. In 2012, the refuge consisted of 1,384 acres under the management of a full-time staff of 6. In 2013, the 944-acre Wapato Lake National Wildlife Refuge was created and complexed with Tualatin River NWR with no additional staff or funding. Since then, additional acres have been added to Tualatin River NWR, bringing it to over 1,800 acres. Managed acres have increased by 50% but there is still only a staff of 6. Complexing these two refuges also results

in staff having to travel substantial distances several times a week to juggle duties on multiple refuges.

Without sufficient staff, the progress toward public access at Wapato Lake and the date for opening to the public was delayed until last year. Restoration, conservation, and access to this refuge is extremely significant to the local communities and to the Confederated Tribes of Grand Ronde who are the original caretakers of this land. It also provides habitat for a variety of wildlife (<https://youtu.be/-GcQ-ORL-9M>) including many migratory waterfowl that stop-over in the winter. But the refuge is amazing year-round.

Historically, the Wapato lakebed filled and receded with the rise and fall of the Tualatin River. A pump system and earthen levees, designed to facilitate farming, were installed in the 1930s. Eighty years later, the economic and public health risks of this aging infrastructure had become evident. The failing dikes on the Lake must be repaired to protect surrounding private and public lands, to ensure the safety of drinking water, and to enable US Fish and Wildlife Service Staff to adequately control water levels for the benefit of wildlife. The \$9M that had been allocated toward the anticipated total \$21M cost of the project was redirected without any thought to how this would impact Wapato Lake. The citizens of Gaston are wondering what will happen when the dikes fail and water from the lake contaminates the drinking water for their city.

Challenges at Wapato Lake involved not only the aging infrastructure, but also the developing a significant level of collaboration, funding and expertise that would be needed to transform this expansive and critical site into a haven for wildlife and an asset to the surrounding communities.

The past 3 years have been a time of exciting change at Tualatin River National Wildlife Refuge as well. Chicken Creek that flows across the main unit of the refuge has been reoriented to a sinuous flow, replacing the straight channel that was created when the land was converted for agricultural use over a century ago. The project created a 280-acre connected, naturally functioning wetland system on the Refuge's Atfalat'i Unit. A reconfigured pedestrian trail now allows visitors to access the new natural wetland and creek area.

Both projects have been accomplished with the help of numerous community partners making the refuge more meaningful to even more members of our communities.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges, including Wapato Lake NWR, have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

"National Wildlife Refuges are places where the music of life has been rehearsed to perfection, where nature's colors are most vibrant, where time is measured in seasons, and where the dance of the crane takes center stage. They are gifts to ourselves and to generations unborn- simple gifts unwrapped each time a birder lifts binoculars, a child overturns a rock, a hunter sets the decoys, or an angler casts the water." This is a quote taken from Fulfilling the Promise in the forward by then U.S. Fish and Wildlife Service (FWS) Director Jamie Clark

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportuni-

ties for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me, the President of the Friends of Tualatin River National Wildlife Refuge Complex at oregonchart@comcast.net or 503 758-5534.

[This statement was submitted by Cheryl Hart, Board President, Friends of Tualatin River National Wildlife Refuge Complex.]

PREPARED STATEMENT OF THE TUALATIN RIVER AND WAPATO NATIONAL WILDLIFE REFUGES

I am submitting this testimony as a volunteer at the Tualatin River and Wapato National Wildlife Refuges in Portland, Oregon. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Founded in 1993, the Friends of Tualatin River National Wildlife Refuge (the Friends) is a community-based nonprofit organization. Unlike most refuges, Tualatin River National Wildlife Refuge was established due to the vision and hard work of a group of local citizens who saw the value of having a National Wildlife Refuge in the midst of a rapidly growing urban area. These founders worked with local political leaders to gain approval for the establishment of the Refuge.

The Tualatin River National Wildlife Refuges as urban sanctuaries, aim not only for ecological restoration but also to engage underrepresented communities in conservation efforts. However, progress in community involvement has been severely hindered by a shortage of USFWS staff and budgetary limitations. As volunteers, we are restricted from initiating projects without staff oversight, which has postponed projects due to staffing shortages. I have been a passionate supporter of community science projects that engage high school students in conservation. Still, the limited USFWS staff resources have prevented the launch of new initiatives in this area.

Since 2010 the Refuge System has added 21 new refuge units, 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

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Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025.

[This statement was submitted by Willem Stoeller, Vice-President, Friends of the Tualatin River National Wildlife Refuge Complex.]

PREPARED STATEMENT OF GEOLOGICAL SOCIETY OF AMERICA

SUMMARY

The Geological Society of America (GSA) recommends that Congress provide \$1.85 billion in annual appropriations for the U.S. Geological Survey (USGS) in Fiscal Year 2025. As one of our Nation's key science agencies, the USGS plays a vital role in locating, characterizing and documenting mineral and energy resources that underpin economic security and growth; researching and monitoring potential natural hazards that threaten U.S. and international security; keeping communities informed about the impacts of a changing climate; and determining and assessing water quality and availability. Approximately two thirds of the USGS budget is allocated for research and development. In addition to supporting the science activities and decisions of the Department of the Interior, USGS research, data, and products are used by communities across the Nation to make informed decisions in land-use planning, emergency response, natural resource management, engineering, and education. To fully implement the agency's mission and fulfill the USGS 21st-Century Science Strategy will require \$1.85 billion in annual appropriations.

The Geological Society of America (GSA) is a scientific society with 19,000 members from academia, government, and industry. Through its meetings, publications, and programs, GSA enhances the professional growth of its members and promotes the geosciences in the service of humankind. GSA encourages cooperative research among earth, life, planetary, and social scientists, fosters public dialogue on geoscience issues, and supports all levels of earth science education.

The Geological Society of America (GSA) thanks the Committee for recognizing the importance of the work of the U.S. Geological Survey (USGS) to protect lives, property, and national security, and to stimulate economic growth. GSA urges Congress to provide USGS \$1.85 billion in Fiscal Year 2025. This increase will allow the USGS to implement new initiatives, maintain the base funding for critical research and monitoring, fill vacant positions, and address deferred maintenance on existing facilities.

U.S. GEOLOGICAL SURVEY CONTRIBUTIONS TO NATIONAL SECURITY, HEALTH, AND WELFARE

The USGS is one of the Nation's premier science agencies, with the unique capacity to engage interdisciplinary teams of experts to gather data, conduct research, and develop integrated decision-support tools. USGS research is used by communities across the Nation to make informed decisions regarding land-use planning, emergency response, natural resource management, engineering, and education. USGS provides practical, pragmatic science that informs many of society's greatest challenges related to national and economic security, health, and welfare. Several are highlighted below.

NATURAL HAZARDS

Natural hazards are a major cause of fatalities and economic losses. In 2023 alone, NOAA found that Federal costs due to natural disasters in the U.S. exceeded \$90 billion. An improved scientific understanding of geologic and atmospheric hazards will reduce future losses by informing effective planning, mitigation, and resilience. USGS's products are innovative, reliable, timely, and actionable, providing critical information on potential and developing hazards like floods, droughts, earthquakes, volcanos, landslides, and space weather events. GSA urges Congress to continue supporting efforts for USGS to both maintain its fundamental research capabilities, and modernize and upgrade its natural hazards monitoring and warning systems, such as the ShakeAlert Earthquake Early Warning System which can improve our ability to predict and mitigate the impacts of these events, ultimately saving lives and reducing economic losses.

Decision makers in many sectors rely upon USGS data to respond to natural hazards. For example, USGS volcano monitoring provides data to enable decisions to ensure aviation safety. Similarly, the USGS plays a key role in the National Tsunami Hazard Mitigation Program by tracking tsunami sources using seismic data, and USGS research on storm surge is used by the National Hurricane Center.

USGS is a key partner in obtaining data necessary to predict severe space weather events, which affect the electric power grid, satellite communications, and naviga-

tion systems. The Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow Act (PROSWIFT Act) provides a path forward for USGS research to understand and mitigate space weather risks. In addition, the Space Weather Advisory Group established by the PROSWIFT Act conducts comprehensive surveys to identify the research, observations, forecasting, and modeling advances required to improve response to space weather products.

GSA recommends adequate funding to implement recently-enacted hazards-related legislation. For example, the National Landslide Preparedness Act expanded the USGS Landslide Hazards Program, and authorized the 3D Elevation Program (3DEP) which leverages partnerships with the private sector, State and local governments, and other agencies to update and coordinate the collection of high-resolution elevation data across the country. Directives to USGS include identifying, mapping, and understanding landslide hazards, responding to landslide events, and developing landslide guidelines for geoscientists, emergency management personnel, and land-use decision-makers in order to reduce landslide losses and protect communities at risk.

ENERGY AND MINERALS

As articulated in the Energy Policy Act of 2020, there is a vital need to understand the global and domestic abundance and distribution of critical mineral resources, as well as the geologic processes that form them. Achieving this goal will require continually expanding collection and analysis of geological, geochemical, and geophysical data. Specifically, GSA supports completing the new Energy and Minerals Research Facility on the Colorado School of Mines campus, a USGS facility that will be critical to establishing the workforce needed to secure our energy future by expanding STEM talent, and increasing diversity through student engagement and university partnerships.

GSA supports energy and minerals science, research, data collection and analysis that will allow for more economic and environmental management and utilization. GSA appreciates congressional support for the EarthMRI program, which will both provide new resources and leverage current data to accelerate geological and geophysical mapping, identify critical mineral sites for further scientific study to aid defense, security, and economic uses. The mapping has a central focus on minerals still in the ground and minerals that may be reprocessed from legacy mine waste, and will also provide important data for abandoned mine remediation and for understanding other natural resources.

WATER RESOURCES

Improved understanding of the quantity, quality, distribution, and use of water resources through monitoring, assessment, research, and delivery of actionable information by the USGS and associated partners is necessary to ensure adequate and safe water resources for the health and welfare of society. For example, the USGS national network of stream gages provides key data for the weekly U.S. Drought Monitor Maps and classifications, but its funding has been flatlined for many years. A reinvestment in this program will allow the Survey to maintain significant long-term data collection necessary for assessing impacts to water resources brought on by stressors such as climate change. Improved representation of geological, biological, and ecological systems in USGS models-including underlying physical and chemical processes and their interactions-is needed to fully assess water availability across the U.S., and develop the tools needed to utilize them responsibly.

CLIMATE CHANGE

USGS research on climate impacts is used by local policymakers and resource managers to make sound decisions based on the best possible science. In addition to fundamental, long-term climate change research, the USGS provides scientific information necessary to anticipate, monitor, and adapt to the effects of climate change at regional and local levels, allowing communities to make smart, cost-effective decisions. Much of this work operates through the network of nine regional Climate Adaptation Centers (CASC). For example, the Alaska CASC has assessed future landslide risks along road corridors in Denali and other Alaska parks, which will assist planning for new and existing infrastructure to endure under a changing climate. The Southeast CASC is using artificial intelligence to predict flood damage changes in response to rising sea levels across the country, and Northwest CASC researchers studied the impacts of wildfire severity and climate change on tree species that rely on fire to release their seeds. Additionally, the Federal Climate Data Portal will provide actionable climate tools and products that will help public and private decision-makers address climate risks.

CORE SCIENCE SYSTEMS, FACILITIES, AND SCIENCE SUPPORT

Activities from hazard monitoring to mineral forecasts are supported by Core Science Systems, Facilities, and Science Support. These programs and services, such as geologic mapping, data preservation, and satellite observation, provide critical information, data, and infrastructure that underpin the research of the USGS. Investment in advanced scientific computing will allow the agency cutting-edge analytics and models needed to study wildfires and droughts. Stagnant funding has created backlogs in the hiring of new scientists. Increased investment is needed to fill these critical roles and allow for the recruitment and training of a strong and diverse STEM workforce pipeline, paving the way for increased diversity, equity, inclusion, and accessibility within the field of Earth sciences.

GSA appreciates the committee's recent investments in USGS facilities, including the support of the Energy and Mineral Research Facility included in the Bipartisan Infrastructure Law, and encourages continued investment to assure the completion of these important, new facilities and to address deferred maintenance issues on older facilities. GSA also recommends long-term funding and support for the USGS Library, which is used by both Federal scientists and external researchers. The Library houses more than 1.5 million volumes and more than three million maps, photographs and field records, with much of the information unique to the USGS or available from very sources worldwide.

The Landsat satellites have amassed the largest archive of remotely sensed land data in the world, a tremendously important resource for land use planning, and for assessment of water, energy, mineral and other natural resources, the impacts of natural disasters, and global agriculture production. GSA encourages continued support for existing programs, as well as interagency efforts for Landsat Next with improved spatial resolution and the ability to provide updated imagery with greater frequency.

Thank you for the opportunity to provide testimony about the U.S. Geological Survey. For additional information or to learn more about the Geological Society of America—including GSA Position Statements on climate change, water resources, mineral and energy resources, natural hazards, and public investment in Earth science research—please visit www.geosociety.org or contact GSA's Science Policy office at sciencepolicy@geosociety.org.

[This statement was submitted by Dr. Christopher Bailey, President, The Geological Society of America.]

PREPARED STATEMENT OF GRANTMAKERS IN THE ARTS

On behalf of Grantmakers in the Arts, we urge you to increase funding in Fiscal Year 2025 to \$211 million for the National Endowment for the Arts (NEA) in the Interior Appropriations bill. Grantmakers in the Arts represents over 300 arts supporters across the Nation. As the only national association of public and private arts funders, Grantmakers in the Arts provides members with resources and leadership to support artists and arts organizations that advance the use of philanthropic and governmental resources to support the growth of the arts and culture across the United States.

GIA has witnessed firsthand how NEA funding supports artists and organizations, ensuring that they can thrive and continue to contribute to American culture. However, as we look towards the future, it's clear that increased investment in the NEA is essential to sustain and amplify these efforts. The arts sector has faced unprecedented challenges, from the economic impacts of the COVID-19 pandemic to ongoing struggles with equity and access. By bolstering NEA funding, we can provide much-needed support to these individuals and institutions, fostering innovation, resilience, and cultural equity. Moreover, increased investment in the NEA will yield significant returns, not only in terms of economic growth but also in fostering social cohesion and community well-being.

Additionally, we know that the widespread and multiplying effects of these NEA investments are undeniable. For every dollar spent on direct grants, nine dollars in private and other public funds are leveraged, generating more than \$500 million in matching support. Moreover, 40 percent of NEA's grant-making budget is re-granted through State arts agencies and regional arts organizations. These re-grants are often to communities not served by private philanthropy, such as rural and remote communities. Private support cannot substitute the leveraging role of government cultural funding.

The arts and cultural industries in our country contribute over \$1 trillion to the U.S. economy. The nonprofit arts and culture sector alone generated \$151.7 billion

in economic activity in 2022 with \$73.3 billion spent by arts and cultural organizations and an additional \$78.4 billion in event-related expenditures by audiences. This activity in the nonprofit arts and culture sector supported 2.6 million jobs, provided \$101 billion in personal income to residents, and generated \$29.1 billion in tax revenue to local State and Federal Governments.

The arts also play a significant role in well-rounded educational opportunities for our Nation's students. In recent years, there have been consequential declines in the teaching of arts. Loss of access to arts education is a fundamental matter of equity, which is especially important to address considering how creative learning bolsters academic success. Students with an education rich in the arts have higher GPAs and graduation rates. The positive impact of arts education has been shown to be greater in low-income communities, a positive result for the equity, efficiency and effectiveness of investing in arts education as an intervention to support increasingly equitable outcomes. The NEA's education programs have helped sustain support in local communities for arts education, which has been proven to close the education achievement gap, and benefit children and adults in many critical ways throughout their lives.

We encourage you to consider increasing funding for the NEA both to bolster support and opportunities for all communities to be able to access and participate in the arts, but also for the significant impact it has on our Nation's economy.

[This statement was submitted by Eddie Torres, President and CEO, Grantmakers in the Arts.]

PREPARED STATEMENT OF THE GREAT LAKES COALITION

My name is Laura Rubin, Director of the Healing Our Waters-Great Lakes Coalition, a Coalition that since 2004 has been harnessing the collective power of more than 180 groups representing millions of people, whose common goal is to restore and protect the Great Lakes. Today, the HOW Coalition joins our regional partners in asking you to support full funding for the Environmental Protection Agency's (EPA) Great Lakes Restoration Initiative (GLRI) at \$450 million and other Great Lakes restoration priorities in Fiscal Year 2025.

The Great Lakes define our region's way of life, serving as the drinking water source for more than 42 million people, providing a rich aquatic habitat supporting a \$7 billion annual fishing industry, and supporting a Great Lakes recreation industry that draws millions of tourists who boost the economies of our communities. In short, the Great Lakes are where millions of people live, work and play.

Congress has long recognized how important the Great Lakes are to our region and our Nation. Protecting and restoring them is a non-partisan priority for the people in the eight-state region and we are grateful for the much-needed support the region has received. We are seeing on-the-ground results because of the investments in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin. However, the Great Lakes still face many urgent challenges. Legacy pollutants persist, well-known contaminants like lead and toxic PFAS make drinking water unsafe, critical habitat continues to degrade, emerging contaminants are uncovered, and severe storms and floods overwhelm aging infrastructure. Ongoing Federal investments to face these challenges are especially important if we are to help the communities that have been most burdened by pollution and environmental harm.

The Federal Government is an essential partner in our shared endeavor to help heal the lakes through our undertaking of one of the world's largest freshwater ecosystem restoration projects, the GLRI. Non-governmental groups, industries, businesses, cities, and States are forging partnerships to clean up toxic hot spots, restore fish and wildlife habitat, and combat invasive species. And we know we have more work to do before Great Lakes restoration is complete. The region still faces fish consumption advisories, beach closures, and drinking water restrictions. Without the continued full support from Congress this progress will slow, the challenges we face will get worse, and the price we pay will rise. We urge the subcommittee to support full funding for the GLRI at \$450 million in Fiscal Year 2025.

ENVIRONMENTAL AND ECONOMIC BENEFITS

Great Lakes restoration efforts are improving the lives of millions of people and work is underway or completed on more than 8,000 restoration projects throughout the region. These projects are benefiting communities, strengthening their resil-

ience, and cleaning up the source of drinking water for over 30 million Americans. Because of GLRI investments, we are seeing impressive results:¹

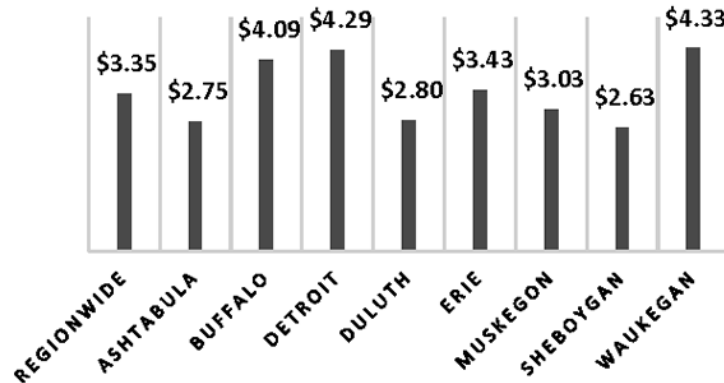
- 5 Areas of Concern (AOC), the most polluted rivers and harbors in the region—Presque Isle, Pa.; Deer Lake, Mich.; White Lake, Mich.; Lower Menominee River, Mich. & Wis.; and Ashtabula River, Ohio—have been delisted since the GLRI began. The management actions necessary to delist 10 additional AOCs have also been completed. In the previous two decades before the GLRI, only one AOC had been cleaned up.
- 113 beneficial use impairments (BUIs), a benchmark of environmental harm that characterize AOCs, have been addressed in Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, and Wisconsin under the GLRI, over 11 times the total number of BUIs removed in the preceding 22 years.
- Vital support for the early detection, monitoring, and regional response to address the threat of new and existing aquatic invasive species, including invasive carp has been provided. Invasive species control activities have been implemented on more than 250,000 acres in coordinated efforts with federal, State, and local partners.
- 2.2 million farmland acres in priority watersheds have received technical and financial support, in partnership with other programs, to implement nutrient management actions. Conservation efforts across the Great Lakes have resulted in a projected reduction of 2.8 million pounds of phosphorus runoff, a major contributor to toxic algal blooms.
- Over 7,400 river miles have been cleared of dams and barriers resulting in fish swimming into stretches of river where they have been absent for decades and increasing biodiversity and water quality overall.
- Habitat and wildlife connectivity continue to improve as the Fish and Wildlife Service, National Park Service, Natural Resources Conservation Service, and National Oceanic and Atmospheric Administration worked with partners to restore, protect, or enhance more than 500,000 acres of habitat, including 65,000 acres of coastal wetlands.

Moreover, investments in Great Lakes restoration create jobs and lead to long-term economic benefits for the Great Lakes States and the country. A 2018 assessment estimated that for every \$1 the GLRI invested through 2016 to clean up toxic hot spots in Areas of Concern (AOC), control invasive species, restore wildlife habitat, protect wetlands, and reduce toxic algal blooms more than \$3 in additional economic activity regionwide will be produced through 2036 (see chart).² The GLRI is revitalizing our waterfronts and leading a resurgence in water-based outdoor recreation and increasing tourism across the region.

¹<https://www.glri.us/results>

²University of Michigan. 2018. "Socioeconomic Impacts of the Great Lakes Restoration Initiative." Research Seminar in Quantitative Economics.

RETURN FOR EVERY \$1 SPENT (THROUGH 2036)



While these numbers are impressive, the stories behind them are more illuminating:

- When the small town of Grand Marais, Minnesota, on the coast of Lake Superior realized their stormwater runoff was polluting the lake, they acted. With funds from the Great Lakes Restoration Initiative, in partnership with State and local support, the town is updating part of the city's green stormwater infrastructure, using natural features to restore habitat, improve water quality, and reduce flooding by enlarging its main stormwater ponds to handle the more frequent 100-year storms the city is now experiencing.
- The iconic Two-Hearted River in Michigan has seen increased opportunities for recreation and fishing thanks to restoration that stabilized the riverbanks. In addition, 23 road crossings over the river were repaired and culverts were replaced. The combination of this work connected 35 miles of river and reduced sediment pollution by more than 625 tons per year.
- At the Ashtabula River in Ohio, a sediment cleanup and habitat restoration project has restored the lower two miles of the river and advanced efforts to get it de-listed as a Great Lakes Area of Concern. The project has improved water quality and deepened the river channel, making the lower Ashtabula suitable again for maritime commerce, fishing, and recreational boating.

These stories and more can be found here and at www.healthylakes.org.

BUILDING ON A SOLID BASE

How the region is accomplishing all this work is as impressive as what we are doing. The GLRI is a model for large, landscape-scale restoration. It ensures that the focus remains on the highest regional priorities that are identified by stakeholders through the GLRI Action Plans³, which are themselves based on a larger restoration strategy called the "Great Lakes Regional Collaboration Strategy to Restore and Protect the Great Lakes." It also provides a way for the U.S. to meet its commitments under the 2012 Great Lakes Water Quality Agreement with Canada. The GLRI is a critical component towards ensuring that the goals we set for ourselves in both the agreement and in this comprehensive plan can be achieved.

Additionally, the GLRI is effectively allowing Federal agencies to obligate their GLRI funds quickly to on-the-ground work. The EPA, working with other Federal

³Draft GLRI Action Plan IV is now out for comment through May 24th, 2024, and can be found here: <https://glri.us/action-plan>

agencies like the USACE, USFWS, USGS, NOAA, NRCS, and NPS, quickly convert the funding they receive to supplement restoration activities through existing, authorized programs. This structure allows for funds to move quickly from EPA through the interagency agreements EPA reaches with other Federal agencies and onto the ground to complete important restoration work. This model also ensures accountability through the establishment of an “orchestra leader” (EPA), helps accelerate progress, and avoids potential duplication, all of which help save taxpayers money while focusing efforts on the highest, consensus-based priorities.

This model, however, works best when both existing Federal agencies and programs, as well as the GLRI, have the funding they need to support each other.

MAINTAINING SUPPORT UNTIL THE JOB IS DONE

Even with the tremendous results we are seeing, the Great Lakes face serious threats. Sixteen U.S. AOCs are still contaminated with toxic sediment, threatening the health of people, curtailing recreational opportunities, and stunting the development of communities. Harmful runoff from farm fields continues to pollute our waters, causing toxic algal outbreaks that threaten water systems, public health, and economic vitality. Habitat loss and aquatic invasive species continue to damage our region’s outdoor way of life and outdoor economy. And communities across the Great Lakes region continue to grapple with crumbling, antiquated drinking water and wastewater infrastructure and are faced with a staggering \$225 billion⁴ over the next 20 years for needed improvements, upgrades, and repairs in the eight-state region. Many of these threats disproportionately impact communities that have historically borne the brunt of environmental injustice, underscoring an urgency to address these issues for everyone in the region.

We have solutions to these problems. Congress must continue to fund the Great Lakes Restoration Initiative (GLRI) and other fundamental restoration programs that produce results. Congressional investments can help communities replace lead pipes, address emerging contaminants like PFAS, end polluted stormwater runoff, and keep water affordable and safe for everyone. Congress must support action to stop invasive carp and other aquatic invasive species from invading the Great Lakes and support communities in enhancing their resilience to more frequent severe weather and flooding to help the Great Lakes adapt to a changing climate. We also need strong clean water protections, as well as institutions that are adequately staffed and funded to enforce protections that we all depend on.

CONCLUSION

There is work to be done, and to keep restoration on track, we recommend support for the following Great Lakes programs under the subcommittee’s jurisdiction: at least \$450 million for the Great Lakes Restoration Initiative; \$8 million for the Fish and Wildlife Service’s Great Lakes Fish and Wildlife Restoration Program; \$15 million for the U.S. Geological Survey’s Great Lakes Science Center; \$35 million for invasive carp prevention undertaken by the U.S. Fish and Wildlife Service; and \$15 million for the USGS to continue making progress on invasive carp research. We also urge the subcommittee to support national programs like EPA’s Sec. 106 and 319 programs and fully fund EPA’s Clean Water and Drinking Water State Revolving Funds consistent with the bi-partisan Infrastructure Investment and Jobs Act (Public Law 117–58).

The GLRI and other Great Lakes restoration investments are producing results. But serious threats remain. Cutting restoration funding now will only make projects harder and more expensive the longer we wait.

Thank you again for your support and the opportunity to share our views with you. If you have any questions regarding this request, please do not hesitate to contact our Coalition’s Senior Policy Manager, Alexis Lopez-Cepero, at alopez-cepero@npca.org.

[This statement was submitted by Laura Rubin, Director of the Healing Our Waters-Great Lakes Coalition.]

⁴Data from the EPA’s “Clean Watersheds Needs Survey 2012 Report to Congress” and the 2023 “Drinking Water Infrastructure Needs Survey and Assessment—7th Report to Congress”.

PREPARED STATEMENT OF GREAT LAKES INDIAN FISH & WILDLIFE COMMISSION
DEPARTMENT OF THE INTERIOR, BUREAU OF INDIAN AFFAIRS, OPERATION OF INDIAN
PROGRAMS

a. Trust–Natural Resources Management, Rights Protection Implementation (RPI) No less than \$50,643,000 for FY 2025, with \$8,125,000 for Great Lakes Area Resource Management. An overall need of no less than \$66 million has been identified by the five Commissions funded within RPI, presuming historically proportionate shares for each Commission.

b. Trust–Natural Resources Management, Tribal Management/Development Program (TM/DP): At least the \$18,696,000 proposed for FY 2025 and the TM/DP requests of GLIFWC's member Tribes.

c. Trust–Natural Resources Management, Fish/Wildlife/Parks Program: At least \$24,019,000 the amount proposed for FY 2025.

Funding Authorizations: Snyder Act, 25 U.S.C. s. 13; Indian Self-Determination and Education Assistance Act, (Public Law 93–638), 25 U.S.C. ss. 450f and 450h; and the treaties between the United States and GLIFWC's member Ojibwe Tribes.¹

ENVIRONMENTAL PROTECTION AGENCY

a. Environmental Programs and Management, Geographic Programs, Great Lakes Restoration: At least \$368,000,000, including no less than \$20,900,000 for the Distinct Tribal Program (DTP).

b. State and Tribal Assistance Grants, Categorical Grants, Tribal General Assistance Program: At least \$85,009,000, the amount proposed in FY 2025.

Funding Authorizations: Clean Water Act, 33 U.S.C. s. 1268(c); Water Infrastructure Improvements for the Nation Act, Pub. L. 114–322 s. 5005; and treaties cited above.

These programs fulfill Federal treaty, trust, and contract obligations to GLIFWC's member Tribes, providing vital resources to sustain their governmental programs. We ask that Congress maintain and enhance these programs.

GLIFWC'S FY 2025 FUNDING REQUEST HIGHLIGHTS

1. Should Congress provide an increase to the RPI line item, GLIFWC will use its share to address salary disparities between its staff and their colleagues at State and Federal agencies—\$300,000 of that increase would be used specifically to address the 44% vacancy rate in the Commission's warden force. While GLIFWC was able to use its FY 2023 increase to adjust its pay scale, years of Continuing Resolutions have led to a recruitment and retention problem in GLIFWC's warden force, primarily based on salary disparities with other similar agencies. GLIFWC's next funding priority with its proportionate share of the remaining RPI increase will be to compensate all its employees at rates similar to their State and Federal counterparts, a situation that is similarly hindering its ability to attract candidates for open positions. Annual RPI increases are needed to keep pace with the Federal scale so that no such shortfall occurs again.

2. Great Lakes Restoration Initiative funding of no less than \$368,000,000, as proposed in FY 2025, with an increase to the Distinct Tribal Program (DTP) to at least \$20,900,000.

3. Full funding for contract support costs, as required by the ISDEA Act.

4. Sufficient funding in the Tribal Management and Development line item for GLIFWC's member Tribes to fulfill their needs for reservation-based natural resource programs and to fund the Circle of Flight wetlands program.

GLIFWC'S GOAL—A SECURE FUNDING BASE TO FULFILL TREATY PURPOSES AND LEGAL
OBLIGATIONS

For over 35 years, Congress has funded GLIFWC to implement comprehensive conservation, natural resource protection, and law enforcement programs that: 1) ensure member Tribes are able to implement their treaty reserved rights to hunt, fish, and gather throughout the ceded territories; 2) ensure a healthy and sustainable natural resource base to support those rights; 3) protect public safety; and 4) promote healthy, safe communities. These programs also provide a wide range of

¹Specifically, the Treaty of 1836, 7 Stat. 491; Treaty of 1837, 7 Stat. 536; Treaty of 1842, 7 Stat. 591; and Treaty of 1854, 10 Stat. 1109. The rights guaranteed by these treaties have been affirmed by various court decisions, including a 1999 US Supreme Court case.

public benefits, and facilitate participation in management partnerships in Wisconsin, Michigan, and Minnesota.

GLIFWC'S PROGRAMS—PROMOTING HEALTHY COMMUNITIES AND EDUCATING TRIBAL MEMBERS THROUGH TREATY RIGHTS EXERCISE

Established in 1984, GLIFWC is a natural resources management agency of 11 member Ojibwe Tribes with resource management responsibilities over their ceded territory (off-reservation) hunting, fishing, and gathering treaty rights. These ceded territories extend over a 60,000 square mile area in Minnesota, Wisconsin, and Michigan.² GLIFWC employs over 80 full-time staff, including natural resource scientists, technicians, conservation enforcement officers, policy specialists, and public information specialists.

GLIFWC strives to implement its programs in a holistic, integrated manner consistent with the culture and values of its member Tribes, especially in light of Tribal lifeways that the exercise of treaty rights supports. This means not only ensuring that Tribal members can legally exercise their rights but supporting community efforts to educate them about the benefits (physical, spiritual, and cultural) of harvesting and consuming a more traditional diet, as well as promoting intergenerational learning and the transmission of traditional cultural and management practices.

GLIFWC and its member Tribes thank Congress, and particularly this subcommittee, for its continuing support of these treaty obligations and its recognition of the ongoing success of these programs. GLIFWC's FY 2025 funding request includes two main elements:

1. BIA Rights Protection Implementation / Great Lakes Area Management (Within the RPI Line Item):

No less than \$50,643,000. The five treaty commissions have estimated the cost of full implementation of the court orders governing their treaty-reserved rights at, collectively, no less than \$66,000,000. The recent increases to RPI are greatly appreciated, but many years of Continuing Resolutions has led to shortfalls that are self-perpetuating without a proactive approach. With the FY 2023 increase, GLIFWC was able to adjust its pay to the FY 2023 pay scale. However, the funding discrepancy is still significant. GLIFWC estimates that it would need an increase of at least \$963,000 to fully adjust its compensation structure.

Appropriating through Continuing Resolutions has not allowed the RPI line item to keep up with inflation and cost-of-living increases. This shortfall is most acutely felt in GLIFWC's warden force. To highlight the significance of this shortfall, GLIFWC's warden force has a 44% vacancy rate. GLIFWC provides conservation officers that enforce Tribal conservation codes and who work with local authorities when they detect violations of State or Federal criminal and conservation codes. These officers also play a significant role in educating Tribal youth, including teaching hunter safety classes, cultural practices, and harvesting regulations; they provide Tribal youth meaningful, healthy, and safe ways to engage in outdoor activities; and they build trust between communities and law enforcement. While recruitment and retention of law enforcement officers is difficult nationwide, the stagnation of RPI funding has made it impossible for GLIFWC to compete with State and Federal counterparts; no amount of creative thinking has made up for the difference in wages. Beginning GLIFWC field wardens make an average of \$6,000 less than those employed by MI, WI, and MN, and by the time they reach 7 years at their respective agencies, GLIFWC wardens will make, on average, \$31,670 less than their colleagues with the same experience in MI; \$34,660 less than those in WI; and \$49,758 less than those in MN.

These warden vacancies make meeting the treaty obligations to monitor treaty harvest more burdensome and are a blow to partnering jurisdictions. GLIFWC's wardens are often called upon to assist other jurisdictions in emergency situations, particularly in the more rural areas of Michigan's Upper Peninsula. In 2023, GLIFWC wardens responded to over 170 calls for assistance, for which they have received numerous acknowledgements. The Upper Peninsula of Michigan is currently without a stationed GLIFWC warden and relies on coverage from wardens that may be stationed many hours away. Seasonal harvesting activities, such as spring spearing, require wardens to travel to lakes located in areas with warden vacancies, and create added costs in travel and lodging for the duration of the season.

² GLIFWC's programs do not duplicate those of the Chippewa Ottawa Resource Authority or the 1854 Treaty Authority. GLIFWC also coordinates with its member Tribes with respect to Tribal treaty fishing that extends beyond reservation boundaries by virtue of the Treaty of 1854 and the reservations' locations on Lake Superior.

This creates a self-perpetuating cycle of burnout and makes it increasingly difficult to hire new wardens as senior officers retire.

There is a long history of Federal funding for treaty rights protection and implementation programs. By now, this subcommittee is aware of GLIFWC's holistic approach to protecting and supporting treaty rights and the natural resources that support them. We have always enjoyed and appreciated the subcommittee's ongoing support for GLIFWC, its member Tribes, and its programs. We urge the subcommittee to support increases to the RPI line item that allow the Commission's work to continue unabated.

2. EPA Great Lakes Restoration Initiative: \$368,000. Distinct Tribal Program (DTP): \$20,900,000.

GLIFWC supports continued funding for the Great Lakes Restoration Initiative (GLRI) as an important non-regulatory program that enhances and ensures coordinated governance in the Great Lakes, fulfillment of international agreements, and substantive natural resource protection and restoration projects. GLIFWC supports the continuation of GLRI funding at no less than \$368,000,000 proposed in FY 2025.

RESULTS AND BENEFITS OF GLIFWC'S PROGRAMS

1. Maintain the Requisite Capability to Meet Legal Obligations, to Conserve Natural Resources, and to Regulate Treaty Harvests: At its most basic level, GLIFWC's programs support Tribal compliance with court decrees and intergovernmental agreements that govern the Tribes' treaty-reserved rights. Funding for science and research enhances GLIFWC's ability to address ecosystem threats that harm treaty natural resources, including those related to climate change.

2. Remain a Trusted Management and Law Enforcement Partner, and Scientific Contributor in the Great Lakes Region: GLIFWC has become a respected and integral part of management and law enforcement partnerships that conserve natural resources and protect public safety. It brings a Tribal perspective to interjurisdictional Great Lakes management forums and would use its scientific expertise to study issues and geographic areas that are important to its member Tribes but that others may not be examining.

3. Maintain the Overall Public Benefits That Derive From its Programs: Over the years, GLIFWC has become a recognized and valued partner in natural resource management. Because of its institutional experience and staff expertise, GLIFWC has built and maintained numerous partnerships that: i) provide accurate information and data to counter social misconceptions about Tribal treaty harvests and the status of ceded territory natural resources; ii) maximize each partner's financial resources and avoid duplication of effort and costs; iii) engender cooperation rather than competition; and iv) undertake projects that achieve public benefits that no one partner could accomplish alone.

4. Encourage and Contribute to Healthy Tribal Communities. GLIFWC works with its member Tribes' communities to promote the benefits of treaty rights exercise. These include the health benefits associated with a more traditional diet and the intergenerational learning that takes place when elders teach youth. In addition, GLIFWC sponsors a camp each summer where Tribal youth build leadership skills, strengthen connections to the outdoors, and learn about treaty rights and careers in natural resource fields.

[This statement was submitted by Jason Schlender, Executive Administrator, Great Lakes Indian Fish and Wildlife Commission.]

PREPARED STATEMENT OF GREENLATINOS

GreenLatinos is an active community of Latino leaders confronting national and local environmental issues in Latino communities. We thank you for the opportunity to provide comments on the proposed FY 2025 Department of Interior budget.

The Department of Interior is a critical agency charged with the stewardship of some of the United States' most critical cultural and environmental resources including over 480 million acres of lands. We expect that all agencies within DOI, especially the National Park Service (NPS) and Bureau of Land Management which administer public lands significant to Hispanic and Latino cultures and histories, are accountable to the various executive orders and agency memorandums intending to establish increasingly equitable outcomes for underserved communities, including but not limited to:

—Executive Order 13171—Hispanic Employment in the Federal Government

- Executive Order 13985—Advancing Racial Equity and Support for Underserved Communities Through the Government
- Executive Order 14045—Advancing Educational Equity, Excellence, and Economic Opportunities for Hispanics
- Executive Order 13583—Establishing a Coordinated Government-wide Initiative to Promote Diversity and Inclusion in the Federal Workforce
- Executive Order 11478—Equal Employment Opportunity in the Federal Government
- Executive Order 14035—Executive Order on Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce
- Presidential Memorandum on Promoting Diversity and Inclusion in Our National Parks, National Forests, Marine Protected Areas, and other Public Lands and Waters
- Department of Interior Secretary Order 3406 establishing the Diversity, Equity, Inclusion and Accessibility (DEIA) Council

We appreciate the overall commitment demonstrated in the FY 2025 budget towards improving the quality of equitable outcomes for the Department of Interior's workforce and managed lands. In order for the Department of Interior to meet its statutory and legislative mandates, it must be adequately funded and staffed in order to ensure success of its initiatives. To this end, we are supportive of the overall proposal of \$17.8 billion for FY 2025, an \$800,000,000 increase from 2023 levels. This funding will be essential to ensure success of the America the Beautiful Initiative, ensuring equitable representation within public lands administration, and addressing the longstanding public lands maintenance backlog. While estimates vary, all studies demonstrate need much larger than current funding levels. The National Park Service estimates that as of FY 2023 Quarter 4 there is \$23,263,000,000 in deferred maintenance and repair. At the local level, the 2021 Report Card for America's Infrastructure also identifies a maintenance backlog of an additional \$5.6 billion for state parks and \$60 billion for local parks.

GreenLatinos has identified three budgetary categories for improvement regarding the proposed FY 2025 budget. Generally, our concerns can be categorized under the following:

1. Ensuring accurate and equitable representation of Latino histories at conservation and recreation sites under DOI jurisdiction.
2. Ensuring adequate funding for the maintenance of existing Latino Heritage sites and public lands in close proximity to communities of color and;
3. Advancing equitable hiring practices and removing barriers to career pathways within DOI and its umbrella agencies to ensure fair and equitable representation of Hispanics and Latinos in employment through the Federal Government

1. Ensuring accurate and equitable representation of Hispanic and Latino histories at conservation and recreation sites

CONTEMPORARY LATINO UNDERREPRESENTATION IN PUBLIC LAND PROTECTIONS AND DESIGNATIONS

The FY 2025 NPS appropriations for National Recreation and Preservation programs, and the Historic Preservation Fund indicate specific program funding related to African American, Japanese American, Indigenous American, and Native Hawaiian histories and cultural resources including but not limited to historic sites, landscapes, ecosystems, parks and rivers. We celebrate and commend the Park Service's work to elevate the stories of underserved communities. But there are minority groups that are not explicitly prioritized by the Historic Preservation Fund, National Recreation and Preservation, and other program appropriations. At worst, the exclusion of other racial and ethnic groups of color makes a Statement that those who are excluded do not matter. Hispanic and Latino Americans, Middle-Eastern Americans, and Alaska Natives have been excluded from meaningful investments in the Historic Preservation Fund and the National Recreation and Preservation appropriations year after year during the Biden Administration. As a result, despite the robust framework of policy direction, Latinos, communities of color, and various other underrepresented identity groups such as the LGBTQ+, Asian American and Pacific Islander, and other communities are not currently equitably represented in lands administered by DOI agencies.

For example, less than eight percent of NPS managed National Historic Register of Places units specifically conserve the stories of Native Americans, African Ameri-

cans, American Latinos, Asian Americans, women and other underrepresented groups. Only 190 out of the nearly 96,000 (0.02%) National Historic Register sites center Latino histories, and many are tied to Spanish colonial or military history. States like California, New Mexico, and Texas have many units on the Historic Register, but other States with significant Latino populations have much less Latino Heritage sites. Other States do not have any federally-protected Latino Heritage Sites at all. Additionally, the National Park Foundation reports that only 24 of 429 (5.6%) National Park units specifically preserve Latino/a/x history; most represent the history of Spanish colonization rather than recognizing contemporary history and the multitude of Latino cultures.

Recommendation: Establish program funding specifically for Latino Heritage Conservation

As is, the NPS budget does not meet its declared intention to fund “new and critical responsibilities at parks preserving the stories of underrepresented communities and for interpretive projects that tell these stories”. We recommend a one-time allocation of \$3,000,000 to allow DOI, in close collaboration with agency staff and conservation, historical, and community experts to conduct a national systematic review of reinterpretation opportunities for existing parks, recreation areas, and historic sites to identify areas to include Latino history where appropriate, including the identification of new sites for Federal protections.

2. Increase funding for the maintenance of existing Latino Heritage Sites and public lands in close proximity to communities of color

Latino communities, and communities of color in general, disproportionately lack access to healthy and protected green spaces. Black and Latino families with children are the most nature-deprived groups compared to any demographic. Moreover, Latino history in America exists far into history preceding Spanish colonization. And one in every four Americans by the year 2060 will be Hispanic/Latino. Yet Latino heritage represents a mere fraction of all federally-protected lands. As such, protecting the small number of existing sites while supporting efforts to expand equitable access to nature must be prioritized in the final FY 2025 budget.

Budget recommendations for increasing funding for the maintenance of existing Latino Heritage Sites and public lands in close proximity to communities of color

Given the scale of nature deprivation and underrepresentation in currently protected Federal public lands, FY 2025 must ensure robust levels of funding for flagship programs such as the Historic Preservation Fund and Outdoor Recreation Legacy Program but also smaller, yet effective initiatives to expand representation, education, and awareness of underrepresented communities. Specifically we recommend the following FY proposals:

Funding for public lands in close proximity to communities of color

- Support \$125,000,000 for the Outdoor Recreation Legacy Program Initiative. (Budget of the US Government FY 2025, 95–96)
- Support \$2,203,886,000 for the National Parks and Public Land Legacy Restoration Fund (DOI Office of Secretary: FY 2025 Department Wide Budget Justification, GAOA -3)

HISTORICAL INTERPRETATION, EDUCATION, AND CULTURAL PRESERVATION OF EXISTING AND NEW SITES

- Increase allocation of Historical Preservation Fund from \$151 million to \$250 million
- Support \$84,400,000 for National Recreation and Preservation (NPS FY 2025 Budget Justification, Overview—3)
- Support \$11,200,000 for New and Critical Responsibilities (NPS FY 2025 Budget Justification, Overview—8), including \$215,000 for Interpretation and Education Capacity at the Cesar E Chavez National Monument, (NPS FY 2025 Budget Justification, Overview—9,13)
- Support \$145,627,000 for Cultural Resource Stewardship (NPS FY 2025 Budget Justification, ONPS—28)
- Support \$287,058,000 for Interpretation and Education (NPS GreenBook, ONPS—42) including the Fund Latino Heritage Internship Program (NPS FY 2025 Budget Justification, ONPS—50)
- Support \$10,050,000 for Interpretation and Education Programs (NPS FY 2025 Budget Justification, ONPS—43)

- Support \$4,567,000 increase in overall funding for Interpretation and Education Programs (NPS FY 2025 Budget Justification, Overview—67)
- Support \$3,768,000 for Informational Publications (NPS FY 2025 Budget Justification, Overview—67)
- Support \$3,848,000 for Interpretation and Education Program (NPS FY 2025 Budget Justification, Overview—68)
- Support \$331,000 for Interior’s Museum Program “to provide policy, guidance, training, and technical support for the Department bureaus and offices that together manage over 75 million museum objects in over 2,000 locations nationwide and abroad.” (DOI Office of Secretary: FY 2025 Department Wide Budget Justification, DO 34–35)

INCREASED REPRESENTATION ON PUBLIC LANDS

- Support \$3,100,000 for Increasing Representation on Our Public Lands (NPS FY 2025 Budget Justification, ONPS—44) including support for \$385,000 for continuing start-up costs for Blackwell School NHS (NPS FY 2025 Budget Justification, Overview—5,6)
- Support \$11,000,000 for “new sites that preserve the stories of the cultures and history across America” (NPS FY 2025 Budget Justification, Overview -8)

3. Addressing Diversity Deficits in DOI Workforce Composition

We support DOI’s increased funding to expand the total number of full-time equivalent staff (FTEs) up to 1,369 FTEs through 2023. Although progress has been made on the aforementioned commitments to diversify DOI’s workforce composition, much work is needed to ensure this projected expansion includes Latinos and other members of underserved communities. For example, a 2021 DOI assessment of workplace composition revealed that:

- 26.2 percent of the total DOI workforce in FY 2021 was identified of race and ethnicity categories other than “White” or “Not Identified.” In comparison, the Civilian Labor (CLF) benchmark from 2014 to 2018 was 32.5 percent
- 69.8 percent of the total DOI workforce was from the category “White” in FY 2021, a 3.9 percentage decrease from 73.7 percent in FY 2014
- 6 of 11 bureaus fall below the DOI average of 26.2 percent for workforce representation from race and ethnicity categories other than “White” or “Not Identified” in FY 2021
- 65.7 percent of the promotions in 2021 were issued to employees in the category “White”
- Of the 887,383 applications received for DOI job opportunities that were audited in FY 2021, 78.4 percent of the applicants were “White”
- 81.6 percent of selected applicants in FY 2021 were “White”

BUDGET RECOMMENDATIONS TO ADDRESS DIVERSITY DEFICIT IN DOI WORKFORCE COMPOSITION

We support allocations dedicated to advancing DEIA initiatives within DOI agencies. Congress must support the Biden Administration’s proposed budget allocations to ensure timely advancement and adequate resourcing of these efforts. Successful implementation will help eliminate access barriers for underrepresented communities. We support the \$2.8 million proposed for implementation of the DOI Equity Action Plan through the Office of Diversity, Inclusion, and Civil Rights; Office of Human Capital; and Office of Collaborative Alternative Dispute Resolution (DOI Office of Secretary—Department Wide Budget Justification, OS–11).

Thank you for the opportunity to provide our recommendations. For any questions or clarifications please reach out to Pedro Hernandez, GreenLatinos Public Lands Advocate, at pedrohernandez@greenlatinos.org and Olivia Juarez, GreenLatinos Public Land Program Director, at oliviajuarez@greenlatinos.org.

[This statement was submitted by Pedro Hernández, Public Lands Advocate, GreenLatinos.]

PREPARED STATEMENT OF GREAT LAKES RESTORATION INITIATIVE

I am Howard Learner, Executive Director of the Environmental Law & Policy Center (ELPC), the Midwest’s leading environmental legal advocacy and sustainability innovation organization. ELPC’s staff works throughout the Great Lakes

States, in Washington D.C., and with Canada to protect the Great Lakes. Since 2008, ELPC has engaged with policymakers and partners to build, effectively implement, and expand the successful Great Lakes Restoration Initiative (GLRI).

Thank you Chair Merkley, Ranking Member Murkowski and all members of the subcommittee for the opportunity to submit testimony in support of full funding for the Great Lakes Restoration Initiative for FY 2025 at \$450 million as provided in the Great Lakes Restoration Initiative Act of 2019 (signed into law on January 5, 2021). GLRI funds have been effectively deployed to protect safe clean drinking water supplies, clean up toxic sites, protect wetlands and shorelines, hold off invasive species from entering the Great Lakes, and safeguard aquatic resources. Restoring the Great Lakes creates substantial environmental, public health, and recreational benefits, while fostering economic growth. GLRI is a program that has worked very well and has demonstrated consistent successes.

The Great Lakes are a global gem. They contain 21% of the planet's surface fresh water supply, and 42 million people rely on the Great Lakes for safe drinking water. They provide a rich aquatic habitat for many species. They support a \$7 billion annual fishing industry, and Great Lakes recreation draws millions of tourists who boost the economies of shoreline communities. In short, the Great Lakes are where many millions of people live, work, and play.

ELPC strongly supported reauthorization of the GLRI and the ramp up of funding to \$475 million in 2026, matching the funding the program received in its initial year. We request that the Committee fully fund the GLRI program with at least the authorized \$450 million for FY 2025 and, hopefully, consider a higher amount.

I'll make two points in support of fully funding the GLRI:

First, the Great Lakes Restoration Initiative is vitally important, and it is successful. This is a model Federal program providing significant environmental and economic benefits, and it is working well.

Second, the challenges to the Great Lakes from increases in harmful algal blooms and climate change merit full funding of at least the authorized \$450 million for FY 2025 and, again, the program could benefit from an even higher amount.

1. The Great Lakes Restoration Initiative is vitally important and successful. This is a model Federal program providing important benefits, and it is working well with strong bipartisan federal, State, and local support.

The Great Lakes Restoration Initiative has been a breakthrough program, injecting vitally needed funding and structure that had been missing in order to restore the Great Lakes. Over the past 14 years, the GLRI has achieved strong results with sustained funding. As the third GLRI Action Plan States: "the GLRI has been a catalyst for unprecedented Federal agency coordination, which has, in turn, produced unprecedented results." The program supports shoreline and wetlands protection projects, keeping out invasive species, and reducing harmful algal blooms. Congress' recognition of the effectiveness of the Great Lakes Restoration Initiative is reflected in the strong bipartisan support for fully funding this program and, in some years, increasing funding.

The GLRI funds and supports thousands of projects across the Great Lakes States to:

- Improve water quality for safe drinking water supplies, fisheries, and aquatic habitats.
- Protect shorelines and restore wetlands.
- Protect and restore native habitats and species.
- Help prevent and control invasive species.
- Clean up toxic sediments on lake bottoms.
- Reduce agricultural and other nutrient pollution that causes harmful algal blooms.

The Great Lakes Restoration Initiative creates an effective system of coordination among Federal agencies, State entities, and local partners to achieve important outcomes to make a meaningful difference for the Great Lakes. Since its inception, the program has achieved strong results with sustained funding.

There are countless examples of GLRI projects that deliver multiple benefits to the Great Lakes, from watershed and natural area restoration projects to addressing and ultimately delisting Areas of Concern. Below are three examples of projects ranging from smaller more community-based work to major projects to clean up waterways. The Healing Our Waters Coalition provides additional examples of projects across the Great Lakes region.

- Powderhorn Prairie and Marsh Nature Preserve on Chicago's Southeast Side: This project next to the Calumet Area of Concern restored 192 acres of wetland habitat, 630 linear feet of stream habitat and 45 acres of native vegetation, in an area burdened by industrial pollution and flooding. This project benefits the community by decreasing flooding and reconnecting Powderhorn Lake with Wolf Lake and Lake Michigan, thereby allowing passage for native fish and wildlife.
- Gorge Dam Removal, Cuyahoga River: This project will remove 100 years of accumulated dangerous sediment (nearly 900,000 cubic yards) that sits behind the Gorge Dam to allow for its removal. This project will improve water quality in the Cuyahoga River and bring recreational opportunities and economic development. The four local partners include the Northeast Ohio Regional Sewer District, the city of Akron, FirstEnergy, and the Ohio EPA.
- Milwaukee Waterways Clean Up: This multi-year project will address a century of pollution that entered the Milwaukee River, the Menomonee River, and Milwaukee's Inner Harbor and created an "area of concern." This project will result in cleaner water, safer fish, and access to recreation. The five local partners on the project include the Wisconsin Department of Natural Resources, Milwaukee Metropolitan Sewerage District, We Energies, the City of Milwaukee and Milwaukee County Parks.

GLRI projects bring together a broad array of partners to achieve the program's goals and create jobs. The GLRI Action Plan III details work to address Areas of Concern (AOC). As of October 2023, six AOCs have been delisted including the Ash-tabula River in Ohio, Lower Menominee River in Wisconsin, Presque Isle Bay in Pennsylvania, and Deer Lake and White Lake in Michigan. Work toward delisting has been completed in 10 areas. Significant work remains to be done, however, to fully address Areas of Concern across the Great Lakes basin.

GLRI has broad regional economic benefits. A University of Michigan study showed that every Federal dollar spent on GLRI projects between 2010 and 2016 will produce \$3.35 in additional economic activity in the Great Lakes region through 2036.

2. The challenges to the Great Lakes from fluctuating lake levels and increases in harmful algal blooms and climate change merit full funding of at least the authorized \$450 million for FY 2025, and we urge Congress to consider a higher amount.

While recognizing the GLRI's success, the growing threats from recurring severe algal outbreaks and climate change are getting worse.

ELPC commissioned 18 leading Midwestern and Canadian university and research center scientists to write the state-of-the-science report, *An Assessment of the Impacts of Climate Change on the Great Lakes*, which we released in 2019, along with recommended policy solutions. The scientists concluded that climate change is causing significant and far-reaching impacts on the Great Lakes region, including increasingly extreme water level fluctuations, which wreak havoc on communities, homes, beaches, businesses, and the overall shoreline's built environment. Annual precipitation in the region has increased at a higher percentage than in the rest of the country, and more precipitation is coming in unusually large events, such as derechos and intense storms. Lake Michigan had record-high water levels in 2021—especially when strong winds whip up heavy large waves, causing the extensive flooding that damaged the shoreline and infrastructure.

According to the National Oceanic and Atmospheric Administration (NOAA), March 2024 was the warmest March on record and the December 2023 through February 2024 was the warmest such winter time period on record. NOAA reports that there is a 55% chance that 2024 will be the warmest year in NOAA's 175-year record and a 99% chance it will rank in the top five. Climate change impacts the Great Lakes.

ELPC issued our *Rising Waters: Climate Change Impacts and Toxic Risks to Lake Michigan's Shoreline Communities* report in June 2022 focused on the threats to people, communities, and businesses from high Lake Michigan water and wave levels. Using NOAA's Enhanced Digital Elevation Model data, this report visualizes the extent and severity of inundation at 12 hot spots along Lake Michigan's shoreline and surrounding areas due to extreme weather events of the scale expected in the near future. This report points to opportunities for the GLRI and other programs to invest in projects that will enhance coastal protection, resilience, and flood control.

Climate change impacts on the Great Lakes also exacerbate the growing problem of agricultural pollution—mostly fertilizers and animal waste—in waterways that is the principal cause of severe recurring toxic algae outbreaks in western Lake Erie and other Great Lakes areas including Green Bay, WI and Saginaw Bay, MI. The

Ohio EPA concluded that agricultural pollution accounts for about 90% of the phosphorus flowing into western Lake Erie.

The current GLRI Action Plan provides a detailed look at strategies to reduce this harmful agricultural pollution, noting that GLRI projects have kept more than one million pounds of phosphorus out of the Great Lakes. Nutrient pollution threats to the Great Lakes region continue, and are amplified by changing rainfall patterns. Industrial-scale animal facilities, often called concentrated animal feeding operations (CAFOs), produce enormous volumes of waste, including those that enter the Maumee River basin and then flow into Lake Erie. A more robust GLRI will continue to be an important source of solutions for this urgent problem.

In conclusion, the Environmental Law & Policy Center and I commend the Senate Appropriations Committee and this subcommittee's strong support for the Great Lakes Restoration Initiative with each year's budget. GLRI is a successful program and a model for federal, State, and local cooperation. We urge the full Committee and this subcommittee to fully fund the successful GLRI program with at least the authorized \$450 million for FY 2025 and, also, to consider additional funding. In addition to this funding request, the Environmental Law & Policy Center is pleased to support S. 3738, the Great Lakes Restoration Initiative Act of 2024, which extends the GLRI program through FY 2031.

Thank you for your and the subcommittee Members' consideration, and I would be pleased to address any questions or suggestions that you and the other Members may have.

[This statement was submitted by Howard Learner, Executive Director, Environmental Law & Policy Center.]

PREPARED STATEMENT OF HEALTHY SCHOOLS NETWORK

Children are not just little adults, and schools are not just little offices.

We, the undersigned forty-four education, health, environment, and children's health groups from coast to coast, urge the Committee to include \$100 million for the US Environmental Protection Agency Office of Air and Radiation/Indoor Environments Division (EPA/OAR/IED) to protect school children and personnel from unhealthy environments in schools and childcare facilities and to help improve the environmental conditions of our Nation's schools.

Indoor air quality (IAQ) has been ignored for over 30 years (US GAO 1995, US GAO 2020), eroding children's health, thinking, and learning. EPA/OAR/IED needs \$100 million to lead a national educational campaign, with expanded national and regional education and training grants, including \$50M for State grants, and for direct technical assistance to schools. EPA must also update or prepare guidance to enhance school indoor environments which will deteriorate in warmer, wetter outdoor conditions, and for site resiliency and adaptation that will help schools stay open or reopen quickly after severe disasters.

Since it takes months if not years to rebuild a storm-damaged school, schools clearly need to be more resilient to extreme weather and or to reopen safely and quickly after disasters. EPA should also issue new guidance to States and schools' communities on how to assess and remediate storm damages, including risks from legacy toxics exposed by structural damages (lead, asbestos, PCBs, pesticides, lab, leaning chemicals, vehicle maintenance chemicals).

Indoor air pollution is a serious threat that is hard to address: there are multiple potential sources to consider. Other EPA pollutants, such as lead in drinking water, PCBs, asbestos, or hazardous waste, are simpler to identify. Air pollutants can come from poor construction and siting near hazardous facilities; leaky roofs and growing molds; chemical spills and odors from science labs; kitchen, locker room, lavatory stench; carbon dioxide accumulations; lack of incoming fresh air; carbon monoxide leaks; cleaning and disinfecting products; and pests and pesticides, or from occupants themselves and the processes and products used in classes. It is complicated, which is why high-turnover school leaders and boards of education, as well as personnel and communities, need long-term sustained education, guidance, and support.

Why school environments and impacts on children are urgent issues. Education is a social determinant of health. During a school year, about fifty-five million children in the US spend the majority of their waking hours when not at home in schools. Numerous studies have documented that school conditions such as polluted IAQ, mold, dust and debris, high heat, poor siting, proximity to hazards, noise, and poor lighting and sanitation, damage children's "health, thinking, and learning" (Harvard SPH 2017; NRC 2006). Today, 40% of school-aged children have at least one existing chronic health condition (CDC), including asthma, which affects 1 in

13 school-aged children and remains the leading cause of school absenteeism due to chronic illness. When we as a nation put health-compromised children in polluted buildings every day, we cannot expect the next generation to be as healthy or competitive as we are today.

Schools as critical infrastructure for children. Schools are not climate-ready—which means more frequent long-term school closures, and not epidemic-ready, again suggesting more frustrating closures and hybrid learning schemes. Schools are in fact critical infrastructure for children, families, and communities. Indeed, attendance is mandatory in all States, and 98% of US children are in school every day.

—Schools are more densely occupied than nursing homes and less well maintained

—95% of school occupants are women and children

—Nearly half of all public school students are children and youth of color.

—The poorest communities hardest hit by COVID and climate change are also the communities where children's health and learning are impacted by the worst conditions.

—An estimated 50 percent of public schools have outdated heating and ventilation systems, and thousands of schools likely contain PCBs and asbestos, as well as old, outdated chemical products.

—The nation's public schools today contain over 8 billion square feet of learning space valued at over \$3 trillion, which means more frequent long-term school closures ahead if they are not physically resilient. Investments in electric buses and energy retrofits are appreciated and welcome but will not guarantee that a facility will survive the next super-storm intact.

This is the Senate moment to act. Put the EPA's existing authorizations and 30 years of expertise on indoor air/environmental quality to work to improve school buildings and grounds, and thus health and learning outcomes for children, especially for those most disadvantaged, including children with disabilities.

We appreciate the funding for school infrastructure through the various COVID programs, ARPA, BIL, and IRA, however EPA gets a scant \$50 million over 10 years from IRA to address indoor air. While the Department of Energy (DOE), Department of Education (ED), and CDC have far larger programs, none match EPA's knowledge and experience on the physical environment of schools and its impact on children: neither ED nor CDC has an authorization or in-house expertise on school facilities. To date, EPA's level of funding is embarrassingly small, considering the documented environmental problems in schools, and the lack of knowledge in communities and among education leaders on how to address those issues effectively.

Of the \$100 million annual funding that we recommend for EPA's indoor air program to improve school indoor air and related issues, we urge that half be awarded to States, and the balance through cooperative agreements and regional grants to Tribes, cities, universities, and nongovernmental organizations to provide "hands-on" technical assistance and education to k-12 constituencies and NGOs. EPA regional offices should also have at least one expert in school Indoor Environments. EPA's authorizations and guidance for States, drawn from existing State policies, has been enriched with inputs from multiple state users. Local and State-level agencies can be helpful partners with EPA in addressing key issues of low-income schools and rural-remote schools.

Thank you for your consideration of our request.

AFT Connecticut
 Airthings, GA
 Alaska Community Action on Toxics
 American Lung Association
 Asthma and Allergy Foundation of America
 BrainWorks, GA
 Cedar Creek Elementary School, TX
 Children's Environmental Health Network
 Citizens' Committee for Children of New York
 Climate Families NYC
 Coalition for Healthier Schools
 Comunidades Sin Fronteras CSF-CT INC, CT
 Connecticut Roundtable on Climate and Jobs
 Cool Green Schools, MD
 Environmental Working Group
 First Focus on Children
 Great Neck Breast Cancer Coalition, NY

Healthy Schools Network
 Healthy Schools Now, WEC, NJ
 Informed Green Solutions, VT
 International WELL Building Institute
 Learning Disabilities Association of America
 MADE SAFE, NY
 MD Children's Environmental Health Coalition (MD CEHC)
 Mothers Out Front, MA
 National Association of Federally Impacted Schools
 National Association of School Nurses
 National Center for Healthy Housing
 New Jersey Association of Designated Persons
 NYS Parent Teacher Association
 Protect Education, OH
 Public Advocacy for Kids (PAK), VA
 Pure Air Solutions of PA
 Responsible Purchasing Network
 Society for Public Health Education
 Society of State Leaders of Health and Physical Education
 Texas Environmental Justice Advocacy Services
 The Autistic People of Color Fund, NE
 Vermont Public Interest Research Group
 WellAir, CT
 Wing's Testing & Balancing Co., Inc., CT
 Women for a Healthy Environment, PA
 Women's Voices for the Earth, MT

[This statement was submitted by Claire L. Barnett, Executive Director, Healthy Schools Network.]

PREPARED STATEMENT OF THE HUALAPAI TRIBE OF ARIZONA

The Hualapai Tribe thanks the subcommittee for the opportunity to present this testimony in support of the Bureau of Indian Affairs' request in the amount of \$45 million to begin to fulfill the United States' obligations under the Hualapai Tribe Water Rights Settlement Act, Public Law 117-349.

This settlement was enacted in 2022 to resolve all of the Tribe's reserved water right claims in the State of Arizona. The act settled those claims by securing to the Tribe 4,000-acre-feet per year of Central Arizona Project water from the Colorado River, and authorizing \$312 million to be deposited into a Hualapai Water Trust Fund to allow the Tribe to implement the settlement by constructing and operating an infrastructure project to deliver this water to our Reservation.

The Settlement Act provides that Congress must appropriate all the settlement funds by April 15, 2029, for the settlement to remain in effect. If this does not happen, the Settlement Act will by its terms be repealed and the benefits of the settlement for not only the Tribe, but for all of the parties-including the United States, the State of Arizona, the Central Arizona Project, the Salt River Project and Freeport Minerals Company-will evaporate.

A key component of the Settlement Act is that as soon as any appropriated funds are deposited into a Hualapai Water Trust Fund, the Tribe can begin to expend these monies to do the compliance activities required by Federal law for construction of the infrastructure project, including the environmental studies required by the National Environmental Policy Act (NEPA). The appropriation of the \$45 million requested by the Bureau of Indian Affairs will allow the Tribe to begin to do this important NEPA work now-so that when the Trust Fund is fully funded, the Tribe can begin the actual construction of the project that will finally deliver a safe and secure supply of water to the Reservation. It is urgent that this be accomplished as soon as possible for the reasons set forth below.

The Hualapai Reservation encompasses approximately one million acres in northwestern Arizona. The Colorado River forms the 108-mile northern boundary of the Reservation through a portion of the Grand Canyon. The Reservation is arid. It has no significant surface streams other than the Colorado River. It has very limited groundwater resources. The Tribe's groundwater wells are a depletable resource and well levels on the Reservation have been dropping for years.

The Tribe's principal residential community at Peach Springs relies exclusively on three groundwater wells in the Truxton Aquifer near the Reservation's southern boundary. Since those wells were installed in 1975, the piping for the system is 49 years old and has failed in the recent past, leaving our community without water

for several days. One of the wells has also suffered episodes of dangerous E-coli and coliform contamination and we have not been able to locate the source of the contamination. When that well is out of service because of contamination, we are unable to supply sufficient water to the community, so we have to implement strict mandatory conservation measures. Because this groundwater is currently the only source of water for our residential needs on the Reservation, we are very vulnerable to any short-term interruptions in supply from these wells, and also to the long-term decline in the levels in the Truxton Aquifer that supplies our groundwater.

The situation is even worse elsewhere on the Reservation. There is a small well on the east side of the Reservation that provides water to ranchers and wildlife in that area, but the water is not potable for human consumption. On the western side of the Reservation, the Tribe successfully operates a tourist attraction, called Grant Canyon West, that overlooks the Grand Canyon and has one million visitors per year while employing several hundred Tribal members. For the past 3 years, after the two wells that served Grant Canyon West failed, the Tribe has been forced to haul water 15 miles to the original well sites, where the water must then be pumped for 35 miles out to Grant Canyon West. This patchwork system is burdensome, insecure and very expensive, but it is the only way we can continue our vital tourist operations at Grand Canyon West.

The Colorado River is the only feasible water supply for satisfying the long-term future needs of people who live on our Reservation. Our Tribe needs delivery of Colorado River water both to provide a permanent and secure water supply for the domestic and residential needs of our present and future population, and also to fully realize the unique opportunities for economic development that we have at Grand Canyon West.

The \$45 million in the BIA funding request is the first installment of the Hualapai Tribe Water Rights Settlement Act and is essential if our Tribe is to attain a secure future on our Reservation. We have done everything possible to allow our Reservation to be a permanent livable homeland, including developing our government and developing an economy to provide jobs and income to our people—but the lack of a secure and replenishable water supply on our Reservation has been a major obstacle that prevents us from achieving economic self-sufficiency, a goal that Federal Indian policy has long favored. This is why we finalized the water right settlement with the State of Arizona and its major water users.

Passage of the Hualapai Tribe Water Rights Settlement Act was an historic event for the Hualapai Tribe, but it will be a hollow victory if Congress does not provide the resources to fully fund and implement the act before the Enforceability Date in 2029. In the history of Indian land and water settlements Congress has never failed to provide the funding necessary by the Enforceability Date of a settlement. Therefore, we urgently ask the subcommittee to now take the first step to full implementation of the act and include \$45 million in the Bureau of Indian Affairs Indian Water Rights Settlement Account for the Hualapai Tribe Water Rights Settlement Act.

[This statement was submitted by Sherry Parker, Chairwoman, the Hualapai Tribe of Arizona.]

PREPARED STATEMENT OF THE HUMANE SOCIETY LEGISLATIVE FUND AND THE
HUMANE SOCIETY OF THE UNITED STATES

Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee, thank you for this opportunity to offer testimony on matters of importance to our organizations and to our millions of supporters. We thank you for the support and investment in animal protection in the subcommittee's Fiscal Year 2024 appropriations bill. We appreciate your continued consideration of our priorities in Fiscal Year 2025 and urge you to include the following requests in the FY25 Department of Interior, Environment, and Related Agencies bill:

U.S. FISH AND WILDLIFE SERVICE—BIG CAT PUBLIC SAFETY ACT ENFORCEMENT &
OFFICE OF LAW ENFORCEMENT

The Big Cat Public Safety Act (Public Law 117-243) was signed into law on December 20, 2022. This law revises restrictions on the possession and exhibition of big cats, including restrictions on direct contact between the public and big cats. On June 12, FWS issued a strong interim final rule implementing the act. Numerous large cat species are now subject to seizure and forfeiture when possessed or exhibited illegally, the disposition of which will require collaboration with U.S. Depart-

ment of Agriculture, U.S. Department of Justice, and private sector entities to ensure proper placement and care.

We urge the inclusion of the following report language:

On June 12, 2023, the U.S. Fish and Wildlife Service issued its plans and regulations for implementing the Big Cat Public Safety Act (Public Law 117-243).

The Service is directed to use all available enforcement tools, including confiscation, to quickly address violations of the law in order to limit harm to the public and covered big cats. The Service is further directed to provide a report to the Committee no later than 90 days after enactment of this act describing any resource needs required to fully address this issue, expected coordination with other Federal agencies, State and local law enforcement and key stakeholders, and plans to raise public awareness on how to report violations.

We also support and urge inclusion of the President's FY25 Budget request of \$110.8 million, an increase of \$18.94 million more than the FY24 enacted level, to appropriately enforce and the Big Cat Public Safety Act and other wildlife laws. This function is within the Office of Law Enforcement's Law Enforcement Operations program.

U.S. FISH AND WILDLIFE SERVICE—ENDANGERED SPECIES ACT IMPLEMENTATION & ECOLOGICAL SERVICES PROGRAM

In 1973, the Endangered Species Act (ESA) was signed into law, establishing science-backed national protections to recuperate critically threatened plant and animal populations from the brink of extinction. As once-common wildlife and plants are dwindling worldwide, and scientists warn that one million animal and plant species are headed toward extinction, many in the next few decades, due to habitat loss, climate change, wildlife exploitation, and other human-caused factors, the ESA continues to be one of the strongest tools the United States has to combat the current extinction crisis.

Thousands of animal and plant species depend on the ESA for survival, yet it has been systematically and severely underfunded for decades. Currently, the Service only receives around one third of the funding needed to fully implement the act. As a result, many species sit in limbo, or receive funding only after declining even closer to extinction, when the costs of action are higher or the conservation options are more limited. The requested funding level of \$857.32 million will ensure every listed species receives a minimum of \$101,000 per year for recovery, allowing the ESA to be implemented the way Congress originally intended.

Furthermore, we request the rejection of any policy riders impacting the recovery of species protected by the Endangered Species Act, including grizzly bears and gray wolves. Legislating ESA listing decisions undermines the statute itself, which vests this authority within Federal agencies. For over 50 years, the success of this act, a bedrock environmental law supported by the majority of Americans, has been supported by the idea that listing and delisting decisions under the ESA are best made by scientists and other technical experts at the U.S. Fish and Wildlife Service, not by Congress.

Maintaining Endangered Species Act protections for large native carnivores such as grizzly bears and gray wolves is vital to the long-term, sustainable recovery of these species, to our Nation's interest in preventing the loss of vulnerable species, and to maintaining healthy ecosystems. Large native carnivores are particularly likely to be imperiled. In addition to their direct killing by poachers, trophy hunters, and trappers, they face many other threats, including loss of habitat and prey species. This is exacerbated by the fact that they have long reproductive cycles and produce relatively few offspring. As dozens of U.S. and international scientists have documented, the loss of top native predators such as wolves results in trophic downgrading and the subsequent disruption of ecosystem functions.

U.S. FISH AND WILDLIFE SERVICE—TROPHY HUNTING

African elephant and lion numbers have dropped steeply in the last decade from poaching, habitat loss, and other threats. Poorly managed trophy hunting exacerbates this decline. The Endangered Species Act requires that imports of these and other listed species enhance their survival. Congress previously directed FWS to re-evaluate its trophy-import policy to this end, but the agency has not yet done so. It is time for FWS to show that importing African elephant and lion trophies helps, not harms, the species.

We therefore urge the inclusion of the following bill language:

None of the funds made available by this act may be used to issue a permit for the import of a sport-hunted trophy of an African elephant (*Loxodonta cyclotis* and *Loxodonta africana*) or lion (*Panthera leo*). The limitation described in this section shall not apply in the case of the administration of a tax or tariff.

We also request the inclusion of the following report language:

The Committee reiterates its concern first declared in the explanatory material accompanying Public Law 116–94 regarding the efficacy of the Service’s policies for evaluating import applications for African elephant and lion trophies. These two species have undergone steep declines in the last decade, driven in part by trophy hunting. The FWS updated its regulations regarding the importation of elephant trophies in March 2024, adding some additional criteria that the country of origin must meet. This change does not apply to African lion trophies, making FWS trophy hunting regulations an inconsistent patchwork that do not prioritize species conservation. Furthermore, it remains permissible to import African elephant and lion trophies into the U.S., a policy that continues to harm the viability of these species. Therefore, the Committee includes bill language that prohibits the issuance of any permit for the import of a sport-hunted African elephant or lion.

U.S. FISH AND WILDLIFE SERVICE- OFFICE OF INTERNATIONAL AFFAIRS AND
MULTINATIONAL SPECIES CONSERVATION FUND

The Multinational Species Conservation Fund supports international conservation efforts through five congressionally established grant programs benefiting several of the world’s most imperiled species in their native habitats, often in conjunction with efforts under the Convention on International Trade in Endangered Species. We join a broad coalition of organizations in requesting \$30 million for the MCFS to continue supporting the conservation of iconic species such as tigers, African and Asian elephants, rhinos, great apes, turtles, and tortoises.

Additionally, we request \$31 million for USFWS’ International Affairs program which supports broader conservation efforts of our planet’s rich wildlife diversity. By providing oversight of domestic laws and international treaties that promote the long-term conservation of plant and animal species by ensuring that international trade and other activities do not threaten their survival in the wild, the program is critical in building capacity for landscape-level wildlife conservation and stopping illegal wildlife trade.

BUREAU OF LAND MANAGEMENT—WILD HORSE AND BURRO PROGRAM

To maintain the wild horse population in a humane and fiscally conservative manner, we, along with our partner stakeholders in the Path Forward for Wild Horse and Burro Management, request continued support for BLM’s implementation of a humane, nonlethal, and effective program. We support a funding level of \$171.917 million for the Wild Horse and Burro Program, an increase of \$29.945 million from the FY24 enacted level. We support directives to implement a nonlethal management strategy with specific attention on: increasing the use of fertility control, including measurable objectives in reducing population growth with fertility controls; targeting removals from the most heavily ecologically impacted and populated areas; expanding long-term, off-range humane holding; developing contingency plans for emergency situations to ensure the continuation of proactive management under a variety of conditions including extreme drought; and continuing adoptions while fully implementing and enforcing existing safeguards, including pre-approval of adoption applicants and postadoption compliance checks for adopted wild horses and burros. Additionally, we request that the agency act expeditiously to fill the high number of staff vacancies within the program.

BUREAU OF LAND MANAGEMENT & U.S. FOREST SERVICE—PROHIBITION ON
DESTRUCTION OF HEALTHY WILD HORSES AND BURROS

We strongly support and urge the subcommittee to include the bill language requested in the President’s FY25 request that bars BLM and USFS from sending any wild horse or burro to slaughter or selling/transferring any horse or burro in a manner that results in its destruction, and bars any federal, state, or local government that receives any wild horse or burro transferred from BLM or USFS from doing likewise.

ENVIRONMENTAL PROTECTION AGENCY—COMMITMENT TO ENDING VERTEBRATE
TESTING

The EPA has a history of embracing new approach methodologies (NAMs) that do not use animals to assess the safety of pesticides and chemicals. In 2019, EPA confirmed its commitment to NAMs by setting a goal to end reliance on mammalian testing for its regulated products by 2035 and achieve a 30% reduction by 2025 (including tests commissioned in-house and that businesses must conduct). The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Public Law 114–182) included statutory language to reduce and ultimately end use of animals in toxicity testing for risk assessments of chemicals under the Toxic Substances Control Act.

Non-animal approaches include cell cultures, computer modeling, organ-on-a-chip technologies, and other methods that are often faster, cheaper and more predictive of human health or environmental risks than animal tests. Different animal species and even differing sexes or sub-species can respond differently when exposed to the same chemicals. As a result, results from animal tests may not be relevant to humans or other non-target species, or may under- or over-estimate health hazards. NAMs, by contrast, are much more likely to provide relevant safety information to protect human health and the environment. Finally, because animal testing is time-consuming and expensive, it limits the number of chemicals and products that can be tested. Thousands of new chemicals are created every year with tens of thousands more already in use. Using animal tests to evaluate the human and environmental safety of all these chemicals would take decades to complete and cost millions of animal lives.

We therefore urge the inclusion of the following report language:

The Committee recognizes that new approach methods (NAMs) represent the cutting edge of toxicity testing and should be prioritized for use in assessing the safety of pesticides and industrial chemicals over the use of animals and encourages EPA to continue to fund the rapid development and acceptance of NAMs and eliminate requirements for animal testing wherever possible.

[This statement was submitted by Tiffany Mendoza-Farfan, Senior Legislative Specialist, Humane Society Legislative Fund.]

PREPARED STATEMENT OF INTERSTATE MINING COMPACT COMMISSION

My name is Thomas L. Clarke. I serve as Executive Director of the Interstate Mining Compact Commission (IMCC), an interstate organization comprised of 26 States that together produce over 98% of the Nation's coal, as well as other important minerals. My address is 437 Carlisle Drive, Suite A, Herndon, VA 20170. My phone number is 703 709 8654. My email is tclarke@imcc.isa.us. We request that, at a minimum, the FY 2021 funding level of \$68.59 million be restored in the budget of the Office of Surface Mining Reclamation and Enforcement (OSMRE) of the Department of the Interior for State and Tribal regulatory grants under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA) for Fiscal Year (FY) 2025. We also request that at least \$65 million be appropriated for the hardrock abandoned mine lands (AML) program authorized by section 40704 of the Infrastructure Investment and Jobs Act (IIJA) in FY 2024. Most of this funding for hardrock AML can come from claims maintenance fees being paid by industry under the General Mining Law of 1872. Currently, a portion of these fees go to the Bureau of Land Management (BLM), but a significant amount in excess of BLM's needs is going to the US Treasury. We understand that the Interior Department and industry both support using this money for hardrock AML.

States are given exclusive jurisdiction, or "primacy," over regulation of the environmental impacts of coal mining under Title V of SMCRA. The core regulatory functions under this Federal law are carried out by the member States of IMCC. These duties include inspection and enforcement, ensuring that timely reclamation occurs following mining, designating lands as unsuitable for mining and permitting of mining and reclamation activity, as mandated by SMCRA. SMCRA calls for the cost of coal regulatory programs to be borne equally by the States and the Federal Government for mining on non-federal lands. The Federal Government pays one hundred percent of the cost of the program on Federal lands.

Primacy States are being caught in a squeeze. Congress has cut OSMRE's budget for regulatory grants to States and Tribes for SMCRA Title V Regulatory Programs twice now in the last three fiscal years. The FY 2024 budget cut funding to \$62.4 million, down from \$65 million in FY 2023. A cut to \$65 million was made in the FY 2022 budget. In the FY 2021 budget, and for many years before, coal regulatory

grants to States were funded at \$68.59 million per year. At the same time these cuts are being made, inflation is hitting these programs hard. All the States' costs are increasing. Chief among them are personnel costs (salaries, benefits plus indirect costs paid on a per person basis), which comprise over 80% of the total cost of program operation. Competitive pay and benefits for staff are unavoidable costs. According to State coal program managers' estimates, personnel costs, alone, will be \$15.8 million higher in FY 2025 than in FY 2022. Under SMCRA, the Federal share of the personnel cost increase is \$8.9 million.

Congress has an obligation to provide at least enough coal regulatory funding to States to meet the requirements SMCRA imposes on the Federal Government. As noted above, the Federal Government is supposed to pay 100% of the program cost for Federal lands and 50% of the program cost elsewhere. It has not been living up to these obligations. In the 3-year period since funding was cut in the FY 2022 budget, States have often been required to pay more than their share of the program costs. The Federal Government needs to live up to its part of the bargain with primacy States. The total grant requests for all State and Tribal Title V regulatory programs combined have consistently exceeded \$71 million. For the last five fiscal years, the total of State and Tribal Title V budget requests has ranged from \$71 to \$76 million. These requests represent what the States believe they will need from the Federal Government to operate their regulatory programs for the year.

Fulfilling SMCRA's Federal mandate for effective environmental regulation of coal mining impacts comes at quite a bargain to the Federal Government. Just the fact that a significant portion of the cost is shifted to primacy States, alone, allows the Federal Government to avoid these costs. In addition, the Federal Government also realizes significant savings by using state employees to carry out the core program functions because state pay scales are, for the most part, lower than those of the Federal Government. With personnel costs being the biggest single category of Title V program expense (over eighty percent (80%) of the total cost of program operation), the States' lower personnel cost is another feature of state regulation that makes it cost-effective. If you compare the cost of operating any State's program under SMCRA per ton of coal produced to what the Federal Government spends to operate a Federal coal regulatory program in the State of Tennessee, you will find what a true bargain state implementation of SMCRA is. If State coal regulatory programs become ineffective because they are starved for funding, the only alternative is to replace them with Federal regulatory programs, which will be far more costly to the Federal Government than simply providing adequate funding for the States.

It is no secret that coal production in America has declined. Instead of simplifying the regulatory challenge for States, the effect of this decline has been the opposite. The challenge of effectively regulating the environmental impacts of an industry in decline is much greater than when its markets were robust. Not only do States have the challenge of gaining compliance from mine operators who face declining and disappearing revenue, they also have the challenge of navigating their way through complex, high-stakes bankruptcies. Meanwhile, the number of permits that States must inspect has not declined at anywhere close to the falling rate of coal production. In addition, each individual coal mine continues to require inspection and enforcement, ensuring that timely reclamation occurs, and permitting for revisions to reclamation activities, as mandated by SMCRA throughout the multi-year liability period. In many instances the regulatory workload may increase once production decreases or ceases altogether. Adequate funding to protect people and the environment from the adverse impacts of coal mining is more important than ever. Appropriation of adequate funding for State regulatory programs is essential if these programs are to achieve the objectives Congress established for them.

A forward-looking observation that should be made concerns the potential impact of actions to eliminate emissions of greenhouse gases. A foreseeable collateral impact of greenhouse gas regulation may be reduction or elimination of revenue from the coal industry many States have been using to pay for their state share of the cost of SMCRA Title V regulatory programs. If this happens, the States are likely to need a significant increase in the Federal Government's share of regulatory program funding to make up the difference. In the aftermath of any significant new regulation of greenhouse gas emissions, well-funded State regulatory programs will be essential to the effort to effectively address the environmental impacts of existing mines.

Clear indications from Congress that reliable, consistent funding will continue will do much to stimulate support for these programs by State legislatures and budget officers who, in the face of difficult fiscal climates and constraints, have had to deal with the challenge of matching Federal grant dollars with state funds. This is particularly true for those States whose match is partially based on fees from the mining industry, where significant reductions in mining and permitting activity

translate to lower revenue, but not necessarily a corresponding reduction in the volume of regulatory work for State agencies.

For all the above reasons, IMCC urges Congress to approve not less than \$68.59 million for State and Tribal Title V regulatory grants in FY 2025, the same amount enacted by Congress in recent fiscal years through FY 2021. In doing so, Congress will continue to fulfill its obligation to ensure the States have the resources they need to continue their work on the forefront of environmental protection and preservation of public health and safety.

In addition to the States' funding needs under Title V of SMCRA, there are some other issues on which the Committee's attention may be beneficial. First, an OSMRE rule that takes effect on May 9, 2024, makes radical changes that totally redefine the federal-state relationship, contrary to the letter and spirit of the law. Primacy States are granted "exclusive" regulatory jurisdiction. OSMRE has no direct authority in a primacy State over permitting, enforcement or any other matter. OSMRE retains two main types of authority: (1) to conduct oversight of the States' efforts; and (2) to notify a State of a potential violation by a mine operator (a "Ten Day Notice" or "TDN") so the State can take appropriate action. The new rule effectively merges these two processes by redefining and expanding the term "violation" to include anything OSMRE does not like about the way the State is operating its program. Thus, the new rule transforms the TDN process from its statutory purpose (correction of violations by mine operators) into an enforcement mechanism for OSMRE's use in regulating the State, itself. Any distinction between the separate TDN and oversight processes is eliminated. There is no limit on the number of Ten Day Notices OSMRE can issue. Authority to issue a barrage of TDNs completely abrogates the "exclusive" regulatory authority States are supposed to enjoy. By caprice, OSMRE has seized authority Congress withheld from it and gave to the States. This cannot be allowed.

Second, OSMRE has plans to adopt a rule regulating emergency action plans (EAPs) for coal related dams as well as related implementation procedures for EAPs. One problem with this plan is that OSMRE has zero statutory authority to intrude into this area. Another problem is that it is an intrusion on the authority of 49 of the 50 States that already have state laws, independent of SMCRA, governing EAPs for all dams, not just those that are coal related. EAPs establish the procedures for notifying the public and actions to be taken in the event of a dam safety emergency. Having two sets of potentially conflicting rules on this subject can only result in confusion as to what should happen in the event a real emergency occurs, which could be very dangerous. This is a solution in search of a problem OSMRE has no business pursuing.

Third, until 3 years ago, OSMRE met with States at least twice every year and provided a detailed briefing on where the States stood in utilization of the funds Congress appropriated for regulatory program grants under Title V of SMCRA. During these meetings, OSMRE accounted for all funds appropriated by Congress for these purposes. Despite many State requests to resume these discussions over the last three plus years, OSMRE has yet to provide this transparency. OSMRE has this information but has been unwilling to share it. This information is extremely useful to the States in wisely managing their program finances, which is now more important than ever following two cuts in Title V funding over the last 3 years. OSMRE needs to account to Congress and the States for the disposition of all funds appropriated for Title V grants since 2019. It also needs to be encouraged to resume financial briefings with the States like those it held in the past, so States do not remain in the dark as to what has happened with the US taxpayers' funds Congress appropriated for State use.

In addition to the Committee's consideration of our funding requests, we urge the Committee to, through report language or otherwise:

1. Prohibit OSMRE from spending any money to implement the new TDN rule.
2. Prohibit OSMRE from spending any money to promulgate an EAP rule for dams.
3. Require, as a condition of funding provided to OSMRE, that it:
 - (a) account for the disposition of all funds appropriated for State Title V grants from FY 2019 forward, and
 - (b) be required to meet with State Title V program managers twice per year and provide a complete, transparent breakdown on utilization of Title V funds.

With regard to funding for State Title IV Abandoned Mine Land (AML) program grants, in FY 2025, the States and Tribes should receive the mandatory appropriation (before sequestration) under the pre-existing AML Title IV program as well as grant amounts set under Section 40701 of the IJA. We also support appropriation

of \$135 million for the AML economic revitalization (AMLER) program for economic and community development goals. IMCC very strongly supports direct payment of money appropriated for the AMLER program to States and Tribes within 90 days of enactment, as the FY 24 budget required. IMCC also supports funding for watershed cooperative agreements at \$1.5 million.

Section 40704 of the IIJA authorized a multi-year \$3 billion hardrock AML program that would provide badly needed grants to States and Tribes to address the legacy hazards of non-coal mining. Unfortunately, the appropriation necessary to make this program a reality was omitted from the IIJA. Appropriations for FY 2022 through 2024 have only supplied \$5 million per year for the program, with only \$1.7 million per year targeted to State grants. IMCC appreciates that demand for Federal funding is great, but much more is needed for this program to make meaningful progress in eliminating legacy mining hazards. The amounts in the Administration's proposed budgets for FY 2022 and 2023, \$65 million per year, would be a good start. We urge you to appropriate at least this amount for the IIJA Section 40704 hardrock AML program in FY 2025. As noted above, funding for most of this is available from fees being paid by industry.

We appreciate the opportunity to submit this statement on OSMRE's budget for FY 2025. We also endorse the statement of the National Association of Abandoned Mine Land Programs (NAAML), which goes into greater detail regarding the implications of OSMRE funding for the States and Tribes related to the AML program, as well as hardrock AML funding needs. We would be happy to answer any questions.

[This statement was submitted by Thomas L. Clarke, Executive Director, Interstate Mining Compact Commission.]

PREPARED STATEMENT OF INTERTRIBAL BUFFALO COUNCIL

INTRODUCTION AND BACKGROUND

Chairman Merkley, Ranking Member Murkowski and distinguished members of the Senate Appropriations subcommittee on the Interior, Environment and Related Agencies, my name is Ervin Carlson, and I am a member of the Blackfeet Nation in Montana and serve as the President of the InterTribal Buffalo Council (ITBC). I greatly appreciate the opportunity to provide testimony to the members of this subcommittee. My testimony primarily involves funding requests from the Department of the Interior (DOI) (specifically the Bureau of Indian Affairs (BIA)), but funding could also be obtained from the National Park Service (NPS), the U.S. Fish and Wildlife Service (USFWS) and the Indian Health Service (IHS).

ITBC was granted a Federal charter in 2009 pursuant to Section 17 of the Indian Reorganization Act and is comprised of eighty-three federally recognized Indian Tribes in twenty-one States now with over sixty buffalo herds. The combined membership of the ITBC Tribes is approximately 1,000,000 Indian people.

American Indians have a long-standing spiritual and cultural connection with buffalo that has not diminished with the passage of time. Historically, buffalo provided the Tribes with food, shelter, clothing, and essential tools for survival. The near extinction of buffalo was analogous to the tragic history of American Indians in this country. However, today's efforts at restoring buffalo on Tribal lands, largely through the efforts of ITBC, signifies survival of the revered Tribal buffalo culture. ITBC Member Tribes strive to restore buffalo to Tribal lands to rekindle the cultural, traditional, and spiritual relationship between buffalo and Tribes and to utilize buffalo to promote the health, and economic well-being of Tribal populations.

On behalf of the Member Tribes of ITBC, I am requesting an appropriation of \$17 million which is a definite increase over the \$1.4 million we are presently receiving from the Department of Interior for funds to allow the organization to: 1) increase funds for the Tribal herd development grant program to sustain and grow Tribal buffalo herds, 2) to fund ITBC efforts to serve as a meaningful buffalo management partner to Federal agencies, and 3) to fund scientific research on the benefits of buffalo meat for the prevention and treatment of diet related diseases. The majority of this requested amount comes from totaling the requests for herd development funds from our member Tribes. We have been receiving funding in the vicinity of \$1 million for years despite growing from a dozen Tribes to 83 Tribes. Clearly, we are not able to make the types of transfers our members would like and need to establish or sustain herds.

FUNDING HISTORY

ITBC has been funded through various methods from the Department of Interior Bureau of Indian Affairs including the President's budget, Congressional earmarks, or administrative action since 1992. ITBC's funding history illustrates Congressional and Administrative support for ITBC's restoration and management program and the Tribal buffalo herds. Annual funding of ITBC provides evidence that buffalo restoration and management is not a limited or one-time "project" but a "recurring program." ITBC has most recently been funded from the BIA, Natural Resources, Tribal Management/Development Program line item.

The ITBC has worked for several years on the Indian Buffalo Management Act to create a permanent buffalo restoration and management program in the Department of Interior Bureau of Indian Affairs. This act would authorize an annual appropriation for Tribal buffalo programs and allow ITBC to expand technical services to its member Tribes. The Indian Buffalo Management Act was originally introduced by Representatives Don Young, Deb Haaland, Tom Cole, and others and passed the House in 2021. It was more recently introduced by Senators Martin Heinrich, Markwayne Mullin, Jon Tester, and Dan Sullivan in this Congress (S. 2908). The House companion bill from Congressman Doug LaMalfa, Mary Peltola and others was reported out of the House Committee on Natural Resources in March. The Department of Interior has testified in favor of the bill during both Republican and Democratic administrations.

FEDERAL COMMITMENT TO TRADITIONAL FOODS

At the request of the Department of Interior, Bureau of Indian Affairs, ITBC prepared a written comparison of the funding provided to Tribal fish commissions and the funding provided ITBC, primarily due to the fact both entities were funded out of the same line items of the Department of Interior budgets. This analysis of public records, historical documents and case law revealed that seven fish commissions receive Federal funding in an amount exceeding \$140 million annually from various Federal agencies at the Department of Interior, the Department of Commerce, and the Environmental Protection Agency. The seven fish commissions cover 52 Tribes over 12 States, and an approximate population of 525,000 enrolled Tribal members. A single fish commission employs 10 times the staff we do and operates two additional offices. We don't begrudge these Tribes or the funding they receive. It is clearly deserved and needed but the comparison to the buffalo Tribes is stark.

The level of Federal funding to fish commissions is largely due to the well-known Boldt decision that awarded fishing Tribes co-management authority over salmon with the States, access to half of the returning fish each year, and declared the security of Indian fishing rights was a trust obligation of the United States. While the Boldt decision focused on Tribal access to fish, the ruling supports all American Indians having a right to their traditional foods. This decision supports an argument that the Federal Government's trust responsibility extends to the return of buffalo to Tribes.

Article XI of the 1868 Treaty of Fort Laramie guarantees Tribes access to buffalo "so long as buffalo may range." Unfortunately like many other treaty provisions, the Federal Government has failed to live up to this promise. Recently, the United States Supreme Court examine the 1868 Fort Laramie Treaty and upheld Tribal off-reservation hunting rights in the Herrera decision. Adequate funding for Tribal buffalo restoration provides an opportunity for the Federal Government to honor the 1868 Treaty language and a commitment for Tribes to access a traditional food source.

An increase in funding to ITBC will enhance the necessary infrastructure to provide buffalo to a larger segment of the Indian community. This in turn will lead to greater self-determination and food-sovereignty opportunities for Tribes through production of their own traditional foods and creation of economic opportunities. I respectfully request an increase in the Tribal Management and Development Program and the Fish, Wildlife, and Parks and Natural Resources Tribal Priority Allocation Programs in the BIA. The subcommittee may also consider using programs in the NPS and USFWS to increase the allocations for buffalo restoration and management involving the InterTribal Buffalo Council. We do routinely provide an important service to the National Parks who have herds of buffalo. When those Parks reach their carrying capacity they call ITBC, and we round up and transport identified buffalo from them (obviating the culling of those herds). We then find Tribes who want to take those buffalo, so we transport them, presently at no cost to the National Park involved.

FUNDING INCREASE JUSTIFICATION

ITBC's primary objectives are to restore buffalo to Tribal lands, and to sustain, conserve and manage existing Tribal herds through the promotion of traditional buffalo handling practices and beliefs. ITBC strives to aid Tribes to meet the needs and desires of individual Tribal programs. ITBC attempts to balance the varying interests of Member Tribes from maintaining herds for spiritual purposes to utilizing buffalo as viable economic development endeavors. ITBC accomplishes these objectives as follows:

INCREASE IN HERD DEVELOPMENT GRANT FUNDS

ITBC distributes \$1,000,000 of its funding directly to ITBC Member Tribes via Herd Development Grants (HDG). The HDG funding has been stagnant despite the continued growth of the Tribal membership of the organization. In FY 2025, unmet needs for ITBC members exceeded \$17 million based upon the exigent needs of Tribal buffalo herd managers. ITBC members use these funds for a variety of purposes including water development, range management, fence construction and repair, corrals, purchasing handling equipment, supplemental feed, and administrative costs. These funds will create new jobs in Indian Country, create sustainable Tribal buffalo herds, and allow Tribes to utilize buffalo for economic development. I am requesting an increase of \$15,600,000 to provide ITBC members with this desperately needed aid.

FUNDING FOR FEDERAL AGENCY PARTNERSHIPS

ITBC is a member of various Federal and State working groups organized to address buffalo issues. ITBC collaborates with NPS, the U.S. Forest Service, and the USDA Animal and Plant Health Inspection Service regarding Yellowstone buffalo. ITBC provides critical transportation for translocation of Yellowstone buffalo to Tribal lands. However, ITBC cannot participate to its full potential and serve as a meaningful partner due to a lack of funding for these collaborative efforts.

Since its inception, ITBC has partnered with the NPS on buffalo management efforts including population management through roundups and distribution of buffalo to Tribes. Badlands, Theodore Roosevelt, and Wind Cave National Parks have surplus buffalo that need to be moved from the parks to ensure that those ecosystems remain intact. This also allows NPS to avoid slaughtering these surplus buffalo which negates likely public outcry with needless slaughters. ITBC bears the costs of transporting these surplus buffalo but has not been funded for its role in these activities. Additionally, the USFWS does not provide funding programs to Tribes for buffalo restoration efforts. I would request the Committee appropriate funds to support ITBC's role in protecting NPS's wildlife and provide buffalo restoration in the USFWS in the amount of \$2,000,000.

HEALTH RELATED RESEARCH AND SCHOOL LUNCH PROGRAMS

ITBC has a long-term objective to prevent and treat diet related diseases in Native populations through the reintroduction of buffalo meat into daily diets. ITBC has eight Member Tribes serving Tribal raised buffalo in their school lunch programs to address health concerns of school-age children. ITBC anticipates expanding this program to 20 Tribes in the next 3 years with increased funding. However, these efforts to coordinate with health care providers have been limited by the lack of scientific evidence of the health benefits of natural, grass-fed buffalo diets. ITBC believes research to develop concrete evidence of these health benefits will facilitate ITBC partnerships with health programs to prevent and treat diet related diseases in Native populations. This critical research will support ITBC's efforts to provide buffalo meat to school lunch programs as a healthy alternative to other meat products. ITBC wants to partner with IHS to fund this research to promote traditional, healthy Tribal diets. I am requesting \$100,000 to promote and fund this research.

TECHNICAL ASSISTANCE, EDUCATION, AND OUTREACH

ITBC assesses current and potential Tribal buffalo programs to determine technical service and infrastructure needs. After this assessment, ITBC then provides technical assistance in the areas of wildlife management, ecological management, range management, buffalo health, cultural practices, and economic development. Further, ITBC assists with construction of fencing and corrals, facility design, water development, and equipment research. ITBC provides annual training sessions (national and regional) designed to enhance Tribal buffalo handling and management. However, current funding levels do not allow ITBC to be responsive to the needs of the growing ITBC Membership. ITBC only has two technical services providers

which limits the frequency our member-Tribes receive this support. The hiring of more technical services providers would assist Tribes with reaching goals of self-sufficient herds.

Additionally, ITBC staff provide educational presentations to school-age youth, Tribal buffalo managers, and others. The topics of these presentations range from buffalo restoration, conservation efforts, and the historical, cultural relationship between buffalo and American Indians. However, current funding limits outreach, educational efforts, and staff training. Additional funding in the amount of \$500,000 would allow more American Indian youth to benefit from the important history of buffalo and Tribal.

CONCLUSION

ITBC has existed for over three decades to assist Tribes with restoration of buffalo to Tribal lands for cultural purposes. No other program exists to assist Tribes with buffalo restoration and protection. ITBC and its Member Tribes have created a new Indian Reservation industry that includes job creation and new revenue for the Tribal economies. ITBC ultimately hopes to restore Tribal herds large enough to support local Tribal health needs and generate sufficient revenue to achieve economically self-sufficient herds.

ITBC and its Member Tribes are appreciative of past and current support from Congress and the Administration. However, I urge the Committee to increase ITBC funding to a total of \$17,000,000 which is a level commensurate with the growth of the Tribal Buffalo Programs and other Tribal wildlife programs. This increase will demonstrate Congressional respect for the National mammal and allow ITBC to fulfill its responsibilities to restore, protect, and manage buffalo.

I would like to thank this Committee for the opportunity to present testimony and I invite you to visit ITBC Tribal buffalo projects and experience firsthand their successes. Questions and/or comments regarding any of the issues presented within this testimony may be directed to Mr. Ervin Carlson, President, Troy Heinert, Executive Director, and/or to Ms. Majel Russell, Legal Counsel, at (406) 259-8611. ITBC's office is located at 520 Kansas City Street, Suite 300, Rapid City, SD 57701.

[This statement was submitted by Ervin Carlson, President, InterTribal Buffalo Council.]

PREPARED STATEMENT OF THE JAMESTOWN S'KLALLAM TRIBE

On behalf of the Jamestown S'Klallam Tribe, I am pleased to submit this written testimony on our funding priorities and requests for the Fiscal Year 2025 Department of the Interior (DOI) U.S. Fish and Wildlife Service (FWS), Bureau of Indian Affairs (BIA), and Indian Health Service (IHS) budgets.

The following investments will strengthen Tribal nation-building and support our goal of self-sufficiency:

TRIBAL FUNDING PRIORITY—U.S. FISH AND WILDLIFE SERVICE (FWS)

1. \$1 Million for the Jamestown S'Klallam Tribe's Co-Management/Co-Stewardship of the Dungeness National Wildlife Refuge
2. Amend the Appropriations Act's Contract Support Cost (CSC) Provision for Non-BIA Agreements

TRIBAL FUNDING PRIORITIES—BUREAU OF INDIAN AFFAIRS (BIA)

1. \$36.6 Million to Fully Fund and Expand the TIWAHE Initiative
2. \$177.018 Million Increase Funding for Top Ten Tribal Priority Allocations (TPA) and Recurring Base Funding

TRIBAL FUNDING PRIORITIES—INDIAN HEALTH SERVICE (IHS)

1. \$383.64 Million increase over FY2024 enacted to Support Current Services
2. \$10.26 Billion for Purchased & Referred Care

TRIBAL AND NATIONAL FUNDING PRIORITIES—BUREAU OF INDIAN AFFAIRS (BIA), BUREAU OF INDIAN EDUCATION (BIE), AND THE INDIAN HEALTH SERVICE (IHS)

1. Advanced Appropriations for Tribal Programs and Services
2. Mandatory Funding for Contract Support Costs (CSC) and Section 105(l) Leases

3. Ensure Agencies are Sufficiently Staffed to Carryout Trust and Treaty Obligations

Funding for Tribal Nations accounts for approximately 1.16% of the entire Federal budget despite mandatory Federal trust and treaty obligations. Since Tribal programs and services are funded with non-defense discretionary appropriations, the funding levels are severely deficient and unable to address our Tribal communities' unmet needs; and these unfulfilled Federal obligations continue to grow exponentially on an annual basis. As a result, American Indians and Alaska Natives (AI/AN) continue to rank near the bottom of all Americans in terms of health, education, and employment status. These harrowing statistics and funding inequities demand a shift in the current governmental appropriations paradigm not only because it is the right thing to do but because it fails to align with the legally enforceable fiduciary obligation on the part of the United States to protect Tribal treaty rights, lands, resources, and assets.

Congress can take proactive steps to empower Tribal governments, and strengthen Tribal economies, and Indian communities by enacting measures that respect Tribal sovereignty and are truly reflective of the Government-to-Government relationship. First and foremost, expand Tribal Self-Governance and Self-Determination across the Federal system. Self-Governance generates a larger return on the Federal investment and allows for maximum flexibility and better programmatic outcomes at the local level. It is the most effective policy for the economic vitality of Tribal Nations and has proven successful in helping Tribal Nations rebuild, grow, and thrive.

Other measures Congress can adopt to aid in the promotion of Tribal Nation Building and self-sufficiency include, providing mandatory funding for all Tribal programs and services, requiring the Administration to submit on an annual basis the total cost to fully fund trust and treaty obligations, provide direct funding to Tribes, demolish funding silos and create a legal mechanism to allow funding from all sources to be combined and allocated through Self-Governance compacts, increase funding for Tribal priority allocations and other recurring base programs, and ensure there are Tribal set asides for every funding opportunity.

TRIBAL FUNDING PRIORITY—U.S. FISH AND WILDLIFE SERVICE (FWS)

\$1 Million Dollars—U.S. Fish and Wildlife Service—Jamestown S'Klallam Tribe's Co-Management/Co-Stewardship of the Dungeness National Wildlife Refuge—Our Tribe requests a Federal investment of one million dollars to support our Co-Management/Co-Stewardship Agreement with the U.S. FWS. This funding will support a range of critical services and ensure the health and vitality of our ancestral homelands, the Dungeness National Wildlife Refuge (DNWR). The Tribe's ability to undertake this co-management role is unquestioned and is evidenced by the primary role the Tribe has and continues to play in habitat preservation, conservation, and environmental stewardship of our ancestral homelands, traditional waterways, and resources.

Amend the Appropriations Act Contract Support Cost (CSC) Provision for Non-BIA Agreements—We urge Congress to amend the Appropriations Act Contract Support Cost (CSC) provision to allow Tribes to fully realize the intent of the Indian Self-Determination and Education Assistance Act (ISDEAA) and address the structural impediments that hinder Tribal-Federal Co-Management/Co-Stewardship Agreements with land management agencies within the Department of the Interior (DOI). The ISDEAA requires full payment of CSC for administrative and overhead costs associated with implementation of contracted and compacted programs, services, functions, or activities (PSFAs). However, at present, the indefinite CSC appropriation is only available to the Bureau of Indian Affairs (BIA) and the Bureau of Indian Education (BIE) and other DOI agencies/bureaus must pay CSC out of programmatic dollars, leaving less funding for land management functions. This inconsistency undermines the intent of the ISDEAA and discourages Tribal-Federal co-management agreements. Congress can alleviate the incongruent interpretations of the ISDEAA and ensure consistent application of the law across DOI by amending the current language by deleting "Bureau of Indian Affairs and Bureau of Indian Education" and replacing it with Department of the Interior.

TRIBAL FUNDING PRIORITIES—BUREAU OF INDIAN AFFAIRS (BIA)

\$36.6 Million to Fully Fund and Expand the TIWAHE Initiative—The TIWAHE Initiative, established in 2015, fosters a dynamic approach to the delivery of services by embracing the Self-Governance/Self-Determination service delivery model that has proven successful in enhancing the health and well-being of Tribal families and communities. Current funding levels support 10 (10) demonstration sites, rep-

representing sixty-five (65) Tribes. BIA's one time funding opportunity this past year allowed for planning grants for an additional 12 (12) TIWAHE Incubator Tribes seeking to become demonstration sites. Jamestown is one of the Tribes that was selected to participate as an incubator Tribe. We used the TIWAHE planning funding to create a synergistic model for the delivery of programs and services that better align with our community customs, values, and traditions.

Adopting a coordinated approach that is grounded in Tribal values and principles leads to better outcomes at the local level. TIWAHE provides Tribes greater flexibility to build social service infrastructure that functions as all-inclusive and is responsive to addressing a broad range of issues such as poverty, substance abuse, domestic violence, youth suicide and other related issues. We are confident an additional investment of \$36.6 million in the TIWAHE program will prove successful in promoting the development of prosperous, resilient, and self-sufficient Tribal communities.

\$177.018 Million Increase Funding for Top Ten Tribal Priority Allocations (TPA) and Recurring Base Funding—Tribal Priority Allocations (TPA) and Recurring Programs are consistently identified as funding priorities by the Tribal Interior Budget Council (TIBC) because they provide core funding that supports critical government programs and services. Flexibility in the use of funds to support local needs is an important aspect of this funding. TPA and Recurring Program funding provides security and certainty for Tribes rather than funding provided through grant dollars. There has been a growing trend among agencies to fund Tribal programs and services with grant dollars rather than providing base and recurring funding. Grant funding is incongruent with the trust and treaty obligations and Tribal Self-Governance.

TRIBAL FUNDING PRIORITIES—INDIAN HEALTH SERVICE (IHS)

\$383.64 Million increase over FY2024 enacted to Increase Support for Current Services

The Federal trust obligation requires significant investment in Tribal healthcare systems. To maintain current services, factors such as the inflationary rate, pay costs, contract support costs, population growth and staffing needs for recently constructed facilities all need to be fully funded. When these mandatory factors are not funded, Tribes must supplement programs with their own limited revenue, or chose between limiting services or shutting down services completely.

\$10.26 Billion Purchased and Referred Care (PRC)—PRC funds are used to purchase essential health care services, including inpatient and outpatient care, routine emergency ambulatory care, transportation, and medical support services, such as diagnostic imaging, physical therapy, laboratory, nutrition, and pharmacy services. PRC funds are extremely important to the Portland Area Tribes because the Portland Area lacks hospitals and specialty care centers, so Tribes in the Northwest are forced to turn to the private sector to fulfill this need.

TRIBAL AND NATIONAL FUNDING PRIORITIES—BUREAU OF INDIAN AFFAIRS (BIA), BUREAU OF INDIAN EDUCATION (BIE), AND THE INDIAN HEALTH SERVICE (IHS)

\$8.74 billion Behavioral Health Mental and Alcohol and Substance Abuse -The Jamestown Healing Clinic provides a holistic approach to treatment for those who suffer from opioid use disorder through the provision of wrap-around services, to include, primary care, dental services, transportation to and from the clinic, employment, housing, and other associated needs.

Advance Appropriations for Tribal Programs and Services—Providing appropriations 1 year in advance for the BIA, BIE and IHS will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribes to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and community. Tribal Nations are resilient but the continuous delays and/or lapse in Federal appropriations continues to disrupt the execution of Tribal government operations. The Federal Government has a legal and moral obligation to make sure that funding for trust and treaty obligations is not delayed. Time is of the essence when it comes to the survival of our people, our language, our culture, our homelands and resources and our sovereignty. Advance appropriation is a budgetary solution that does not impact spending caps and allows Tribes to continue to provide critical services.

Reclassify Discretionary Spending for Section 105(l) Leases and Contract Support Costs to Mandatory—The agencies are legally required to compensate Tribes for Section 105(l) lease obligations and contract support costs (CSC) in accordance with the ISDEAA, but these obligations have grown tremendously since their inception.

As far back as 2014, Congress acknowledged that obligations of this nature are typically addressed under mandatory appropriations because they have the potential to impact other programs. Separate, indefinite accounts were established to support Section 105(l) leases and CSC but have resulted in the unintended reduction of funding for critical Tribal programs. Reclassifying mandatory funding for CSC and 105(l) leases is needed to prevent programmatic decreases.

Ensure Agencies are Sufficiently Staffed to Carryout Trust and Treaty Obligations—Retention and recruitment of staff continues to be a challenge for our Federal Agency partners. The Federal Government must have competitive hiring packages and effective and efficient recruitment practices in place. The impacts of an understaffed workforce trickle down to the Tribal level with severe consequences—funding distribution is delayed, and the processing of paperwork and other essential transactions impede Tribal programs and services. In addition, many of the Agencies, such as the BIA have taken on additional responsibilities associated with the number of new initiatives to include 477, Missing and Murdered, TIWAHE, 105(l) Leases, Federal Indian Boarding School, and others requiring additional staff and funding.

The Jamestown S'Klallam Tribe continues to support the requests and recommendations of our Regional and National Indian Organizations. Thank you.

[This statement was submitted by Hon. W. Ron Allen, Tribal Chairman/CEO, Jamestown S'Klallam Tribe.]

PREPARED STATEMENT OF JOHNSON COUNTY DEPARTMENT OF HEALTH AND ENVIRONMENT

Our country's programs to reduce air pollution have been a tremendous success but, despite nationwide progress, air pollution still causes tens of thousands of early deaths in America and is a serious public health problem resulting in negative health impacts to millions every year. We are requesting your support to address this significant problem.

Johnson County Department of Health and Environment (JCDHE) and other State and local clean air agencies across the country are charged with running the essential air quality programs that protect public health. Unfortunately, these programs have been underfunded for many years and need significant increases in resources. To meet current and expected obligations, we ask that Congress provide \$500 million in Section 103 and 105 (Clean Air Act) Federal grants to State and local air agencies in FY 2025 to support current programs and new challenges and allow flexibility for State and local air agencies to use Federal grants for their highest priority needs. As much as possible, these grant increases should not require matching funds (e.g., providing funding under Section 103 authority, which does not call for a match).

Federal grant funding under Sections 103 and 105 of the Clean Air Act, which support State and local clean air and climate agencies, has been essentially flatlined for nearly 20 years, despite many new regulations and requirements. These grants have not even kept pace with inflation, while our programs have become more costly and complex. Continued shortfalls in Federal funding will leave communities at risk and will result in cuts to existing programs, just as climate change and air pollution are exacerbated. For example, here in Kansas, the Kansas Department of Health and Environment (KDHE) and the two local programs have suffered through staffing issues that have impacted service to industry, particularly in permitting. Stagnant funding has resulted in personnel seeking better paying positions at Federal or private institutions with which KDHE can't compete. Management in turn, is burdened with continuously filling vacancies and training rather than focusing on program responsibilities and protecting public health.

Additional funds would be used nationally for important efforts, such as advancing new programs and expanding existing clean air efforts that protect vulnerable communities; supporting pollution detection and visualization through air monitors and sensors; supporting small business programs; and addressing climate change with activities that include planning, monitoring, permitting, enforcement, adaptation and resilience. JCDHE would continue close collaboration with KDHE to overcome the multiple challenges non-attainment with the fine particulate matter standard is expected to bring to the Kansas City metropolitan area.

We work hard to improve air quality, but sufficient Federal funding is critical. Please ensure that Federal grants to State and local air quality agencies under Sections 103 and 105 of the Clean Air Act are increased to \$500 million in FY 2025. I would be glad to answer any questions you have or provide more information. Thank you for any assistance you can offer.

[This statement was submitted by D. Charles Hunt, M.P.H. Director and Rollin Sachs, Environmental Specialist-Air Quality.]

PREPARED STATEMENT OF LAC DU FLAMBEAU BAND OF LAKE SUPERIOR CHIPPEWA INDIANS

Thank you for giving me the opportunity to testify on behalf of the Lac du Flambeau Band of Lake Superior Chippewa Indians concerning the Tribe's FY 2025 funding needs primarily in the BIA, IHS, and EPA accounts. The Tribe is located in northern Wisconsin. Our 144 square mile reservation lies in Vilas, Iron, and Oneida Counties. The name of our Tribe means "Lake of the Torches" and derives from our ancestors' practice of harvesting fish at night by torchlight. Nearly half of our reservation is water with 260 lakes, 65 miles of streams, rivers, and lakes.

Thank you for your bipartisan support of Tribes and for educating your colleagues on the needs of Tribal governments and the government-to-government relationship between the United States and Indian Tribes. The Chippewa bands to which we belong entered into many treaties with the United States. Our ancestors forever ceded territory to the Federal Government, but reserved the right to hunt, fish, and gather food in the ceded territory.

Our Tribal citizens live close to the land, Waaswaagoning, our homeland. We harvest fish, operate a fish hatchery, cultivate wild rice, and hunt deer and other game. For that reason, protection of our waters, lands, air, wildlife, and vegetation are critical to the health of our citizens. These resources are at risk from pollution, contaminants such as PFAS "forever" chemicals, mercury, and chronic wasting disease that endanger our citizen's health.

Our enrollment is over 4,400 members and as a rural, remote Wisconsin reservation, our Tribal government is the first responder for so many needs. We operate the "Lake of the Torches Casino," provide jobs, and generate revenues from tourism and other Tribal enterprises. Despite being the largest employer in Vilas County, Wisconsin, according to the most recent HUD data (FY 2024), there are 725 Native families on our reservation whose family income ranges from less than 30% Median Family Income to 80% of Median Family Income. The U.S. Census Bureau lists Median Family Income on our Reservation as \$51,742 (2022). That means that these Tribal families earn less than \$15,222—\$41,394 annually. This imposes great hardships on these families and the Tribe.

Increase FY 2025 funding for BIA Law Enforcement and Pub. L. 280 Court accounts—I will be blunt. Annual Federal appropriations to the BIA Public Safety & Justice account and Pub. L. 280 Tribal Court accounts are insufficient to address the immediate and urgent needs of rural, remote Tribal communities for public safety officers and Tribal Courts. In FY 2024, Congress appropriated \$274 million for BIA Criminal Investigations and Police Services, and \$21 million for the Pub. L. 280 Tribal Court program, the same funding levels as FY 2023. As you consider the FY 2025 budget, I ask this subcommittee to consider the great unmet need we face for public safety services and Tribal Court needs and prioritize these accounts for increases.

There are three significant community safety issues in our community: 1) a fentanyl epidemic and with it; 2) an increase in mental health crises; and 3) the emergence of human trafficking (MMIP). Our Police Department sees a direct correlation between the presence of fentanyl and offenses such as child abuse/neglect, elder abuse, domestic violence, sex trafficking and property crimes.

We began to see heroin use in 2018 that has now transitioned to fentanyl alone or meth/fentanyl combined. Of the nine law enforcement agencies in the surrounding jurisdictions, Tribal law enforcement incidents and service calls are much higher than any other jurisdiction. From 2020 to 2023, the Tribe's Police Department averaged 6,000 calls per year and the trend is increasing. From 2018 through 2023, our Police Department made a total of 2,062 arrests; of those 706 or one-third were for meth. While meth arrests are down, heroin/fentanyl drug arrests are increasing.

Fentanyl overdoses are common and officers must use several Narcan/naloxone to revive users who have strong addictions. For non-Indian offenders, our officers must drive off-reservation to county detention facilities. Thus, the two patrol officers/12-hour shift are reduced because an officer is driving off-reservation.

About 50% of Tribal Police arrests involve drugs, yet we only have 7 Full-Time Patrol Officers, 2 Sergeants, 1 Chief of Police, and 1 Detective, 1 part-time Detective Canine Officer, and 2 administrators. Our Tribal Police Department should be twice its size. Vilas County has a police force of 39 and Oneida Country has a police force of 36.

We also see an increase in the number of welfare investigations (welfare checks) the Tribe performs. These checks are for well-being, suicide threats, missing persons, and voluntary and involuntary emergency commitments. These checks take time and we are shortstaffed.

Please prioritize the BIA Criminal Investigations and Police Services and Tribal Pub. L. 280 Court accounts for meaningful increases. Public safety and judicial services are essential Tribal government functions. Our Tribe subsidizes law enforcement, Tribal Court, Wellness and Drug Court operations with some \$3 million annually. We have MOUs with Wisconsin County police and sheriff offices. We apply for Department of Justice COPS grants and work with State and other Federal agencies to improve our law enforcement capabilities and training, such as the FBI, DEA, AFT, and Department of Homeland Security. But we need recurring BIA funding to sustain our Police Department and Tribal Court.

We are proud of our Tribal Police and the incredible job they do with the few personnel and resources they have. But we are losing good officers due to non-competitive salaries and limited retirement benefits that do not vest until 10 years of service, twice the time a State-employed officer must wait for their pension to vest. Our situation is not sustainable. I respectfully request that Congress pass this session the bipartisan "Parity for Tribal Law Enforcement Act," H.R. 4524 and for this subcommittee to provide funds to support such legislation.

Our officers serve 12-hour shifts and respond to 50% more calls than surrounding non-Indian jurisdictions that have two and three-times the number of officers. Our Tribal Court docket handles domestic abuse, drug and alcohol abuse, truancy, theft, with nearly half of our Tribal Police arrests involving meth, heroin, and fentanyl. At times, Tribal Police are also called to appear in court to provide security for cases involving heated custody disputes and child welfare matters. The Officers are also first responders for emergency management services including motor vehicle crashes, spills, fires, and weather incidents.

Our officers are also challenged by the fact that many Tribal health and social service programs operate weekdays only and close on the weekend. Physical and mental health services for individuals detained by Tribal Police after hours and on weekends require Tribal Police to transport individuals off-reservation for such services and programs. This leaves us short-staffed on a recurring basis. Tribal communities need more resources to keep families safe.

Tribal Court—For our Tribal Court, we employ one full-time Judge, two contracted Judges, three Clerks, a full-time Tribal Attorney/Prosecutor, and four judicial staff.

Our court handled over 2,000 cases in FY 2023, including Civil Code violations, Juvenile Code violations, illegal drug possession, foreclosures, foreign judgments and garnishments, probate, adoption, child welfare petitions, family custody petitions, domestic abuse/harassment injunctions. The Tribe must subsidize the Tribal Court based on the inadequate funding we receive from the BIA under current appropriations. We need Federal assistance to cover the costs of additional court personnel, including two deputy clerk positions, an associate judge position, and a bailiff for Tribal Court hearings, elections and other public events.

We also operate the "Zaagiibagaa" Healing to Wellness Court (Ojibwe word interpreted as budding shoot or sprig, new life, new beginning) funded through the State of Wisconsin and SAMHSA grants as an alternative to incarceration program. It is a four-phase program: 1) treatment; 2) skill building; 3) walking straight on mother earth; and 4) transition: getting ready to leave the nest.

Tribal members suffering from addiction do not receive the level of treatment required to break addictions when incarcerated in county jails. Medical data reveals that six-month and greater term treatment programs work better than limited term treatments. With increases in the BIA accounts supporting alternatives to incarceration, and an opportunity to compete for such funds, the Tribe would like to develop transition programming for Tribal inmates. Please prioritize for funding increases in FY 2025 those demonstrably successful programs that reduce addiction, recidivism, and improve the wellness of rural Tribal communities.

Wisconsin is a Pub. L. 280 State. Tribal Police refer all criminal cases to the District Attorney in Vilas County Circuit Court. Criminal prosecutions for drug and alcohol are turned over to the Vilas County District Attorney. If the District Attorney's Office declines, the Tribal Attorney/Prosecutor may prosecute the case on a civil citation.

Increase FY 2025 Funding for BIA Human Services accounts—In FY 2024, Congress appropriated \$164 million for BIA Human Services programs, about a 2% cut from the FY 2023 enacted level of \$167 million. We cannot understand these funding decisions. The BIA Social Services account was cut to \$53 million in FY 2024,

Welfare Assistance funding was flat at \$78 million, and ICWA was cut \$1 million to \$17 million for FY 2024.

ICWA enables the Tribe to maintain and protect the sanctity of the Anishinaabe family unit. The ICWA is one significant legislative action that provides the opportunity to protect the preservation of the Tribal family unit and Tribal culture, values, and norms.

The Tribal Court handled about 2,000 cases in 2023. There were 248 petitions in FY 2023 involving children and families, an increase of 7 % over the prior year. These petitions involve child welfare, child support, parental and custody issues, domestic relations or divorce, guardianship, paternity actions, truancy citations and domestic abuse and harassment restraining order petitions/notice of injunctions and injunction hearings. There were 52 petitions relating specifically to Child Welfare involving child abandonment or children left without proper care, custody or guardianship. Over half of these petitions were filed by the Child Welfare office under emergency conditions.

We need more resources in the Social Services accounts, including funds for increased Tribal foster families and housing improvements. We seek to provide child advocacy services on the Reservation, rather than having to add further trauma to Native children by providing various exams and forensic interviews 250 miles away in Marchfield, Wisconsin and 165 miles away (round trip) in Wausau, Wisconsin. We need more resources on the Reservation to address the impacts of child abuse, child sex abuse, and trauma.

Expand the Tiwahe Initiative Program—Congress, responding to the request by Tribes, is gradually expanding funding for the Tiwahe “Family” Initiative Program that assists Tribes by supplementing ICWA, BIA Social Services, HIP, and Job Training and Placement (JTP) programs with Federal funds and authority to Tribes to utilize these funds to help keep at-risk Tribal families together and to bring the parents and children of such families culturally appropriate services and programs to put them on a better path. We urge the subcommittee to increase funding for the Tiwahe Initiative so that more Tribes may benefit from this successful program.

Increase FY 2025 Funding for BIA Rights Protection Implementation (RPI) account and EPA’s GLRI account—In FY 2024, Congress appropriated \$49.2 million for the BIA Rights Protection Implementation account (Trust-Natural Resources), the same level as FY 2023. As a member of the Great Lakes Indian Fish & Wildlife Commission (GLIFWC), the Tribe supports the Commission’s request for no less than \$8.125 million of a requested \$50.6 million for Rights Protection Implementation. More broadly, the Tribe supports full funding for the RPI at no less than \$66 million.

Increase funding for BIA Natural Resources, Wildlife and Parks, TMDP, Fish Hatchery Operations and Maintenance Accounts—The Tribe operates a comprehensive Natural Resources Program, including the William J. Poupart, Sr. Fish Hatchery that produces and stocks Walleye, Fingerlings, Perch, Brown Trout, and White Sucker Fry. The hatchery is 25-years old and requires significant renovations if we are to maintain our fish stocks and compete to stock Wisconsin lakes and waters. Growing fry to fingerlings to better ensure their survivability is costly. The hatchery supports Tribal subsistence and non-Tribal fishing stocking Reservation and ceded territory waters to provide sports fishing in northern Wisconsin. We appreciate the \$290,000 U.S. F&WS award to replace worn pumps and make other emergency improvements, but we have only \$1.3 million set aside from ARPA and State funds for a \$6.5 million hatchery upgrade. Please take Tribal infrastructure replacement needs into account in the FY 2025 budget. Miigwech.

[This statement was submitted by George Thompson, Vice President, Lac du Flambeau Band of Lake Superior Chippewa Indians.]

PREPARED STATEMENT OF THE LEAGUE OF AMERICAN ORCHESTRAS

The League of American Orchestras urges the Senate Interior, Environment, and Related Agencies Appropriations subcommittee to provide at minimum \$211 million for the National Endowment for the Arts in fiscal year 2025. We are grateful for consistent bipartisan support from Senate and House Appropriators that has enabled the cultural agencies to provide much-needed grants to arts organizations throughout the country so they can bring inspiration, creative opportunity, and connectedness to people of all ages.

The National Endowment for the Arts has long held a unique Federal leadership role; its direct and indirect grantmaking, indispensable research, and inspiring convenings advance learning and provoke important action by arts organizations, practitioners, other Federal agencies, and the public to advance the myriad benefits

of the arts and reach more Americans. A direct grant awarded by the NEA is a highly sought national designation because it demonstrates an organization has offered an artistic engagement that a rigorous panel review process deems worthy of Federal investment. Every orchestra—large and small—is a vital part of its local ecology, and those that receive an award from the National Endowment for the Arts highly value this support of their continual work to enhance the experience of live music for people of all ages. The following examples highlight recent orchestra-led projects supported by the NEA.

The Boise Phil received an FY24 Challenge America grant to support free performances for more than 7,000 3rd–5th grade students. From Treasure Valley's largest public school district of West Ada to individual homeschool students in Emmett, students were able to engage with classical music at a performance centered around the educational state standards for music history. Collaborating with Boise Contemporary Theater brought to life composers, instruments, and musical concepts, which won overwhelmingly positive feedback from students. Teachers were also appreciative that the concerts were able, thanks to grant funding, to offer accommodations for students who face accessibility hurdles to experiencing live orchestra music in an inclusive environment.

Another orchestra making intentional strides to engage underserved students is the Palm Beach Symphony, which is utilizing its Challenge America grant to partner with the Palm Beach County School District for a residency program that brings symphony musicians to Title I schools. The teaching artists help students with technique, tone, posture, proper instrument position, and the intricacies of reading and interpreting music in small group settings, working toward a culminating event of a large group ensemble rehearsal alongside symphony musicians. Schools are selected after consulting with teachers and the School District of Palm Beach County's K–12 Arts Education Program Planner in the Department of Teaching and Learning, who oversees all music activities in the public schools. The symphony is intentional about maintaining an enduring and continuous relationship with teachers, schools, and students, and it is especially impactful for the students when they attend Palm Beach Symphony concerts as guests and see their coaches perform on stage.

Yet another Challenge America grantee that is focusing its efforts on young audiences and learners is the Kamuela Philharmonic, which hosted two Children's Concerts in Kamuela, HI attended by approximately 650 students, accompanied by teachers and chaperones. The enthusiastic response from the students underscored the impact of the orchestral experience on their musical education and appreciation, with students coming from seven public schools from around the island and a strong turnout from the Waimea/Waikoloa areas. In addition to school groups, 13 individuals, homeschoolers, and families attended the concerts. The concerts allowed musicians to creatively demonstrate their orchestral instruments and the experience was enhanced with verbal narrations, American Sign Language interpretation, and captivating illustrations on the screen, providing a multi-sensory journey through the musical narrative. In addition, students were inspired by the performance of 12-year-old violinist Yunju Cho, one of this season's Youth Concerto Competition winners.

While much orchestral education programming focuses on young learners in elementary and secondary school, older students and adults also benefit from programming specifically curated for them. The Chicago Sinfonietta's Grants for Arts Projects FY24 award helped support a sold-out, free to the public orchestral concert and series of educational opportunities at the historically Black Spelman College in Atlanta, GA—an extension of the community work done in Chicago. The concert featured a performance of music by Black, woman, and living composers, an integral part of Sinfonietta's mission and especially relevant to the student body. In fact, surrounding events within the Sinfonietta tour offered several connection and enrichment engagements that highlighted the importance of diversity in the symphonic world, including lecture/demonstrations and master classes with Sinfonietta musicians, and a special pre-concert panel discussion for Spelman students.

Featuring the work of historically underrepresented voices is a growing focus for many American orchestras, and the Oregon Symphony's 2023–24 season provides a platform for women and people of color appearing as guest soloists, conductors, or composers on nearly every program. An FY24 NEA grant is supporting two concerts highlighting composers of color. The first features two Black composers whose music directly explores themes of racism and resilience: *Darker America* by William Grant Still, which fuses classical, jazz, and spiritual elements to depict the struggle of Black Americans, and *Remnants* by contemporary composer James B. Wilson, which utilizes spoken word poetry to address the 2020 Black Lives Matter protests. The second concert celebrates the rhythms and dances of Latin America, opening with

a new commission by Portland-based Venezuelan composer Giancarlo Castro (b. 1980) and followed by an orchestral arrangement of Astor Piazzolla's *Four Seasons* of Buenos Aires. This concert will also welcome Artist-in-Residence Xavier Foley (b. 1994) on the double bass. Both programs will reach an in-person audience of more than 6,000 people and will be broadcast globally on All Classical Radio, disrupting usual perceptions of classical music by utilizing orchestral music to illuminate the pressing issues of our time.

The Louisiana Philharmonic Orchestra (LPO) serves as a culture bearer honoring monumental figures and telling stories of Louisiana through music. With an FY24 grant from the NEA, the LPO honored New Orleans icons Edgar "Dooky" Chase II and Leah Chase for their significant contributions to the city through their civic activism, musical influence, and culinary expertise. An ode to jazz in the art form's birthplace, the concert was a nostalgic celebration of the Dooky Chase Orchestra's 75th anniversary of their final performance ended with George Gershwin's 100-year-old timeless sensation, *Rhapsody in Blue*. Featured on the program were vocalist Chase Kamata—Mr. and Mrs. Chase's granddaughter—and the Marcus Roberts Trio. Audiences were immersed in the Chase family history with a pre-concert lecture featuring maestro Thomas Wilkins and a program book with their written legacy and archival photographs. The LPO values the various elements that thread New Orleans' cultural tapestry and aims to represent these elements in their programming and community initiatives throughout the season.

Over the years, NEA support has empowered the Detroit Symphony Orchestra to make innovative programs come to life. In commissioning works by living composers, the orchestra especially seeks to showcase voices that may have been historically underrepresented. An FY24 Grants for Arts Projects award is supporting DSO's April performance of a new co-commissioned work for the pipa by composer Du Yun in a collaboration with the Philadelphia Orchestra and Carnegie Hall. Du Yun was an early recipient of the DSO's own Elaine Lebenbom Award for women composers and so the orchestra is thrilled to welcome the work of an honoree to the Orchestra Hall stage. One of the DSO's proudest achievements is the ability to share performances far beyond the in-person audience. This program will be broadcast live on Detroit radio station 90.9 FM WRCJ, and online in HD video through the DSO's free Live from Orchestra Hall program.

Focusing on an enhanced local community experience is the Louisville Orchestra, which will utilize its NEA award to support the Creators Corps Program. The Creators Corps seeks artists that are passionate about forging relationships with community organizations to advance music's role in civic life, care deeply about education, and are interested in being "artist-leaders" for both the orchestra and the community more broadly. The unique experience of living in Louisville and working as part of the orchestra's staff for a year deeply informs and inspires the compositions the composers write, allowing for a level of specificity and customization for the orchestra and community. In addition, composers will work on projects that bring them into regular meetings or sessions with community members, students, and teachers. In becoming a Louisvillian, the investment in community and partnerships built over that time results in ties that are indispensable to the orchestra and community for years afterward.

Finally, the Toledo Alliance for the Performing Arts received an FY24 grant which assisted in a commissioning and performance project featuring a new set of Symphonic movements by nine members of the composers' collective ADJ^obective New Music. The Toledo Symphony performed music inspired by the planets of the solar system in celebration of the anticipated total solar eclipse on April 8, 2024. This project was an opportunity to partner with the University of Toledo Department of Physics and Astronomy and KV265, a nonprofit organization dedicated to communicating science through multidisciplinary artistic projects. As a part of TAPA's ongoing partnership with Imagination Station, Dr. Salgado from KV265 and composers from ADJ^obective New Music appeared as part of the Total Eclipse Lecture Series at Imagination Station's KeyBank Discovery Theater in the weeks leading up to the Toledo Symphony's performances. The first of these free Community Conversations was a lecture on exoplanets with solar system ambassador Jim Ottaviani and the composers of Jupiter and Pluto. Dr. Salgado shared how his work with NASA inspired the creation of his extraordinary videos that accompany existing and new orchestral works.

These orchestral projects are a small sampling of the thousands of thoughtful initiatives and ongoing programs orchestras undertake year-round in a variety of settings. Federal support is uniquely impactful and invaluable in leveraging additional forms of support. Just as the arts ecosystem in our country comprises countless partners all striving to meet people where they are, the funding ecosystem is similarly complex and relies on each element to provide as robust a level of support as

possible. Thank you for this opportunity to share how the National Endowment for the Arts supports orchestras' engagement with their communities. These grants, and many others throughout the country disbursed via the agency's state and regional partnerships, make a tremendous difference by helping orchestras provide employment to musicians and staff while fulfilling their core purpose of educating and serving. We applaud the NEA's consistent leadership in promoting public engagement with all forms of art and for its responsiveness to both present and future concerns for the sector. With Congressional support for an annual appropriation of at least \$211 million for the National Endowment for the Arts in FY2025, more communities throughout our Nation will be able to experience the life-changing and affirming benefits of the arts.

The League of American Orchestras champions the vitality of music and the orchestral experience, supports the orchestra community, and leads change boldly. The only national organization dedicated to orchestras and their communities, the League supports the field through advocacy, research, convenings, leadership development, artistic programs, and grants. Founded in 1942 and chartered by Congress in 1962, the League includes nearly 25,000 musicians, conductors, orchestra staff, board members, volunteers, and business partners working within our membership of 1600 world-renowned orchestras, community groups, summer festivals, student and youth ensembles, conservatories and libraries, businesses serving orchestras, and individuals who love symphonic music.

[This statement was submitted by Simon Woods, President and CEO.]

PREPARED STATEMENT OF MEDICAL STUDENTS FOR A SUSTAINABLE FUTURE

Thank you for the opportunity to provide written testimony to highlight the funding priorities of Medical Students for a Sustainable Future within the Environmental Protection Agency (EPA) and/or Department of Interior for fiscal year 2025 (FY25). Medical Students for a Sustainable Future is a national organization comprised of medical students who are devoted to a greener, more sustainable planet for our future patients. We urge the Committee to support \$12 billion in funding for the Environmental Protection Agency.

While the Nation has made great progress in cleaning up air pollution thanks to the Clean Air Act, air pollution continues to threaten health across the country. Exposure to pollution like particulate matter, ozone, nitrogen oxides and sulfur dioxides can trigger asthma attacks, worsen lung conditions, lead to developmental and reproductive harm and even cause premature death. Climate change is also a health emergency. Communities across the country are experiencing adverse health and mental health impacts due to changing climate conditions. But climate change is also a health opportunity. We can avoid worsening of some of the catastrophic impacts we're seeing now while also delivering immediate health benefits. EPA's work to protect public health from pollution and climate change is imperative and deserves robust, dedicated funding.

EPA is also responsible for administering funds to States, localities, Tribes and communities for improving air quality and building resilience. Funding in the Inflation Reduction Act is leading to improvements across the country and Medical Students for a Sustainable Future supports its continued implementation. But that funding does not replace the need for robust, predictable funding of the agency's core programmatic work. Medical Students for a Sustainable Future would like to highlight a few key areas that are need of strong appropriations:

Provide \$915.5 million for EPA's Clean Air program. Robust funding for EPA's clean air work is necessary to meet the agency's responsibility under the Clean Air Act to protect health from air pollution. This funding allows EPA to assist States, localities and Tribes with meeting Federal clean air standards by providing technical assistance, resources and expertise on how to clean up the sectors that contribute to air quality challenges. Please provide \$694.6 million for Environmental Programs and Management and \$220.9 million for Science and Technology.

Provide \$500 million for State and Local Air Quality Monitoring Grants and \$57.4 million for Tribal Air Quality Monitoring Grants. State, local and Tribal air agencies receive grants from EPA to help maintain their air monitoring networks. Air agencies are operating under constrained budgets, impairing their ability to adequately maintain and improve air monitors. This funding is crucial to help inform the public about air quality risks to their health and in identifying areas that are most in need of pollution cleanup.

Provide at least \$369.1 million for environmental justice efforts. Far too many communities are still waiting on the promise of clean air. Targeted funding dedicated to cleaning the air in disadvantaged communities and to advance the protec-

tion of those overburdened by air pollution is necessary to provide clean air for all. As medical students, we see the effects of air pollution firsthand, and we request these changes in the name of our future patients.

Provide \$150 million for the Diesel Emissions Reduction Act and Support the Clean School Bus Program. The Diesel Emissions Reduction (DERA) Grant program continues to be a cost-effective program that enjoys bipartisan support. According to EPA's 2022 report to Congress, the health benefits of diesel emissions reduction projects are cost-effective, with monetized health benefits estimated to exceed Federal funding by a factor of 10 to 1. But there are still millions of dirty diesel engines that are polluting communities—particularly low-income areas and communities of color. We also urge the Committee to support the popular Clean School Bus Program. The program has already led to the replacement of dirty diesel school buses with cleaner zero-emission versions and the Organization supports even greater adoption of zero-emission school buses.

Please provide \$100 million for the Office of Air and Radiation/Indoor Environments Division and \$10 million to EPA's Office of Children's Health Protection. Exposure to indoor environmental pollution can decrease attendance, negatively impact test scores and worsen asthma symptoms or other health impacts. A 2020 GAO report found that 41% of school districts were in need of HVAC repairs in at least half of their schools. Educators and school personnel need education, training and resources to implement effective prevention measures. Additionally, the Office of Children's Health Protection plays a critical role in researching children's risks and exposures in school and childcare facilities.

Please provide \$15 million for wildfire smoke preparedness. Wildfire smoke is an urgent and increasing threat to public health, and it is not confined to western areas. In 2023, wildfires in Canada and the Northeast set off unprecedented air quality alerts down the East Coast, increasing emergency department visits for asthma-related conditions. EPA plays a vital role in forecasting and communicating the impacts of wildfire smoke.

Oppose all policy riders. Lastly, Medical Students for a Sustainable Future strongly opposes the inclusion of policy riders that would weaken clean air protections, particularly those that would undermine the Clean Air Act. We urge the Committee to reject policy riders in appropriations bills.

Investments in EPA programs are critical to protecting public health. On behalf of Medical Students for a Sustainable Future, I thank you for your consideration of these requests.

[This statement was submitted by Aroub Yousuf, Advocacy Co-Chair, Medical Students for a Sustainable Future.]

PREPARED STATEMENT OF THE METLAKATLA INDIAN COMMUNITY

Recommendations:

1. Support increased overall funding for the Bureau of Indian Affairs (BIA), including Tribal Hatcheries, the U.S. Canada Pacific Salmon Treaty, Tribal Court Assistance, Tribal Climate Resilience, Native Language Resilience, and Dams.

2. Provide full funding and advance appropriations for the Indian Health Service (IHS).

3. Ensure mandatory funding for Contract Support Costs (CSC) and section 105(l) leases.

4. Amend the Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify CSC provisions.

5. Fund critical infrastructure investments for the IHS.

6. Increase funding and extend self-governance to the Special Diabetes Program for Indians.

7. Reduce dependence on competitive grants for Indian Country.

Introduction. Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our FY 2025 funding priorities. The Metlakatla Indian Community is located on the Annette Islands Reserve in southeast Alaska, a land base of 87,000 acres which includes significant fish and forestry resources. At our Annette Island Service Unit, we provide primary health services through funding from the IHS as a co-signer to the Alaska Tribal Health Compact under the ISDEAA.

We are grateful for the historic investments Congress has made in Indian Country in recent years via the CARES Act, American Rescue Plan Act, Bipartisan Infra-

structure Law, and Inflation Reduction Act. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect Indian Country from cuts during the FY 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust and treaty responsibilities to provide for the health and wellbeing of Tribal Nations exist irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, we offer the following recommendations for your consideration for FY 2025 appropriations for the IHS and BIA.

BUREAU OF INDIAN AFFAIRS

Operation of Indian Programs. In FY 2025, we recommend a substantial increase for the Operation of Indian Programs at BIA. This base funding is critical in the functioning of our government and our survival as a Tribal Nation. They provide for social services, law enforcement, court services, child care services, public health and safety, and other essential government functions. We have repeatedly called on Congress to fulfill its trust and treaty obligations by adequately funding these accounts. Unfortunately, year after year, we experience large funding shortfalls across all BIA-funded programs, causing government services in our community to constantly depend on an inconsistent patchwork of Federal funding. For example, we have been forced to choose between meeting water quality standards or providing scholarships to our students.

In some cases, these shortfalls force us to cut services altogether. Some programs that have been impacted are real estate, higher education, Tribal scholarships, social services, and firefighting. Despite significant supplemental appropriations, these programs remain critically underfunded. We support the Tribal/Interior Budget Council (TIBC)¹ request to fund Tribal Priority Allocations and similar accounts at \$455 million in FY 2025. We urge you to support this full funding amount as you craft your FY 2025 appropriations bill.

Additionally, we request that BIA appropriations be funded on an advance appropriations cycle. As exemplified by the FY 2024 appropriations process, it has sadly become the norm for Congress to rely on multiple continuing resolutions before final bills are enacted. This creates uncertainty that delays the distribution of our full yearly amount by several months or more. This makes it impossible for us to plan and manage our annual budgets—we are not able to plan our finances even weeks ahead due to the uncertainty. Indian Country should not be held hostage by unrelated political disputes in Washington, D.C. Full advance appropriations for the BIA would better honor Congress' trust and treaty responsibility to Tribes, stabilize Tribal governments, reduce dependence on uncertain grant funding, and improve overall practices.

Tribal Hatcheries. We deeply appreciate the increase for the Fish, Wildlife, and Parks sub-activity within the BIA Trust-Natural Resources Management budget in FY 2023 and are asking the subcommittee to resume increases in funding levels for FY 2025. We support TIBC's proposal of \$18 million for support for associated hatching, rearing, and stocking programs.

U.S./Canada Pacific Salmon Treaty. The Pacific Salmon Treaty was negotiated between the U.S. and Canada in 1985 to prevent overfishing and provide optimal production and fair sharing of the salmon harvest. In the Department of Interior's budget, this funding is appropriated through the BIA Trust-Natural Resources Rights Protection Implementation sub-activity and the U.S. Fish and Wildlife Service's Pacific Marine Fisheries Commission. We thank you for the subcommittee's continued support for this program in FY 2024, and encourage further investments to in FY 2025. We are specifically in need of a tagging trailer (\$1 million) to monitor and manage the salmon populations. The Biden Administration has requested \$6.8 million for this activity in FY 2025.

Tribal Court Assistance for Tribes Subject to PL 83–280. We deeply appreciate the much-needed support for Tribes who are affected by Public Law 83–280. We are grateful for the recent increases directed to the BIA Public Safety and Justice Law Enforcement-Tribal Justice Support program. We fully support the TIBC's ask of \$45.7 million for this program and ask that the subcommittee continue to include PL 280-specific funding in FY 2025.

Increased Funding to Address the Impacts of Climate Change. Like many Tribal communities, we continue to be impacted by the growing challenge of climate

¹ Read the full request here: https://archive.ncai.org/initiatives/tibc/TIBC—FY_2025_Tribal_Budget_Submission—5.1.23_FINAL.pdf

change. We thank the Committee for the \$750,000 increase for Tribal Climate Resilience in FY 2024 appropriations, but request significantly more investment in this account. We need funds to implement our Climate Resilience plans. We fully support the \$4.8 billion requested by the TIBC.

Support Sustained Funding for Native Language Programs. Our community is currently engaged in an effort to revitalize and sustain our Tsimshian language. We've received a 1-year amount of \$300,000 to support our programs, but this funding is not guaranteed year-after-year. While we are extremely grateful for your investment and support, it is unreasonable to expect Tribes to make meaningful progress towards revitalizing a language in just 1 year. We ask the subcommittee to initiate a direct, sustained funding model for Native languages.

Increase Funding to Support Raising the Chester Lake Dam. Our sole source of municipal water for all our community needs is the Chester Lake Reservoir, maintained by a dam constructed in 1985. Our changing climate and environmental conditions have forced us to reevaluate our dam. It has been observed that significant rain events can cause the reservoir to overtop. This results in a loss of valuable water supply, especially in the drought conditions we are currently experiencing. We need to raise the dam an additional 10–20 feet to increase our resiliency and self-sufficiency. We have secured partial funding through the Federal Emergency Management Agency's Hazard Mitigations Assistance and Building Resilient Infrastructure and Communities grants; however, more is needed. We urge the subcommittee to allocate more funding to these programs and fully fund the BIA's Safety of Dams and Dam Maintenance accounts at \$87.6 million.

INDIAN HEALTH SERVICE

Support for Full, Mandatory Funding for the IHS: The IHS and its Tribal partners under the ISDEAA strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. Alaska Natives are disproportionately impacted by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup. To further these goals, we support the Workgroup's calculated need of \$54 billion for full funding in FY 2025.

Reclassifying the IHS budget as mandatory spending not only reflects the nature of the trust and treaty obligations to Tribal Nations, but also will allow IHS to be funded at a level that is necessary for providing health care to American Indians and Alaska Natives. This proposal must be developed in partnership with Tribal Nations. We stand ready to work with you and IHS to enact mandatory appropriations in FY 2025 so the Indian health system is finally provided adequate funding.

Continued Support for Advance Appropriations: If full, mandatory appropriations cannot be achieved for FY 2025, we continue to support IHS advance appropriations in the short term. This year's tumultuous appropriations cycle demonstrates why advance appropriations are critical—clinical services remained continuous throughout the volatile political process. We urge the subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records, Health Care Facilities Construction, and Sanitation Facilities Construction, for FY 2026.

Fully fund critical infrastructure investments: We were disappointed to see that this subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system's infrastructure is among the oldest and most dilapidated in the country. Therefore, we request that this subcommittee restore and fully-fund these accounts. To implement interoperable Electronic Health Records, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans' Administration and Department of Defense move to modernize their systems. It is also critical that Congress make significant investments in Health Care Facilities Construction and Sanitation Facilities Construction. IHS and Tribal facilities are severely outdated and often unsafe. Therefore, consistent with the Workgroup's request, we recommend \$5 billion total for IHS facilities accounts.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: If Congress is not able to enact full mandatory funding for IHS this year, we continue to support mandatory funding for Contract Support Costs (CSC) and 105(l) leases at both IHS and BIA. We appreciate the subcommittee's commitment to ensuring that CSC and 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in recent years for both of these accounts. However, changing these

accounts to mandatory appropriations in FY 2025 would bring the appropriations process into line with the clear legal requirements of the authorizing statute. CSC and 105(l) lease funds are already an entitlement under substantive law for the ISDEAA to function as intended by Congress. It is contradictory and problematic to appropriate funding for these accounts on a discretionary basis. A simple amendment to an appropriations statute could solve this challenge.

Amend ISDEAA to Clarify CSC provisions: We also request that the committee consider amending the ISDEAA to clarify that when agency funding paid to a Tribe for program operations is insufficient for contract and compact administration, CSC will remain available to cover the difference. In the recent court decision *Cook Inlet Tribal Council, Inc. v. Dotomain*,² a Federal appeals court held that costs for activities normally carried out by IHS are ineligible for payment as CSC—even if IHS transfers insufficient, or even no, funding for these activities in the Secretarial amount. Under this new ruling, if facility costs are higher for a Tribe than for IHS, the Tribe is forced to cover the difference by diverting scarce program dollars. Recently, this serious misinterpretation of the ISDEAA that has been applied to one Tribal organization resulting in a 90% reduction of CSC reimbursement threatens Tribal self-governance and self-determination. Therefore, we call upon Congress to provide a legislative fix to clarify the intent of Congress for this matter, and ensure consistency with precedent.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year. SDPI's success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms under ISDEAA. While we appreciate the increase provided in FY 2024 appropriations, SDPI funding has not increased according to its success level. We recommend permanent reauthorization for SDPI at a minimum of \$250 million per year with annual adjustments for inflation.

REDUCE DEPENDENCE ON FEDERAL GRANTS

In addition to the critical funding needs that are outlined above, we also support moving away from competitive grants for Federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific needs of their own communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad based funding for Indian Country.

[This statement was submitted by Albert Smith, Mayor of the Metlakatla Indian Community.]

PREPARED STATEMENT OF NATIONAL ACADEMIES OF SCIENCES, ENGINEERING, AND MEDICINE

INTRODUCTION

Members of the Senate Committee on Appropriations subcommittee on Interior, Environment, and Related Agencies, my name is Abigail Echo-Hawk, and I am an enrolled citizen of the Pawnee Nation of Oklahoma, currently living in an urban Indian community in Seattle, Washington. I am the Executive Vice President of the Seattle Indian Health Board (SIHB) and Director of the Urban Indian Health Institute (UIHI), an Indian Health Service (IHS) designated Tribal Epidemiology Center (TEC), where I oversee our policy, research, data, and evaluation initiatives. I have a continuous record of accomplishment as a research and policy professional, specializing in Tribal government and urban Indian relations, and sit on multiple boards and advisory committees as the cultural and Tribal government expert and outreach specialist. I have also successfully led teams of Native and non-Native public health professionals to develop health and policy interventions with Tribal com-

²Cook Inlet Tribal Council, Inc. v. Dotomain, 10 F.4th 892 (D.C. Cir. 2021).

munities across the United States. I have also provided cultural expertise on working with rural and urban Native American communities for many agencies. I am pleased to submit my testimony today, including a request of \$474.4 million for the Hospitals and Clinics: TEC line item to improve culturally attuned research, data, and evaluation services for the over 9 million American Indian and Alaska Native (AI/AN) people in our Nation.

LEVERAGE CONGRESSIONAL AUTHORITY TO INCREASE HEALTH EQUITY

As a member of the National Academies of Sciences, Engineering, and Medicine (NASEM) Standing Committee on the Review of Federal Policies that Contribute to Racial and Ethnic Health Inequities, I urge you to adopt the recommendations in NASEM's Federal Policy to Advance Racial, Ethnic, and Tribal Health Equity, published in 2023. One of the recommendations outlined in the report is for the Federal Government to raise the prominence of agencies with jurisdiction over health equity for AI/AN communities. The report specifically calls for three key Congressional and Presidential actions: 1) Raise the level of the IHS Director to that of an Assistant Secretary, 2) Authorize mandatory funding for IHS, as proposed in the President's Fiscal Year (FY) 2025 budget, and 3) Re-establish an Indian Affairs Committee in the House of Representatives.¹ In addition to these structural reforms, I ask that you also leverage your appropriation authority to adequately resource IHS. In the recently enacted FY 2024 appropriations, IHS received \$6.96 billion, a 0.05% increase from FY 2023 enacted levels, while urban Indian organizations (UIO) and Tribal Epidemiology Centers (TECs) received the same level of funding as in FY 2023 at just \$90.42 million and \$24.4 million, respectively. Funding IHS at need would mean yearly appropriations of \$53.8 billion for IHS, including \$977.4 million for UIOs and \$474.4 million for TECs.

The urgency of these requests come with the recent news the estimated life expectancy for AI/AN people has dropped from 71.8 years to 62.5 years during the peak of the COVID-19 pandemic.² This near-decade loss in life expectancy means that AI/AN people now have the same life expectancy as the general U.S. population in 1944.³ It is imperative that Congress elevate AI/AN issues and priorities in the executive and legislative branches by addressing decades of chronic underfunding through investment in our public health and healthcare services offered by the Indian healthcare system.

ADDRESSING VIOLENCE AGAINST AI/AN PEOPLE

UIHI continues to be a leader on the Missing and Murdered Indigenous Women and People (MMIWP) crisis through our groundbreaking MMIWP reports⁴ highlighting the depth of the crisis, identifying gaps in data collection methods and practices, and encouraging investment in cultural frameworks for gender-based violence programs. The collective efforts of community members, researchers, and legislative partners using our reports led to historic passage of Not Invisible Act (NIA) and Savanna's Act.

In November 2023, the Not One More: Findings and Recommendations of the Not Invisible Act⁵ was released again sparking the contention that Federal policies, programs, and services are underserving our community thus perpetuating the violence

¹National Academies for Sciences, Engineering, and Medicine. (2023). Federal Policy to Advance Racial, Ethnic, and Tribal Health Equity. Retrieved from: <https://nap.nationalacademies.org/catalog/26834/federal-policy-to-advance-racial-ethnic-and-tribal-health-equity>

²Goldman N, Andrasfay T. Life Expectancy Loss among Native Americans During the COVID-19 Pandemic. (2022). Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8936100/>

³National Center for Health Statistics. (2022). Life Expectancy in the U.S. Dropped for the Second Year in a Row in 2021. Retrieved from: https://www.cdc.gov/nchs/pressroom/nchs_press_releases/2022/20220831.htm

⁴Urban Indian Health Institute. (November 14, 2018). Missing and Murdered Indigenous Women & Girls. <https://www.uihi.org/resources/missing-and-murdered-indigenous-women-girls/>; Urban Indian Health Institute. (September 2020). Sacred: Womxn of Resilience. www.uihi.org/download/supporting-the-sacred-womxn-of-resilience/?wpdmdl=18261&refresh=6217b40a4ce3e1645720586; Urban Indian Health Institute. (February 17, 2022). Service as Ceremony: A Journey Toward Healing. www.uihi.org/download/service-as-ceremony-a-journey-toward-healing/?wpdmdl=19563&refresh=621d39d2458ae1646082514XX; Urban Indian Health Institute (February 17, 2022). Building the Sacred. www.uihi.org/download/building-the-sacred-an-indigenous-evaluation-framework-for-programs-serving-native-survivors-of-violence/?wpdmdl=19565&refresh=6216aacc3cca61645652684

⁵Not Invisible Act Commission. (November 2023). Not One More: Findings & Recommendations of the Not Invisible Act Commission. Retrieved from: https://www.justice.gov/d9/2023-11/34%20NIAC%20Final%20Report_version%2011.1.23_FINAL.pdf

against AI/AN people. In March 2024, the Department of Justice and Department of Interior released their response to the NIA report, citing existing resources and efforts to address concerns raised in the report. It is clear from this underwhelming response that the legislative intent of NIA and Savanna's Act has not been upheld, which was also illustrated in a 2023 GOA report, and we urge members on the subcommittee to champion revolutionary change within the IHS to combat the high rates of violence experienced by our community members. As an MMIWP advocate, I urge the investment in IHS to expand gender-based violence services and violence prevention programming, and investment in clinics to establish Sexual Assault Nurse Examinations (SANE), and primary care and behavioral health resources support victims in the hand of trusted providers.

As co-chair of the Washington State MMIWP taskforce, I co-authored legislation creating the Nation's first Missing Indigenous Person Alert (MIPA) system, referred to as the Red Alert, in Washington State. The following year, I provided consultation to individuals in California for the creation of the Feather Alert. After decades of education, research, and advocacy championed by Indian County, the Federal Communications Commission (FCC) announced the launch of an Emergency Management System (EMS) for Indigenous populations in March 2024. However, the FCC has not designated a specific code for AI/AN populations. In response, I submitted recommendations to the FCC urging them to designate a code that specifically identifies the system for AI/AN populations. Without an identifiable name, there will be a gap in the understanding and use of the system to support missing cases and intervene during human trafficking involving an AI/AN person. The FCC's proposal is evidence that Federal action can be monumental and IHS must follow this example through historic investments in MMIWP.

ONGOING IMPACTS OF THE COVID-19 PANDEMIC

We are among the 12 TECs located nationwide who have worked diligently to fill the gaps left by inadequate IHS funding. However, we are the only TEC with a national purview to address the public health needs of the urban Indian population which comprises more than 70% of the overall AI/AN population. For example, in 2023 after the Federal Public Health Emergency expired, UIHI sent all 41 IHS-designated UIOs COVID-19 resources which included culturally specific pediatric vaccination schedules, hand washing campaign materials, COVID-19 fact sheets, RSV fact sheets, COVID-19 treatment maps, and educational posters. TECs, while chronically underfunded, are continuing to do our part to address public health needs in our communities.

The Fiscal Responsibility Act of 2023 impacted COVID-19 funding that was sent to IHS, ultimately rescinding \$419 million that were meant to support testing, treatment, and vaccinations as well as the purchase of supplies and the expansion and sustainment of the public health workforce. That is why it is painful to know that programs, vaccines, research, and public health workforce focused on COVID-19 could have been significantly funded if there had been oversight by an Indian Affairs Committee to hold IHS accountable for obligating and distributing these funds appropriately.

IMPROVE MATERNAL AND CHILD HEALTH (MCH) OUTCOMES

In 2022, the Secretary of Health and Human Services Advisory Committee on Infant and Maternal Mortality (ACIMM) released recommended actions to improve the health and safety of AI/AN mothers and infants.⁶ These recommendations included improvements to IHS including evaluation and funding to improve healthy perinatal outcomes, perinatal workforce expansion and diversification, and Federal strategies to address social determinants of health. Before these actions are implemented, it is necessary to improve the data reported by IHS to more accurately capture the MCH health crisis. It is critical for IHS to create a strategy for improving their measurements, evaluation and analysis, and reporting of maternal health collected. IHS will need to work in close partnership with the CDC who continues to inappropriately report on data on AI/AN maternal death. For example, in 2023 the National Center for Health Statistics, a unit of the CDC, published a report on 2021 maternal deaths nationwide but did not include data on AI/AN birthing people citing a lack

⁶Advisory Committee on Infant and Maternal Mortality. (2022). Making Amends: Recommended Strategies and Actions to Improve the Health and Safety of American Indian and Alaska Native Mothers and Infants. Retrieved from: <https://www.hrsa.gov/sites/default/files/hrsa/advisory-committees/infant-mortality/birth-outcomes-AI-AN-mothers-infants.pdf>

of “statistically significant data.”⁷ As the director of a TEC, and a data scientist, I consider this to be inadequate and lazy epidemiology that results in the invisibility of the maternal death crisis in Native communities. The CDC should have used small populations methodologies to ensure AI/AN data was included. It is essential that IHS ensures that CDC is sharing appropriate data with them as most AI/AN babies are delivered in non-IHS facilities but often receive care in IHS systems of care after birth. IHS must begin to implement best practices for collecting data on AI/AN and improve their reporting system to capture trends more accurately on MCH.

ACIMM’s recommendations are acutely important today given that the COVID-19 pandemic has exacerbated issues of gender-based violence, behavioral health, and suicide among AI/AN communities.⁸ These are all issues that severely impact the quality of life for AI/AN women and inform perinatal health outcomes. Research has shown that AI/AN pregnant and post-partum people are the highest risk of drug related and suicide death.⁹ Nationwide, the COVID-19 pandemic intensified intimate partner violence.¹⁰ It is a critical time for this committee to strengthen investments in gender-based violence and behavioral health prevention and intervention services across IHS. Without additional funding and Federal collaborations with IHS, it will struggle to provide wrap around services for AI/AN pregnant and parenting people. We ask for your support to address the far-reaching consequences of the pandemic and its impacts on MCH outcomes through the modernization of IHS’s data system.

ADDRESS IHS DATA PRACTICES FOR TECs

In March of 2022, the U.S. Government Accountability Office (GAO) released a report titled *Tribal Epidemiology Centers: HHS Actions Needed to Enhance Data Access*, which highlighted longstanding and pervasive issues experienced by Tribal public health authorities.¹¹ Two of the GAO recommendations were directed at IHS. Now 2 years later, IHS has not addressed these recommendations. I urge this subcommittee to hold IHS accountable and ensure the agency develops written guidance on how TECs can request IHS data, as well as agency procedures on reviewing TEC data requests.

TECs have a unique understanding of the gaps in data practices because of our close working relationships with UIOs and Tribal Nations. We can inform IHS efforts to improve data reporting and quality. UIHI, for example, is the only TEC overseen by a UIO, and has a proven track record in urban AI/AN data and research. In 2020, we published *Best Practices for American Indian and Alaska Native Data Collection* to address incomplete, inaccurate, and unreliable data collection practices which is currently being used as a guide in local, State and Federal efforts nationwide.¹² In 2021 we published *Data Genocide of American Indians and Alaska Natives in COVID-19 Data*, a report card grading collection of racial data during COVID-19 and offering recommendations for collecting and reporting data on race

⁷ Centers for Disease Control and Prevention, National Center for Health Statistics. (2023). *Maternal Mortality Rates in the United States, 2021*. Retrieved from: <https://www.cdc.gov/nchs/data/hestat/maternal-mortality/2021/maternal-mortality-rates-2021.pdf>

⁸ Ruiz A, Luebke J, Moore K, Vann AD, Gonzalez M Jr, Ochoa-Nordstrum B, Barbon R, Gondwe K, Mkandawire-Valhmu L. The impact of the COVID-19 pandemic on help-seeking behaviours of Indigenous and Black women experiencing intimate partner violence in the United States. (2022). *J Adv Nurs*. 2022 Dec 19 : 10.1111/jan.15528. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9878234/>; Haskins C, Noonan C, MacLehose R, Buchwald D, Manson SM. COVID-19 pandemic effects on emotional health and substance use among urban American Indian and Alaska Native people. (2023). *J Psychosom Res*. 2023 Sep; 172: 111424. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10290739/>; Panchal, N., Garfield, R., Cox, C., Artiga, S., Substance Use Issues Are Worsening Alongside Access to Care. (2021). Kaiser Family Foundation. Retrieved from: <https://www.kff.org/policy-watch/substance-use-issues-are-worsening-alongside-access-to-care>

⁹ Margerison CE, Roberts MH, Gemmill A, Goldman-Mellor S. (2022). *Pregnancy-Associated Deaths Due to Drugs, Suicide, and Homicide in the United States, 2010–2019*. *Obstet Gynecol*. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8849543/>

¹⁰ Sutton A, Beech H. (2023). The impact of stay-at-home orders on safety and stability for women: A topical review of intimate partner violence and intimate femicide in the United States during the initial phase of COVID-19. *J Fam Violence*. Retrieved from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC10041482/>

¹¹ United States Government Accountability Office. (2022). *Tribal Epidemiology Centers: HHS Actions Needed to Enhance Data Access*. GAO-22-104698. Retrieved from: <https://www.gao.gov/products/gao-22-104698>

¹² Urban Indian Health Institute. (2020). *Best Practices for American Indian and Alaska Native Data Collection*. Retrieved from: <https://www.uihi.org/resources/best-practices-for-american-indian-and-alaska-native-data-collection/>

and ethnicity.¹³ This report has been utilized by States, Tribes and UIOs to improve data that is then reported to HHS agencies. In 2023, we published *Decolonizing Data*, a guidebook intended to help understand the guiding principles of what it means to achieve data equity and uphold Indigenous Data Sovereignty.¹⁴ IHS can look to these resources and work with us to improve data reporting on UIOs and Tribal Nations. Together we can ensure that health surveillance data on AI/AN people is more accurately captured and utilized.

[This statement was submitted by Abigail Echo-Hawk, MA, Director, Urban Indian Health Institute.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF ABANDONED MINE LAND PROGRAMS

My name is Dustin Morin and I serve as Director of the Mining and Reclamation Division within Alabama's Department of Labor. I provide this statement on behalf of the National Association of Abandoned Mine Land Programs (NAAML), for which I currently serve as President. NAAML represents 32 States and Tribes, all of which implement coal abandoned mine land reclamation (AML) programs under Title IV of the Surface Mining Control and Reclamation Act (SMCRA) or state level hardrock AML programs or both. My address is 649 Monroe Street, Room 2218, Montgomery, AL 36131. My phone number is (205) 582-5182. My email is Dustin.Morin@labor.alabama.gov.

SUMMARY OF NAAML FUNDING REQUESTS

- \$65m for hardrock AML grants to state and Tribes under the Energy Community Revitalization Program (ECRP), which can mostly come from excess claims maintenance fees
- \$135m for the Abandoned Mine Lands Economic Revitalization Program (AMLER)
- \$1.5m for the Watershed Cooperative Agreements Program under SMCRA Title IV

State and Tribal Hardrock AML Grants—The majority of States and many Indian Tribes suffer ongoing impacts of abandoned hardrock and other noncoal mines (referred to as “hardrock AML” hereafter). Hardrock AML damages the safety, environment, and economic vitality of nearby communities throughout the Country—it is especially prevalent in the West but is a problem in every other region as well. Most States and Tribes have very limited, if any, ability to address hardrock AML problems due to lack of funding. The States with well-established hardrock AML programs struggle to make consistent progress in the absence of steady funding.

The \$3 billion funding authorization for hardrock AML grants (\$1.5 billion for States and Tribes) in Section 40704 of the Infrastructure Investment and Jobs Act (IIJA) was a very exciting development. However, funding has not yet been appropriated on the scale authorized. \$1.7m for States and \$400k for Tribes has been appropriated in each of FY 2022, 2023, and 2024 through the ECRP. This is a welcome beginning but is not enough to make meaningful progress addressing hardrock AML hazards. The total cost to address the National hardrock AML problem is estimated to be in the tens of billions of dollars. We urge Congress to appropriate an amount of funding more commensurate to the need, at least \$65m for FY25. We also suggest encouraging Federal agencies with responsibility for addressing hardrock AML to expand their partnerships with States and Tribes, allowing State and Tribal hardrock AML programs to conduct additional projects enabled by Federal agency funding.

We suggest utilizing excess funding generated by claims maintenance fees from mining on public lands for this purpose. We understand that between \$40–50 million or more is generated by claims maintenance fees in excess of what the Bureau of Land Management is provided from these funds each year. It would be sensible to put this excess, industry-generated funding, which otherwise goes to the general

¹³ Urban Indian Health Institute. (2021). *Data Genocide of American Indians and Alaska Natives in COVID-19 Data*. Retrieved from: <https://www.uihi.org/projects/data-genocide-of-american-indians-and-alaska-natives-in-covid-19-data/>

¹⁴ Urban Indian Health Institute. (2023). *Decolonize Data: Accurate Data Tells Accurate Stories*. Retrieved from: <https://www.uihi.org/projects/decolonizing-data-toolkit/>

treasury, toward hardrock AML work. We understand this idea has the support of the National Mining Association and the Biden Administration.¹

While awaiting additional funding, the nascent IIJA-authorized hardrock AML State and Tribal grants program has been developing very well. NAAML and our sister organization the Interstate Mining Compact Commission (IMCC) have been working closely with DOI's Office of Environmental Policy and Compliance (OEPC) and have appreciated its willingness to incorporate State and Tribal input. We have convened a group of 40+ States and Tribes to provide continuing input to OEPC on how the program should work and how funding should be utilized. We are also working closely with USGS on development of a national hardrock AML inventory, which will eventually provide Congress a nationwide picture of the scope of the hardrock AML problem—but this effort will take a significant amount of time to complete.

The new inventory will confirm what we already know—that the need to address hardrock AML issues is great. The hardrock AML grants program is ready to be fully funded. It is too important to wait for the inventory to be complete, or for hardrock mining law reform legislation to be agreed upon. The States and Tribes are aware of the most harmful sites, and their harm is immediate and ongoing. We are prepared to begin delivering the benefits of safe, restored landscapes and water resources to our citizens as soon as funding is provided.

Adequate government funding is just one element of the action Congress needs to take. The Appropriations Committee should be aware that Good Samaritan legislation is an essential part of a solution to the hardrock AML problem. Current law holds States and Tribes liable for the full costs of cleaning up water pollution at an AML site they have remediated, even if their work made the site better and perfect site cleanup was impractical or impossible. Community and conservation groups, as well as industry, who are the States' potential "Good Samaritan" partners in hardrock AML remediation, are threatened by the same undeserved liability despite having no connection to the site in question. We strongly support The Good Samaritan Remediation of Abandoned Hardrock Mines Act of 2023 (S. 2781 & H.R. 7779), a carefully tailored "pilot" Good Samaritan program. With or without this kind of legislation, the hardrock AML program should be fully funded as soon as possible—but it should not be forgotten that the programs' great potential for restoration of water resources, especially in the West where water is so precious, is majorly constrained without common sense Good Samaritan liability protections.

IIJA Coal AML Funding Implementation—The infusion of new coal AML funding in the IIJA ushered in a re-invigorated era for coal AML programs. We thank Congress for recognizing the critical role AML programs play in safety, environmental restoration, and the creation of jobs and economic growth. These benefits are felt throughout the Country, especially in places like Appalachia that are most affected by the energy transition. We also thank Congress for the STREAM Act, which ensures the gains enabled by the IIJA for AML water restoration will be long-lasting.

Implementation of IIJA coal AML funding is well underway. States and Tribes have been busy designing and coordinating an expanded number of AML projects and beginning construction on IIJA-funded AML projects. We have also been working with the Office of Surface Mining Reclamation and Enforcement (OSMRE) on implementation of the new program.

The IIJA coal AML program is and will continue to be a great success, but OSMRE's handling of the IIJA coal AML program has made implementation more difficult than necessary. Congress directed that these funds be provided to States and Tribes "as expeditiously as practicable."² OSMRE is treating the IIJA program as entirely separate from the long-standing, well-functioning AML fee-funded program, despite the new IIJA funding being for the same purposes as AML fee funding with only minor differences in how it can be utilized. The result has been slower than necessary roll out of funding, an unduly cumbersome and confusing process, and significant diversion of limited State and Tribal AML staff time away from the core mission of planning and executing AML projects.

We appreciate Congressional support encouraging OSMRE to improve collaboration with States and Tribes to improve implementation. As a result, there has been some recent progress, but there is much important work left to do. We request that Congress continue to encourage OSMRE to improve implementation of the IIJA coal AML program. In particular, OSMRE must be encouraged to do the following:

Combine Grant Processes for IIJA and AML Fee Funding—OSMRE requires that State and Tribal IIJA-funded AML grants and AML fee-funded grants be applied

¹Department of Interior, Interagency Working Group on Mining Laws, Regulations, and Permitting (2023). Recommendations to Improve Mining on Public Land.

²IIJA, § 40701(b)(1).

for in entirely separate applications. This effectively doubles the amount of time States and Tribes must spend managing Federal grants. It would be much more efficient to have a single combined grant application. Tracking the respective use and impact of IIJA- and fee-based funding can be accomplished through normal accounting controls, as we have done for years.

Constrain New Requirements, Priorities, and Information Gathering—OSMRE continues to create new requirements for and request new types of information of the State and Tribal AML programs. Existing processes and available information are already more than adequate to effectively manage the AML program and inform OSMRE, Congress, and the Public what is being accomplished. This information is available through the National coal AML inventory (e-AMLIS), state/Tribe grant applications, authorization to proceed requests, annual reports, and websites maintained by individual AML programs, NAAMLPL, and IMCC. Without restraint regarding new requirements and information requests, the burden of these administrative activities will outweigh their benefit, ultimately detracting from the programs' effectiveness.

Increase Training Resources—Historically, OSMRE's training program has provided state, Tribal, and OSMRE personnel foundational education in how AML programs work and the design and management of AML projects. Current OSMRE planning for the training program is inadequate to accommodate the increase in state, Tribal, and OSMRE personnel as a result of expanded IIJA coal AML funding. The IIJA provided OSMRE with \$339 million to implement the IIJA. To our knowledge, it has no plans to spend any of this money on the training program, where it is acutely needed. We recommend that Congress increase funding for the NTTP and TIPS training programs and encourage OSMRE to do the following: 1) increase the number of training courses offered, 2) offer regionally-focused sections of courses to address regional climatic and ecological differences where appropriate, 3) offer compensation to instructors where appropriate, rather than continue to rely solely on volunteer instructors.

SMCRA Title IV Coal AML—We encourage Congress to maintain OSMRE funding for the agency's role of supporting State and Tribal AML programs, for example, technical assistance and applied science. We also recommend funding for Watershed Cooperative Agreements be maintained. This funding serves an important role in facilitating State and local partnerships, helping to leverage outside sources of funding and allowing reclamation funding to go further.

Abandoned Mine Lands Economic Revitalization Program—The States and Tribes are proud of what has been accomplished through the Abandoned Mine Land Economic Revitalization (AMLER) program (formerly known as the "pilot program"), which looks for creative ways to turn AML sites into opportunities for economic development. We request that funding for AMLER in the amount of \$135 million continue.

While AMLER has been successful, it has experienced significant implementation difficulties. OSMRE's "vetting" process has done more to hurt than to help. It requires every AMLER project to be reviewed and pre-approved sequentially by three levels of OSMRE offices before project plans are fully developed. Vetting often amounts to OSMRE asserting its own opinions in place of the States and Tribes' more locally-informed expertise on economic and community development. Substandard communication and opaque evaluation criteria have caused delays, uncertainty and devotion of a disproportionate amount of AML program staff time to this program. Local businesses and community groups that would be AMLER project partners find it difficult to navigate the process and are increasingly less interested in participating.

We thank Congress for its efforts to address these implementation difficulties. The Consolidated Appropriations Act of 2024 directed OSMRE to distribute AMLER funding directly to eligible States and Tribes within 90 days. This should alleviate many of the problems described above and allow the program to operate as originally envisioned: State and Tribal AML programs working cooperatively with economic development agencies and local stakeholders to facilitate economic development on or near AML sites informed by their first-hand knowledge and expertise. We recommend that the direct payments requirement be continued in FY25.

Conclusion—In closing, the States and Tribes represented by NAAMLPL again express our gratitude to Congress for the recognition of the value of the AML programs, both coal and hardrock, and the investment in their future represented by the IIJA. We look forward to beginning this new chapter for coal AML and are thrilled to be moving toward a national-scale hardrock AML grants program. With Congress' continuing support and attentiveness to AML implementation issues, we feel confident that continued success of the State and Tribal AML programs is assured.

[This statement was submitted by Dustin Morin, Director, Mining and Reclamation Division.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF CLEAN AIR AGENCIES

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to provide testimony on the FY 2025 budget for the United States Environmental Protection Agency (EPA), particularly grants to State and local air pollution control agencies under Sections 103 and 105 of the Clean Air Act (CAA), which are part of the State and Tribal Assistance Grant (STAG) program. NACAA has four recommendations with respect to FY 2025 appropriations. The association urges Congress to 1) provide \$500 million in grants to State and local air agencies, which is an increase of \$264 million over the FY 2024 appropriation of \$236 million; 2) provide flexibility to State and local air quality agencies to use Federal grants to address the highest priority programs in their areas; 3) retain grants for monitoring fine particulate matter (PM_{2.5}) under the authority of Section 103 of the Clean Air Act, rather than shifting it to Section 105; and 4) provide grant increases under authorities of the CAA that do not require matching funds (e.g., Section 103) as much as possible to allow agencies that do not have sufficient matching funds to still obtain the additional grants.

NACAA is the National, nonpartisan, non-profit association of 157 air pollution control agencies in 40 States, including 117 local air agencies, the District of Columbia and four territories. NACAA exists to advance the equitable protection of clean air and public health for all, and to improve the capability and effectiveness of State and local air agencies. These agencies have the “primary responsibility” under the CAA for implementing our Nation’s clean air programs. As such, they conduct an array of critical activities intended to improve and maintain air quality and protect public health.

THE CLEAN AIR ACT HAS BEEN VERY SUCCESSFUL

Since the adoption of the CAA in 1970, federal, State and local air quality agencies have made tremendous strides in reducing air pollution and thereby protecting public health. According to EPA, total emissions of the six criteria air pollutants (for which the National health-based standards are set) have decreased by 73 percent between 1980 and 2022 and, between 1990 and 2017, emissions of the toxic air pollutants identified in the CAA have declined by 74 percent.¹ Since State and local air agencies have the primary responsibility for implementing the Federal clean air program, their contributions to the success of the program have been essential.

While these impressive air quality improvements took place, our country has continued to experience strong economic growth.² During the same period identified above (1980–2022), during which pollution was reduced markedly, gross domestic product increased 196 percent, vehicle miles traveled went up 108 percent, energy consumption increased 29 percent and the country’s population grew by 47 percent.³ Improvements to air quality and a strong economy have gone hand in hand.

AIR POLLUTION REMAINS A SERIOUS PUBLIC HEALTH PROBLEM

Despite the gains federal, State and local programs have made in the pursuit of healthful air quality, air pollution remains a serious public health concern. In fact, very few problems this subcommittee addresses pose greater threats to public health than air pollution and climate change. Air pollution continues to threaten public health and welfare, especially in overburdened environmental justice communities that disproportionately suffer adverse human health and environmental impacts.

Each year in America, air pollution causes tens of thousands of premature deaths and exposes millions to unhealthful levels of air contaminants, resulting in cancer, damage to respiratory, cardiovascular, neurological and reproductive systems and other health problems.⁴ In 2022, about 85 million people in the U.S. lived in areas that exceeded one or more Federal health-based air pollution standards.⁵ Additionally, EPA’s hazardous air pollution data show that “millions of people live in areas

¹ <https://www.epa.gov/air-trends/air-quality-national-summary#emissions-trends>

² <https://www.epa.gov/air-trends/air-quality-national-summary>

³ <https://www.epa.gov/air-trends/air-quality-national-summary#emissions-trends>

⁴ <https://www.epa.gov/clean-air-act-overview/air-pollution-current-and-future-challenges> and <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3670349/>

⁵ <https://www.epa.gov/air-trends/air-quality-national-summary#emissions-trends>

where air toxics pose potential health concerns.”⁶ Environmental justice communities are particularly at risk.

When it comes to climate change, there is still much to be done to address increasing greenhouse gas emissions that result in more and worse wildfires, longer ozone seasons and upward-trending global temperatures. State and local governments have instituted some of the country’s strongest climate change programs, making meaningful progress towards reducing greenhouse gases.

SIGNIFICANT CHALLENGES REMAIN FOR STATE AND LOCAL AIR QUALITY AGENCIES

As stated earlier, under the CAA, State and local agencies have the primary responsibility for implementing the Federal clean air program. This massive undertaking calls for monitoring, issuing permits, planning, developing emission-reduction strategies, enforcing rules, educating the public, hiring and training staff and conducting many other complex activities. Increasingly, these agencies are tasked with new and high-priority responsibilities to reduce air pollution, address the disproportionate harm facing overburdened communities and tackle climate change. Unfortunately, this simply cannot be accomplished with current levels of funding.

Federal, State and local air quality programs have come a long way in cleaning up the air, but there is still far to go. Unfortunately, there are no longer any “easy fixes” or low-hanging fruit to be had. What remain are extremely difficult challenges toward making incremental, but essential, improvements. These include addressing dispersed sources (e.g., mobile sources and smaller area sources), climate change, cumulative impacts and other very complex issues. Confronting these problems requires investments in increasingly high-tech solutions that come with a cost, including monitoring, modeling and data analysis, among others, not to mention investing in and retaining staff who are sufficiently trained in these increasingly complicated subject areas.

Just one example of a problem that is placing greater demands on State and local air agencies is wildfires. These fires in many places across the country cause smoke and pollution that can pose significant public health challenges and they have been rising in number, frequency and size. Increased resources are needed for such complex activities as monitoring smoke, analyzing data, notifying and communicating with the public and promoting preparedness activities, all of which are essential to address public concerns and protect public health.

AIR AGENCIES NEED SIGNIFICANT RESOURCES TO SUCCEED AND HELP GROW THE ECONOMY

State and local air agencies have been underfunded for many years. Federal grants to State and local air quality agencies (under Sections 103 and 105 of the CAA) were not much higher in FY 2024 than 20 years ago, representing a substantial decrease in purchasing power when factoring in inflation. During this time, air quality issues have become more complicated and costly. Moreover, while Federal grants were originally intended to cover 60 percent of the cost of implementing the CAA, they cover less than a quarter of that today, with the remainder coming largely from State and local programs themselves.

The increase in funds we are recommending is not necessarily sufficient for the many responsibilities facing State and local agencies, but it would be very helpful as a foundation of support to meet the modern-day demands of our programs. Not only would this further our quest for healthful air quality, but adequate funding for clean air programs would be good for the economy as well, ultimately helping in the creation of new jobs. For example, well-funded State and local programs could reduce delays in construction and operating permitting, increase needed compliance assistance for businesses, provide monitoring that would help tailor strategies to the hardest-hit areas and develop rules and plans to implement those strategies.

Increased grants would be used for many of the basic ongoing and essential responsibilities facing State and local air quality agencies. Additionally, new funding would support:

- strengthening pollution detection and visualization through monitors, sensors and airborne- and mobile-detection equipment;
- supporting small business programs and emission reductions from smaller sources, including inspections, compliance assistance and technical support;
- addressing climate change through planning, monitoring, permitting and enforcement; energy-transition assistance for communities dependent on fossil

⁶https://www.epa.gov/system/files/documents/2023-02/AirToxScreen_2018%20TSD.pdf (page 113)

- fuels; and adaptation and resilience for communities that face extreme weather and climate impacts;
- ensuring State and local agencies can meet necessary long-term planning requirements and take on the additional air quality responsibilities in new Federal clean energy and clean transportation programs;
- tackling the ever-increasing threats posed by wildfires, including mitigating adverse health impacts and communicating with the public; and
- expanding and adding new programs that protect all Americans, especially vulnerable communities that continue to bear the greatest pollution burdens.

FUNDS FROM PERMIT FEES AND RECENT LEGISLATION DO NOT SOLVE THE PROBLEM

The permit fee program under Title V of the Clean Air Act, while extremely valuable, does not solve State and local air agencies' funding problems. Title V fees only support the operating permit program and must not be used for other activities (i.e., Federal grants and permit fees must not be mingled) and they apply only to major sources and do not cover the significant costs for non-major sources (e.g., permits, monitoring, enforcement, compliance assistance). Additionally, current fees already are substantial and there would be significant resistance to any increases. Finally, fee revenue has decreased drastically due to reductions in emissions on which they are based (i.e., success in controlling emissions results in diminished fee revenue).

The Inflation Reduction Act (IRA)⁷ includes essential and welcome funding for State and local air agencies to address climate change in particular. However, those funds are not a substitute for the increases we seek, which are intended to make up for the historical deficits in State and local grant funding and bring the appropriations to the level they should be for these agencies to carry out the ongoing responsibilities that existed prior to the IRA and will continue into the future. Additionally, successfully implementing the IRA will likely increase the responsibilities of State and local air agencies' core programs, for which the measure did not allocate specific additional funding.

CONCLUSION

Federal grants to State and local air quality agencies are a relatively small piece of the National budget. Yet the return on investment is among the highest when considering the benefits of protecting public health and the environment against the serious threats posed by air pollution and climate change.

State and local air quality agencies' efforts to protect and improve air quality are critically important both for public health and a sound economy. NACAA recommends that Congress 1) provide \$500 million in grants to State and local air agencies, which is an increase of \$264 million over the FY 2024 appropriation of \$236 million; 2) provide flexibility to State and local air quality agencies to use Federal grants to address the highest priority programs in their areas; 3) retain grants for monitoring PM_{2.5} under the authority of Section 103 of the Clean Air Act, rather than shifting it to Section 105; and 4) provide grant increases under authorities of the CAA that do not require matching funds (e.g., Section 103) as much as possible to allow agencies that do not have sufficient matching funds to still obtain the additional grants.

Thank you very much for this opportunity to provide testimony. If you require additional information, please contact Miles Keogh (mkeogh@4cleanair.org) or Mary Sullivan Douglas (mdouglas@4cleanair.org) of NACAA.

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES

The National Association of Clean Water Agencies (NACWA) represents over 350 public wastewater and stormwater utility members nationwide, providing essential clean water services to more than 150 million Americans daily. These utilities serve communities large and small, urban and rural, in nearly every State and work around the clock to protect public health and the environment and support economic growth.

Providing these essential clean water services come with a great deal of complex challenges, including reinvesting in aging infrastructure, managing the escalating operation and maintenance costs and supply chain disruptions, attracting and retaining a skilled workforce, addressing water quality impairments and regulations,

⁷ <https://www.congress.gov/bill/117th-congress/house-bill/5376/text>

such as for per- and polyfluoroalkyl substances (PFAS), emerging contaminants and nutrients, and investing in climate resilience and system security.

Public clean water utilities are working each day to overcome these challenges and provide the highest level of service to the communities they serve while ensuring rates remain affordable for families and local businesses.

NACWA greatly appreciates Congress's direct appropriations for clean water under the Infrastructure Investment and Jobs Act (IIJA). Other programs were authorized but not directly or fully funded through the IIJA. It is important that Congress fully appropriate the clean water programs authorized and reauthorized under the IIJA to ensure local communities have the resources they need to provide essential public wastewater and stormwater services.

NACWA's FY25 requests are below. As always, we appreciate the subcommittee's engagement with the Association and our members and consideration of these clean water priorities.

CLEAN WATER STATE REVOLVING FUND (CWSRF)

The CWSRF is the primary Federal clean water financing tool that communities and public clean water utilities utilize to help meet their Clean Water Act (CWA) obligations and infrastructure needs. The CWSRF has been instrumental to communities' successes in advancing water quality and public health protection for over 40 years. Yet as EPA's newly-updated Clean Watersheds Needs Survey shows, the cost of maintaining wastewater and stormwater infrastructure is growing substantially, with an estimated 20-year need of over \$630 billion—a 73 percent increase since a decade ago. The CWSRF must remain a vital tool to support communities in making these investments.

While the IIJA provided a direct 5-year infusion of additional funds into the CWSRF, NACWA appreciates that it was the intent of Congress for these funds to supplement—not supplant—continued robust annual CWSRF appropriations. NACWA strongly urges annual CWSRF appropriations be provided at the full IIJA authorized level of \$3.25 billion for FY25.

We note that NACWA members who have received Congressionally Directed Spending in recent Fiscal Years greatly appreciate those funds, and we support their continued provision. However, as the Committee considers Congressionally Directed Spending moving forward, NACWA urges that funding for these projects is not taken from the CWSRF's appropriation total, but rather be additive, to ensure that State programs do not see their ability to finance water projects severely curtailed and to avoid reducing access to the CWSRF by all eligible communities in a State.

Lastly, NACWA wishes to emphasize that innovative technology will play an increasingly vital role in public clean water service provision. NACWA appreciates the subcommittee's work in the first FY24 omnibus appropriations package to enhance the use of clean water technology. For FY25, NACWA requests that the Committee include language prioritizing eligibilities for technological innovation through the CWSRF by allowing States the ability to use up to five percent of the funds provided to them for projects that utilize proven or emerging clean water technology for publicly owned treatment works optimization and to meet or enhance local public health and environmental objectives. This will help underscore the ability of the CWSRF to finance innovative project approaches and new clean water technologies.

SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS

Reducing sewer overflows has been a key driver of financial strain on hundreds of communities and their ratepayers. This is especially clear in communities under Federal consent decrees, as well as those addressing aging infrastructure and/or adjusting to population and economic shifts, all while dealing with the growing impacts of climate change and extreme weather events.

The Sewer Overflow and Stormwater Reuse Municipal Grants program provides Federal grant dollars to assist municipal clean water utilities and communities in more affordably managing combined sewer overflows, sanitary sewer overflows, and stormwater flows for water reuse. NACWA strongly supports the growth of this program, which provides communities with direct grant dollars (as opposed to loans) to make these critical investments and fully supports funding at the reauthorized level of \$280 million in FY25.

LOW-INCOME WATER ASSISTANCE

For over a decade, NACWA has pushed for the creation of a Federal low-income water assistance program to help households maintain access to affordable and reliable public clean and drinking water services. Similar Federal programs exist to

help low-income families with food and energy costs, and the time has come for water to be equally recognized as a costly but vital public health need. A robust and permanent Federal water assistance program is critical to ensuring communities and public utilities can provide service to all customers and set the rates necessary to maintain safe, reliable water and wastewater systems.

NACWA is grateful for the steps Congress has taken to advance this vital need by providing funding for a temporary emergency Low Income Household Water Assistance Program administered by the U.S. Department of Health and Human Services (HHS) and authorizing the establishment of an EPA low-income water customer assistance pilot program in the IIJA.

However, HHS' LIHWAP funding expired at the end of 2023, leaving many struggling families unable to afford their essential water services. Additional resources are needed to bridge this gap and ensure the long-term viability of a permanent program, and NACWA requests the subcommittee provide \$225 million in FY24 for the EPA to implement its pilot program.

INTEGRATED PLANNING

Integrated Planning (IP), codified into the CWA by Congress in 2018, can assist large and small communities in managing costs and sequencing and prioritizing their clean water investments-empowering communities to maximize environmental benefits and prioritize their most critical environmental outcomes. The IP approach requires a shift from business as usual, requiring significant work upfront by communities, States, and EPA to achieve improved outcomes.

NACWA greatly appreciates the \$2 million provided by the Committee in the first FY24 omnibus appropriations package to provide EPA with dedicated resources to help communities develop IP frameworks. The Agency is currently working with state regulators to incorporate IP approaches into permitting and enforcement, a critical step. NACWA requests an additional \$2 million in FY25 appropriations to continue these efforts.

WATER WORKFORCE INFRASTRUCTURE GRANTS PROGRAM

The public clean water sector can provide stable career paths across skill levels where workers take pride in serving their community. However, the water utility workforce is retiring rapidly and public utilities are struggling to compete with other sectors to attract and retain workers.

NACWA strongly supports EPA's Water Workforce Infrastructure Development Grant Program and requests that the subcommittee provide at least \$6 million in FY25, which is higher than the FY24 allocation but equal to the FY23 allocation. This funding will support innovative efforts to develop tomorrow's utility workforce and ensure long-term stability in the sector.

WATER INFRASTRUCTURE FINANCE AND INNOVATION ACT (WIFIA) PROGRAM

The WIFIA program complements the SRFs, accelerating significant water infrastructure investments and leveraging limited Federal resources. NACWA supports at least \$75.6 million in FY25 for WIFIA, which is equal to the FY23 appropriated amount and a slight increase from FY24 appropriations. NACWA also supports an additional \$5 million for the SWIFIA program, which allows state financing authorities that administer the SRFs to apply for WIFIA loans directly through the EPA. This ability of a State to bundle multiple projects on its approved intended use plan can increase participation in smaller, rural, and lesser-resourced communities.

CLEAN WATER INFRASTRUCTURE RESILIENCE AND SUSTAINABILITY PROGRAM

NACWA strongly supports this program, which was established under the IIJA to help clean water utilities that are on the front lines of mitigating the impacts of climate change and extreme weather. Communities vary in how climate change impacts their infrastructure and are trying to implement locally appropriate solutions that ensure resilience for critical water services. For FY25, NACWA requests the fully authorized amount of \$25 million to jumpstart this program.

CONNECTION TO PUBLICLY OWNED TREATMENT WORKS (POTWS) GRANT PROGRAM

NACWA continues its support for this program, established under the IIJA, which allows the EPA to provide grants to POTWs or nonprofit organizations to cover the costs incurred from connecting a household to a municipal or private wastewater system. Connecting Americans currently served by a decentralized water system can help provide clean water and sanitation services to underserved communities while also better-protecting water quality in impaired bodies of water across the country.

NACWA requests the total authorized amount of \$40 million in FY25 to establish this critical program.

ESTABLISH THE SMALL PUBLICLY OWNED TREATMENT WORKS (POTWS) EFFICIENCY GRANTS

NACWA requests that the subcommittee establish the Small POTWs Efficiency Grant Program at EPA. This program, authorized under the IIJA, allows the EPA to assist small POTWs that serve fewer than 10,000 people or a disadvantaged community by replacing or repairing equipment to increase water or energy efficiency. At least 15 percent of appropriated funds made available under this program will be used for grants to POTWs that serve fewer than 3,300 people. Because the rate basis of these small communities is so small, it can be very difficult for the POTWs serving these communities to upgrade their plants to operate more efficiently.

GRANTS FOR CONSTRUCTION AND REFURBISHING OF INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER SYSTEMS FOR INDIVIDUALS WITH LOW OR MODERATE INCOME

NACWA requests that the subcommittee provide \$50 million for grants from the EPA to allow nonprofit organizations to receive funds to construct, repair, or replace decentralized wastewater systems for low- or moderate-income households or groups of such families. This program, which was authorized under the IIJA, would significantly protect water quality throughout communities that do not have access to sewer sanitary disposal systems and where a connection to a publicly owned treatment works (POTWs) might not be feasible or is cost-efficient.

PFAS

Clean water utilities are very concerned about emerging contaminants in their influent, the impact of these chemicals on treated effluent and biosolids, and potential costs that may accrue to public ratepayers. NACWA urges strong funding for EPA to advance scientific understanding of PFAS in the environment—particularly exposure pathways, toxicity levels, and treatment technologies—key factors that guide the development of appropriate, scientific, risk-based standards to protect public health and the environment. This work can also help advance source control and the transition from PFAS in products and supply chains to alternative materials.

As a crucial part of this, NACWA urges Congress to provide dedicated funding to bolster EPA's Biosolids Program, which regulates the beneficial reuse of wastewater treatment residuals. EPA's ongoing work on the problem formulation for biosolids is critical to providing certainty regarding continued safe residual management.

ADDITIONAL KEY PROGRAMS

NACWA also supports strong funding for the EPA's Geographic Programs, which support critical watershed-based investments; Section 319 Nonpoint Source grants, which support watershed solutions to pollution driven by nonpoint sources, which remain the largest outstanding driver of water quality impairments; and the EPA's National Priorities Water Research grant program, which supports work on timely national water research initiatives.

[This statement was submitted by Matthew McKenna, NACWA Director, Government Affairs.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE DEPARTMENTS OF AGRICULTURE

The National Association of State Departments of Agriculture (NASDA) commends the subcommittee for its work in support of farmers, ranchers, and rural communities. NASDA represents the Commissioners, Secretaries, and Directors of agriculture in all 50 States and 4 territories. NASDA members are co-regulators with the Federal Government and strong advocates for American agriculture.

As you begin the fiscal year (FY) 2025 appropriations process, NASDA asks you to prioritize the following programs that enhance farmers, ranchers, and rural communities and ensure a safe, affordable, and abundant food supply.

STATE AND TRIBAL ASSISTANCE GRANTS (STAG)

State and Tribal Assistance Grants provide States with funding to implement the co-regulatory framework of the Federal Insecticide, Fungicide, and Rodenticide Act.

Increased funds will allow States to meet their increasing workload regarding drift complaints and implementation of new Federal regulations.

FIFRA STAG—Pesticide Enforcement Program: \$25.58 million

The Pesticide Enforcement Program is critical to allow state enforcement agencies to continue their activities, particularly given substantial new compliance and enforcement obligations.

FIFRA STAG—Pesticides Program Implementation Program: \$14.027 million

The Pesticides Program Implementation Program allows States and Tribes to translate often complex pesticide regulatory decisions for end-users. This includes the Agricultural Worker Protection Standard and Certification and Training Program, the Endangered Species Protection Program, Integrated Pest Management, and more.

OFFICE OF PESTICIDE PROGRAMS (OPP)

NASDA supports increased funding for EPA's Office of Pesticide Programs (OPP) at \$166 million to ensure timely registration reviews and regulatory workload management. Increased funding would provide OPP with the resources needed to meet the decision timelines under the law and ensure that OPP has adequate funding for all of its activities. Since the enactment of the Pesticide Registration Improvement Act (PRIA), Congress has intended for industry fees to supplement annual appropriations. PRIA requires the termination of the fee program if a minimum level of appropriations is not provided.

U.S. FISH AND WILDLIFE SERVICE (USFWS)

NASDA supports increased funding for the U.S. Fish and Wildlife Service (USFWS) to meet their pesticide consultation obligations and to manage their Endangered Species Act (ESA) workloads promptly. The USFWS and the National Marine Fisheries Service (NMFS) have the primary authority to protect threatened and endangered species. The ESA also requires other Federal agencies to consult USFWS and NMFS when any action the agency carries out, funds, or authorizes may affect a species listed as threatened or endangered under the act or any critical habitat designated for it. Courts have ruled that the process EPA has utilized to meet the consultation requirement is inadequate. This has resulted in the revocation of product registrations and uses. This additional funding would allow for additional full-time employees to be used for pesticide consultations.

EPA AND U.S. ARMY CORPS OF ENGINEERS

NASDA recommends that the Committee limit the EPA (Environmental Protection Agency) and U.S. Army Corps of Engineers (USACE) from funding the enforcement of the 2023 revised definition of "Waters of the United States" (WOTUS), until the agencies provide to Congress guidance documents that have been used by agency staff to implement the Sackett v. EPA decision.

Almost a year has passed since the landmark Sackett decision, and it has been over 6 months since the conforming rule was published, and the Agencies still have not effectively engaged the public or addressed inquiries from the regulated community on implementation. The agencies have revised regulations attempting to implement the Sackett decision but have not provided the clarity needed for state departments of agriculture, farmers, and landowners across the country. NASDA respectfully requests that you limit EPA and USACE from funding until they provide implementation materials and guidance for the 2023 revised definition of WOTUS.

NASDA thanks you for your careful consideration of these requests as you work to fund the programs that enhance farmers and ranchers and ensure a safe, affordable, and abundant food supply. If you have any questions, please contact RJ Karney, Senior Director Public Policy, RJ.Karney@nasda.org.

[This statement was submitted by Ted McKinney, CEO National Association of State Departments of Agriculture.]

PREPARED STATEMENT OF NATIONAL ASSOCIATION OF STATE ENERGY OFFICIALS

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, I am David Terry, President of the National Association of State Energy Officials (NASEO), which represents the 56 State and Territory Energy Directors and their Offices. NASEO submits this testimony in support of funding for the ENERGY STAR program (within the Climate Protection Partnership Division of the Of-

fice of Air and Radiation) at the U.S. Environmental Protection Agency (EPA). NASEO supports funding of at least \$50 million in FY'25, including specific report language directing that the funds be utilized only for the ENERGY STAR program. The program received \$54 million a decade ago and is now down to approximately \$35 million. The ENERGY STAR program is successful, voluntary, and cost-effective. The program has a proven track record—it makes sense, it saves energy and money, and Americans embrace it. ENERGY STAR helps consumers and businesses control expenditures over the long term. The program is strongly supported by product manufacturers, utilities, and homebuilders, and ENERGY STAR leverages the States' voluntary efficiency actions. Voluntary ENERGY STAR activities are occurring in public buildings, such as schools, in conjunction with State Energy Offices, in virtually every State, including Oregon and Alaska. The States and the public utilize ENERGY STAR because it is seen as unbiased and delivers cost-saving benefits to businesses, consumers and State and local governments.

The ENERGY STAR program is focused on voluntary efforts that reduce energy waste, promotes energy efficiency and renewable energy, and works with States, local governments, communities and business to achieve these goals in a cooperative, public-private manner.

Most State Energy Offices and NASEO work closely with the ENERGY STAR program. With very limited funding, EPA's ENERGY STAR program coordinates with the State Energy Offices to give consumers and businesses the opportunity and technical assistance tools to make better energy decisions and catalyzes product efficiency improvements by manufacturers without regulation or mandates. The program is voluntary.

ENERGY STAR focuses on energy-efficient products as well as buildings (e.g., residential, commercial, and industrial). Over 300 million ENERGY STAR qualified products were sold in 2019 alone, not including another 300 million ENERGY STAR certified light bulbs. The ENERGY STAR label is recognized across the United States. Approximately 90 percent of households recognize the ENERGY STAR label and a majority of surveyed U.S. households reported having purchased an ENERGY STAR product. The manufacturing, installation, design, wholesale distribution, and provision of installation services related to ENERGY STAR products employed approximately 750,000 American workers (not including retail employment) according to a 2023 DOE Report. It makes the work of the State Energy Offices much easier, by providing consumers an easily-recognized product and services option. In order to obtain the ENERGY STAR label, a product has to meet established guidelines. ENERGY STAR's voluntary partnership programs include ENERGY STAR Buildings, ENERGY STAR Homes, ENERGY STAR Small Business, and ENERGY STAR Labeled Products. We are also encouraged by the ENERGY STAR Home Upgrades Program.

State Energy Offices are working with EPA to promote ENERGY STAR products, ENERGY STAR for new construction, ENERGY STAR for public housing, etc. Another ENERGY STAR success is in the manufactured housing sector. Some States and utilities offer modest rebates for ENERGY STAR manufactured homes in order to deliver both energy cost savings to homeowners and lower overall electric grid operation costs for all customers.

In 2023, millions of consumers and thousands of voluntary partners, including manufacturers, builders, businesses, communities, and utilities, tapped the value of ENERGY STAR and achieved impressive financial and environmental results.

More than 840 utilities, State, and local governments and non-profits utilize ENERGY STAR in their energy efficiency programs, as do approximately 1,700 manufacturers.

The State Energy Offices are very encouraged by progress made at EPA, in partnership with the U.S. Department of Energy, and in our States to promote programs to make schools more energy-efficient while improving indoor air quality and comfort. In fact, there are over 150 ENERGY STAR-rated schools in States from Arizona to Maine. In addition, many States' private sector partners voluntarily utilize ENERGY STAR to promote energy efficiency and lower operating costs.

EPA provides technical assistance to the State Energy Offices in such areas as ENERGY STAR Portfolio Manager (how to rate the performance of buildings), setting an energy target, and financing options for building improvements and building upgrade strategies. ENERGY STAR Portfolio Manager is used extensively by State Energy Offices to benchmark performance of State and municipal buildings, saving taxpayer dollars. Portfolio Manager is the industry-leading benchmarking tool which has been used voluntarily in approximately 50% of the commercial buildings in the United States. Portfolio Manager is used to measure, track, assess, and report energy and water consumption. Portfolio Manager has been updated and is now more helpful. Portfolio Manager is utilized by 7 States and 48 local governments.

Additionally, the industrial sector embraces ENERGY STAR at job-creating companies such as GM, Eastman Chemical, Nissan, Raytheon, and Boeing. At the close of 2022, more than 750 U.S. industrial sites had committed to the ENERGY STAR Challenge for Industry.

The State Energy Offices are working cooperatively with our peers in the state environmental agencies and state public utilities commissions to ensure that programs, regulations, projects and policies are developed recognizing both energy and environmental concerns. We have worked closely with this program at EPA to address these issues. We encourage these continued efforts.

For example, in Oregon, the State is focused on decarbonization efforts, and ENERGY STAR is a useful tool to promote sustained investments in energy efficiency. In Alaska, the State has worked with partners to promote the Village Energy Efficiency Program, and ENERGY STAR has been critical.

Moreover, Oregon and Alaska have significant ENERGY STAR activities underway:

- Oregon is home to more than 1,111 businesses and organizations participating in U.S. EPA's ENERGY STAR program: 9 manufacturers of ENERGY STAR certified products; 10 companies supporting independent certification of ENERGY STAR products and homes; and 49 companies building ENERGY STAR certified homes. ENERGY STAR Partner Activity in Oregon includes 1.9 million customers served by ENERGY STAR utility partners in 2020; 3,607 buildings (255 million square feet) benchmarked using EPA's ENERGY STAR Portfolio Manager; 26,522 homes earned the ENERGY STAR; 437 buildings earned the ENERGY STAR, including 107 schools, 3 hotels, 6 hospitals, 142 office buildings and 5 industrial plants.
- Alaska is home to more than 52 businesses and organizations participating in U.S. EPA's ENERGY STAR program; has 153,000 customers being served by ENERGY STAR utility partners; 437 buildings that have been benchmarked using EPA's ENERGY STAR Portfolio Manager; 11,891 homes have earned the ENERGY STAR label; and 31 schools and 4 hospitals.

CONCLUSION

The ENERGY STAR program saves consumers billions of dollars every year. The payback and job creation benefits are enormous. NASEO supports robust program funding of at least \$50 million in FY25. Funding for the ENERGY STAR program is justified. It is a solid public-private relationship that leverages resources, time and talent to produce tangible results by saving energy and money and, in light of Administrator Michael Regan's commitment to environmental justice, can provide immense benefits to high-need and underserved communities. NASEO endorses these activities as well as the constructive partnerships that the State Energy Offices have with EPA to cooperatively implement a variety of critical national programs without mandates.

[This statement was submitted by David Terry, President, National Association of State Energy Officials.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF STATE FORESTERS

The National Association of State Foresters (NASF) appreciates the opportunity to submit written public testimony to the House Committee on Appropriations, subcommittee on Interior, Environment, and Related Agencies regarding our fiscal year (FY) 2025 appropriations recommendations. Our priorities focus primarily on appropriations for the USDA Forest Service (Forest Service) State, Private, and Tribal Forestry (SP&TF) programs, as well as the Research and Development (R&D) Forest Inventory and Analysis Program.

State foresters deliver technical and financial assistance, along with forest health, water, and wildfire protection for more than two-thirds of the Nation's 751 million acres of forests. The Forest Service SP&TF mission area provides vital support to deliver these services, which contribute to the socioeconomic and environmental health of rural and urban areas. The comprehensive process for delivering these services is articulated in each State's Forest Resource Assessment and Strategy (Forest Action Plan), authorized in the 2008 Farm Bill and continued in the 2018 Farm Bill. State Forest Action Plans-completed in 2010, updated in 2015, and comprehensively revised in 2020 by all 59 States, U.S. territories, freely associated States, and the District of Columbia-offer practical and comprehensive roadmaps for investing federal, State, local, and private resources where they can be most effective in achieving national conservation goals. SP&TF programs provide a significant

return on Federal investment by leveraging the boots-on-the-ground and financial resources of State agencies to deliver assistance to forest landowners, Tribes, and communities. As Federal and State governments continue to face financial challenges, state foresters, in partnership with the SP&TF mission area of the Forest Service, are best positioned to maximize the effectiveness of available resources by focusing work on priority forest issues where resources are needed most.

The Infrastructure Investment and Jobs Act (IIJA/BIL) has provided game changing support in the form of flexible funding for State Forest Action Plan implementation—allowing States to address the highest priority forest management activities within their state, as identified and developed collaboratively with partners and stakeholders. Additionally, the IIJA/BIL provided critical support for the State Fire Assistance and Volunteer Fire Assistance Programs. We look forward to working with you to develop pathways for these historic investments to continue beyond FY2026.

Your support of the following programs is critical to helping States address the many and varied challenges outlined in Forest Action Plans.

ASSISTING LANDOWNERS AND MAINTAINING HEALTHY FORESTS—FOREST STEWARDSHIP PROGRAM AND FOREST LEGACY PROGRAM

Actively managed healthy forest landscapes are a vital part of rural America, providing an estimated 900,000 jobs, clean water, wood products, and other essential services to millions of Americans. Over 50% of U.S. forestland is privately owned and supports an average of eight jobs per 1,000 acres.¹ However, the Forest Service estimates that 57 million acres of private forests in the U.S. are at risk of conversion to urban development over the next two decades. Programs like the Forest Stewardship Program (FSP) and the Forest Legacy Program (FLP) are key tools identified in the Forest Action Plans for keeping working forests intact and providing a full suite of benefits to society. With the Great American Outdoors Act (GAOA) signed into law, the Land and Water Conservation Fund (LWCF) now receives permanent annual funding at the full authorized level of \$900 million, nearly doubling historical appropriations for the LWCF. FLP should receive significantly increased funding levels commensurate with the increased funding provided to the LWCF by the GAOA.

Currently, there are over 20 million acres nationwide managed under the Forest Stewardship Program. FSP is the most extensive family forest-owner assistance program in the country and is delivered in partnership with state forestry agencies, cooperative extension services, certified foresters, conservation districts, and other partners. In 2023, the program initiated over 12,000 new management plans providing assistance and educational opportunities to over 585,000 landowners and covering over 1.32 million acres. FSP equips private forest landowners with the unbiased, science-based information they need to sustainably manage their forests now and into the future, helping to keep forests as forests. In addition to delivering technical assistance directly to forestland owners, the Forest Stewardship Program often serves as a gateway to other landowner cost-share assistance programming, like the USDA Environmental Quality Incentives Program, State programs, and partner programs, that can help landowners keep their forests working and intact. Forest landowners with management plans are almost three times more likely to meet their management objectives compared to those without management plans. The FSP leads landowners to reach their management objectives while tying them to the State's Forest Action Plan.

The Forest Stewardship Program is facing an uncertain future. Not only does current enrollment represent only a fraction of the landowners and acres that could benefit from the program with additional funding, but—assuming continued level funding—the Forest Stewardship Program will see close to 7 million acres leave the program over the next 3 years due to expiring plans. The result is families and individuals without the additional resources needed to meet their forest management goals and a strain on other agencies' programs and resources to support landowners who previously received assistance through the Forest Stewardship Program. Although effective and in demand, the Forest Stewardship Program has seen a troubling 50 percent decline in Federal funding over the last decade. The program simply cannot meet or maintain its current enrollment without sustained increases in funding.

Following congressional direction, NASF has worked closely with the Forest Service to modernize the funding allocation formula to State agencies for FSP, focused on improving program delivery with greater emphasis on performance-based out-

¹ Forest2Market. The Economic Impact of Privately-Owned Forests. 2009.

comes. Under the new allocation formula, priority areas and priority resource concerns have been designated in each State and greater emphasis has been placed on providing technical assistance and implementing land management plans in those priority areas. NASF supports funding for the Forest Stewardship Program at \$22 million, a \$10 million increase from the FY 2024 enacted level and the Forest Legacy Program at \$128 million, a \$40 million increase from the FY 2024 enacted level, in FY 2025.

STATE FIRE ASSISTANCE (SFA) AND VOLUNTEER FIRE ASSISTANCE (VFA)

More people living in fire-prone landscapes, high fuel loads, drought, and deteriorating forest health have led most state foresters to identify wildland fire as a priority issue in their Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires—fires that frequently threaten human life and property. Prior to 2003, our forests and communities experienced an average of 2.8 million acres burning annually. Since 2004, however, annual wildfires have burned over 7.1 million acres on average, with historic highs in the numbers of acres burned in 2015, 2017, and 2020.² As of last month, we have already seen nearly 1.8 million acres burned in 2024 with the summer and fall fire season yet ahead of us. State and local agencies respond to the majority of wildfires across the country; in 2023 State and local agencies were responsible for responding to 46,176 (82%) of the 56,580 reported wildfires across all jurisdictions.

SFA and VFA are the fundamental Federal mechanisms for assisting States and local fire departments in responding to wildland fires and conducting management activities that mitigate fire risk on non-federal lands. SFA also helps train and equip local first responders who are often the first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as minimal as possible. Attacking fires when they are small is the key to reducing fatalities, injuries, loss of homes, and cutting Federal fire-fighting costs. The need for increased funding for fire suppression on Federal lands has broad support. The need to increase fire suppression funding for state and private lands, where roughly 80 percent of wildfires occur and where many Federal fires begin, is just as urgent. NASF supports funding the State Fire Assistance Program at \$85 million, a \$9 million increase from the FY 2024 enacted level, and Volunteer Fire Assistance Program at \$25 million, a \$4 million increase from the FY 2024 enacted level, in FY 2025.

FOREST PESTS AND INVASIVE PLANTS

Among the greatest threats identified in the Forest Action Plans are native and non-native pests and diseases which have the potential to displace native trees, shrubs, and other vegetation types in forests; the Forest Service estimates that hundreds of native and non-native insects and diseases damage the Nation's forests each year. The growing number of damaging pests and diseases are often introduced and spread by way of wooden shipping materials, movement of firewood, and through various types of recreation. An estimated 81 million acres are at risk of attack by insects and disease.³ These extensive areas of high insect or disease mortality can set the stage for large-scale, catastrophic wildfire.

The Cooperative Forest Health Management program supports activities related to prevention, monitoring, suppression, and eradication of insects, diseases, and plants through provision of technical and financial assistance to States and territories to maintain healthy, productive forest ecosystems on non-federal forest lands. The Cooperative Forest Health Management program plays a critical part in protecting communities already facing outbreaks and in preventing exposure of more forests and trees to the devastating and costly effects of damaging pests and pathogens. NASF supports funding the Forest Health-Cooperative Lands Program at \$39.43 million in FY 2025, a \$7.4 million increase from the FY 2024 enacted level.

URBAN AND COMMUNITY FOREST MANAGEMENT CHALLENGES

Urban forests are essential for achieving energy savings, improved air quality, neighborhood stability, aesthetic value, reduced noise, and improved quality of life in municipalities and communities around the country. Urban trees and forests provide a wide array of social, economic, and environmental benefits to people living in urban areas; today, more than 83 percent of the Nation's population lives in

² Wildfires and acres. National Interagency Fire Center. (n.d.). Last accessed on April 30, 2024 at <https://www.nifc.gov/fire-information/statistics/wildfires>

³ Tkacz, Bory, et al. 2014. NIDRM 2012 Report Files: Executive Summary. 2013–2027 National Insect and Disease Forest Risk Assessment. Last accessed on March, 5, 2019 at: http://www.fs.fed.us/foresthealth/technology/pdfs/2012_RiskMap_Exec_summary.pdf

urban areas. Yet, urban and community forests face serious threats, such as development and urbanization, invasive pests and diseases, and fire in the wildland urban interface (WUI).

The program is delivered in close partnership with state foresters and leverages existing local efforts that have helped thousands of communities and towns manage, maintain, and improve their tree cover and green spaces. In FY 2023, the U&CF program delivered technical, financial, educational, and research assistance to 7,542 communities across all 50 States, U.S. territories, three nations in compacts of free association with the U.S., and the District of Columbia. NASF supports funding the Urban and Community Forestry Program at \$42 million in FY 2025, a \$6 million increase from the FY 2024 enacted level.

IMPORTANCE OF FOREST INVENTORY DATA IN MONITORING FOREST ISSUES

The Forest Inventory and Analysis (FIA) program, managed by Forest Service, Forest and Rangeland Research, is the only comprehensive inventory system in the United States for assessing the health and sustainability of the Nation's forests across all ownerships. FIA provides essential data related to forest species composition, forest growth rates, and forest health data, and it delivers baseline inventory estimates used in Forest Action Plans. Further, this data is used by academics, researchers, industry, and others to understand forest trends and support investments in forest products facilities that provide jobs and products to society. The program provides unbiased information used in monitoring of wildlife habitat, wildfire risk, insect and disease threats, invasive species spread, and response to priorities identified in the Forest Action Plans.

As the key partner in FIA program delivery via State contribution of matching funds, state foresters look forward to continued work with the Forest Service to improve efficiency in delivery of the program to meet the needs of the diverse user groups for FIA data. This will ensure that, at a minimum, the historical level of base program delivery is accomplished, which should include funding the collection of data on a 7-year cycle in the east and 10-year cycle in the west. NASF appreciates Congress supporting this program with a significant increase in FY 2023 and encourages ongoing support of the Forest Inventory and Analysis Program at \$32.4 million in FY 2025, a \$930,000 increase from the FY 2024 enacted level. Furthermore, we continue our request that you work with the Forest Service to establish a budget line item for FIA for salaries and expenses.

LANDSCAPE SCALE RESTORATION (LSR)

The Landscape Scale Restoration (LSR) program is an important way that States address critical forest priorities across the landscape, in collaboration with the Forest Service and other partners. LSR projects focus on the most critical priorities identified in each State's Forest Action Plan and on achieving resource objectives outlined in the 2018 Farm Bill. The program prioritizes funding projects that reduce the risk of uncharacteristic wildfires, improve fish and wildlife habitats, maintain or improve water quality and watershed function, mitigate invasive species, insect infestation and disease, improve important forest ecosystems, and measure ecological and economic benefits including air and soil quality and productivity. As a result, LSR contributes to achieving results across the landscape and to making meaningful local, regional, and national impacts. NASF supports funding the Landscape Scale Restoration Program at \$20 million in FY 2025, a \$6 million increase from the FY 2024 enacted level.

NASF appreciates the opportunity to share our FY 2025 appropriations recommendations for the Forest Service with the subcommittee.

[This statement was submitted by Scott Phillips, South Carolina State Forester, and President, NASF.]

PREPARED STATEMENT OF THE NATIONAL ASSOCIATION OF TRIBAL HISTORIC PRESERVATION OFFICERS

Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee, I appreciate this opportunity to provide the National Association of Tribal Historic Preservation Officers' (NATHPO)'s recommendations for Fiscal Year 2025 appropriations. My name is Valerie Grussing and I am the Executive Director.

We greatly appreciated the Committee's decision to include \$23 million in the Tribal line item of the Historic Preservation Fund (HPF) in the Fiscal Year 2024 Interior Appropriations bill. The Committee's support was instrumental in the Trib-

al line item, which supports Tribal Historic Preservation Officers (THPOs), being funded at \$23 million in FY24.

Despite the Committee's strong support, Tribal Nations still lack the funding they need to fulfill their federally delegated responsibility to protect and preserve cultural resources and sacred places. The \$23 million for the Tribal line item for FY24 is the same amount as was allocated for the line item in FY23. This is problematic for two key reasons: THPOs have experienced a significant increase in the number of projects on which they are required to consult, related to efforts under the Inflation Reduction Act, the Bipartisan Infrastructure Law, renewable energy development, and improving broadband buildout. THPOs have not received a commensurate increase in funding for staffing to handle these increased reviews. The growing workload on THPOs is exacerbated by the significant annual increase in the number of THPOs. While the funding for the Tribal line item stayed at \$23 million from FY23 to FY24, the number of THPOs increased from 211 to 222. These combined challenges have resulted in the average amount of funding that each THPO receives declining from \$108,000 in 2023 to \$104,000 in 2024.

What is at stake? The work that THPOs do is about much more than restoring culturally important land or rivers or preserving species that are central to Tribal Nations' stories. At its core, THPOs' work is about addressing epidemics in Indian Country that are the symptoms of historical trauma—of people systematically cut off from their families, languages, practices, and lands. Reconnecting Native peoples to their cultural heritage, traditions, and places has the power to help heal deep generational wounds. Treating the cause: that is the work THPOs do. To continue this work in Indian Country, it is essential that THPO programs receive increased funding to meet the significant need. We urge the Committee to also support the following funding levels:

1. National Park Service, Historic Preservation Fund, Tribal line item (\$34 million)
2. National Park Service, National NAGPRA Program:
 - a. Exclusively for NAGPRA Grants (\$12.4 million)
 - b. Program administration (\$1 million for Program Use)
3. Bureau of Indian Affairs—Create line items and support the following divisions:
 - a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
 - b. Central Office cultural resource efforts throughout the bureau (\$800,000);
 - c. NAGPRA compliance work (\$1.5 million);
 - d. To fight ARPA crimes on Indian reservations (\$850,000);
 - e. Museum property and curation (\$400,000).
4. Smithsonian Institution: For repatriation activities, including Review Committee and repatriation office (\$3 million)
5. Bureau of Land Management: Tribal Liaison Program, NAGPRA compliance (\$3 million)
6. Department of Justice, Environmental Crime Section: STOP Act, NAGPRA, ARPA enforcement (\$1 million)

What are Tribal Historic Preservation Officers (THPOs)? THPOs are an exercise of Tribal sovereignty, appointed by federally recognized Tribal governments that have an agreement with the Department of the Interior to assume the Federal compliance role of the State Historic Preservation Officers (SHPO), per the National Historic Preservation Act (NHPA). Tribal historic preservation plans are grounded in self-determination, traditional knowledge, and cultural values, and may involve projects to improve Indian schools, roads, health clinics, and housing. THPOs are the first responders when a sacred site is threatened or when Native ancestors are disturbed by development. THPOs are often responsible for their Tribe's oral history programs, operating museums and cultural centers, leading revitalization of Native traditions and languages, and many more related functions.

What is NATHPO? NATHPO is a national nonprofit association of THPOs protecting culturally important places that perpetuate Native identity, resilience, and cultural endurance.

1. *Historic Preservation Fund (HPF), administered by NPS—Tribal line item (\$34 million)*

As of March 1, 2024, there were 222 National Park Service (NPS)-recognized THPOs. Each THPO represents an affirmative step by an Indian Tribe to assume the responsibilities of the SHPO for their respective Tribal lands, as authorized by Congress in the 1992 amendments to the National Historic Preservation Act

(NHPA). Collectively, they exercise responsibilities over a land base exceeding 50 million acres in 30 States. The HPF is the sole source of Federal funding for THPOs. We recommend \$34 million to carry out the requirements of the NHPA. This would provide the 222 federally recognized THPOs an average of \$153,153 each to run their programs. Funding THPOs and staff creates jobs, generates economic development, and spurs community revitalization. It also facilitates required environmental and historic review processes, including for energy and infrastructure permitting. Tribes don't want to stop this development—they need it more than anyone. But they also need to reap the benefits rather than just continue to incur the costs. Providing \$34 million for THPOs for FY25 would strengthen the permitting process, while at the same time making sure Tribal Nations' cultural resources and sacred places are protected and preserved.

Additional HPF programs administered by the National Park Service:

NATHPO appreciates the strong HPF funding levels the Committee has provided in recent years. We support an overall FY25 HPF request of \$225 million. Within that funding we recommend:

- \$70 million for State Historic Preservation Officers (SHPOs);
- \$34 million for Tribal Historic Preservation Officers (THPOs);
- \$28 million for competitive grants related to African American Civil Rights;
- \$7 million for the History of Equal Rights Grants program;
- \$13 million for grants to Historically Black Colleges and Universities;
- \$40 million for Save America's Treasures grants;
- \$17 million for Paul Bruhn Historic Revitalization grants;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$5 million for grants related to communities underrepresented on the National Register of Historic Places and National Historic Landmarks;
- \$11 million for the Semiquincentennial grant program to preserve historical sites commemorating the 250th Anniversary of the United States of America.

2. National Park Service, National NAGPRA Program

The Native American Graves Protection and Repatriation Act (NAGPRA) provides for the disposition of Native American cultural items¹ removed from Federal or Tribal lands, or in the repatriation of cultural items in possession or control of museums or Federal agencies to lineal descendants, Indian Tribes, or Native Hawaiian organizations. NAGPRA also prohibits trafficking of cultural items.

NAGPRA Grants Program: The National Park Service recently revised the regulations implementing NAGPRA. These revisions dramatically increased the burden on Indian Tribes, Native Hawaiian organizations, and museums. We request that the NAGPRA grants program be funded at \$12.4 million. We also request that you direct the Government Accountability Office to evaluate the effectiveness of this grant program and the cost estimates prepared by the Department of the Interior for the regulations.

Administration of National NAGPRA Program: \$1 million, additionally, for NAGPRA program administration, including the publication of Federal Register notices, grant administration, civil penalty investigations, and Review Committee costs. We also request that you direct the Government Accountability Office to evaluate the effectiveness of the National NAGPRA Program's implementation of civil penalty investigations.

3. Bureau of Indian Affairs—Create line items and support the following divisions

The BIA has federally mandated responsibilities to work with Indian Tribes and comply with the NHPA, the National Environmental Policy Act (NEPA), NAGPRA, and the Archaeological Resources Protection Act (ARPA). Currently the BIA does not have any budget line items devoted to complying with these Federal laws. Funds are not only needed for the BIA to comply with their internal development efforts, such as roads and forestry, but also to conduct project reviews of outside development projects, such as oil and gas development. ARPA crime on Indian reservations continues to be a major problem, as looters and traffickers continue to steal valuable cultural resources from Tribal and Federal lands. Until recently, the BIA did not have any special agents or law enforcement forces to combat this

¹ Cultural items include human remains, funerary objects, sacred objects, and objects of cultural patrimony.

uniquely destructive crime in Indian Country. There are now four agents nationwide and we urge the Committee to enable two additional agents nationwide plus two in Alaska. The new NAGPRA regulations place significant compliance requirements on the Tribes regarding grave protection, discoveries, and excavations on Tribal lands, including non-trust lands within the exterior boundaries of Indian reservations.

NATHPO recommends the BIA create line items and support the following divisions:

- a. Cultural Resource compliance at the 12 Regional BIA Offices (\$8 million);
- b. Central Office cultural resource efforts throughout the bureau (\$800,000);
- c. NAGPRA compliance work (\$1.5 million);
- d. To fight ARPA crimes on Indian reservations (\$850,000);
- e. Museum property and curation (\$400,000);
- f. Assistance to Tribes to carry out responsibilities for grave protection, discoveries, and excavations on Tribal lands (\$40 million).

4. Smithsonian Institution, National Museum of the American Indian and the National Museum of Natural History Repatriation Programs

NATHPO requests that the Smithsonian Institution receive \$3 million specifically directed to expediting its repatriation activities.

5. Bureau of Land Management: Tribal Liaisons and Cultural Resources Management

The BLM oversees the largest, most diverse and scientifically important collection of historic and cultural resources on our Nation's public lands, as well as the museum collections and data associated with them. We appreciate the Committee's commitment to ongoing oversight of the Department's reorganization. NATHPO and many other organizations are profoundly concerned with the impact of the reorganization and loss of staff within the Cultural Resources Division. The cultural resources program also supports NHPA Section 106 review of land-use proposals, Section 110 inventory and protection of cultural resources, compliance with NAGPRA, and consultation with Tribes and Alaska Native Governments. We are very appreciative of the Committee's continuing support for the agency to enhance its National Cultural Resources Information Management System (NCRIMS).

Additionally, responsive to recommendations in the 2010 GAO report on NAGPRA, BLM stated at that time that nine new positions and \$22 million were needed to improve compliance. Neither of these has happened, and now the new NAGPRA regulations present further demands that BLM (and other agencies as well as Tribes) are not equipped to meet. It is incumbent upon this Committee to provide commensurate resources to assist with the critical and overdue task of bringing ancestors home. We recommend providing specific funding of \$3 million above enacted, specifically to continue building the vital Tribal Liaison Program, including the Headquarters agency lead and 12 State Office positions, and staffing related to NAGPRA compliance.

6. *Department of Justice, Environmental Crime Section*

Add \$1 million to the budget of the Environmental Crime Section specifically to enforce the Safeguard Tribal Objects of Patrimony Act, Native American Graves Protection and Repatriation Act, and Archaeological Resources Protection Act

[This statement was submitted by Valerie J. Grussing, PhD, Executive Director.]

PREPARED STATEMENT OF NATIONAL CONFERENCE OF STATE HISTORIC PRESERVATION OFFICERS

Fiscal Year 2025 Historic Preservation Fund (HPF) Appropriations Request: \$225 million

- \$70 million for State Historic Preservation Offices (SHPOs)
- \$40 million for the Save America's Treasures grant program
- \$34 million for Tribal Historic Preservation Offices (THPOs)
- \$28 million for the African American Civil Rights grant program
- \$17 million for the Paul Bruhn Historic Revitalization grant program
- \$13 million Historically Black Colleges and Universities (HBCUs) grant program

- \$11 million for the Semiquincentennial grant program
- \$7 million for the History of Equal Rights grant program
- \$5 million for the Underrepresented Community grant program

FUNDED THROUGH WITHDRAWALS FROM THE HISTORIC PRESERVATION FUND (16 USC 470H), U.S. DEPARTMENT OF THE INTERIOR'S NATIONAL PARK SERVICE

UNIQUE AND SUCCESSFUL FEDERAL-STATE PARTNERSHIP

Recognizing the importance of our National heritage, in 1966 Congress passed the National Historic Preservation Act (NHPA, Title 54 U.S.C. 300101 et seq), which established historic preservation as a priority of the Federal Government. Recognizing that State officials have local expertise, the act's authors directed Federal entities charged with its implementation—the Department of the Interior and the Advisory Council on Historic Preservation—to partner with the States. Duties delegated to the SHPOs include: 1) locating and recording historic resources; 2) nominating significant historic resources to the National Register of Historic Places; 3) cultivating historic preservation programs at the local government level; 4) providing funds for preservation activities; 5) commenting on Federal rehabilitation tax credit projects; 6) review of all Federal projects for their impact on historic properties; and 7) providing technical assistance to Federal agencies, State and local governments and the private sector.

Ten years later in 1976, Congress established the Historic Preservation Fund (HPF) to assist the States in accomplishing this federally delegated work. The HPF is funded from outer-continental shelf lease revenues (rather than tax dollars), so that the depletion of one non-renewal resource can be used to help preserve another non-renewable resource—our heritage. The States also contribute to this effort, matching at least 40 percent of the HPF funding they receive.

SAVING AMERICA'S HERITAGE

The first step in preserving and protecting America's heritage is identifying it—which requires the survey, documentation, stewardship and sharing of historic place data. These places represent the many people and events that shape our collective national identity. Adequate funding is essential for SHPOs to meet these goals. For example, current shortfalls in funding mean that many States must continue to rely upon outdated paper records for a variety of program purposes. Having accurate, up-to-date, and digitally accessible information about our Nation's historic resources would dramatically increase the efficiency of and foster a balanced approach for all local, State, and Federal projects. From decisions on the design of local infill development, to state transportation planning projects, to Federal large-scale energy projects and disaster recovery efforts—every single project that could impact historic places, and by extension, the American people, benefit from enhanced and accessible historic resource databases.

Directing \$70 million for FY 2025 to SHPO offices will provide much needed operational funding to aid in increased capacity and efficiency—goals embraced by Congress and the Administration. With the recent \$500 billion in new infrastructure spending nationally, SHPOs are in dire need of resources to operate programs as they continue to fulfill responsibilities to review and comment on increasing numbers of Federal undertakings under NHPA to fulfill their obligations towards protection and preservation of their States' irreplaceable historic places. In FY 2022, HPF funding also enabled SHPOs to review 177, 4003 Federal undertakings—a 42.7% increase over the prior year. Likewise, Tribal Historic Preservation Offices (THPOs) assume many of the responsibilities of the SHPO on their respective Tribal lands. The number of THPOs continues to increase annually, requiring funding to keep pace with expanding needs. With over 222 THPOs currently, funding of \$34 million for THPO offices is necessary to prevent a decrease in the average THPO grant.

Once identified and documented, America's historic resources are primarily recognized at the local, State, and national levels by listing on both the National Register as well as State and local historic registers with varying degrees of protection, consideration, and recognition. State Historic Preservation Officers, through the authority of the National Historic Preservation Act, assist, support and encourage communities with their preservation efforts and are the gateway to listing on the National Register of Historic Places. National Register recognition by the Secretary of the Interior confirms citizens' belief in the significance of their communities' historic places and enhances support for their preservation.

Allow me to underscore that the National Historic Preservation program is primarily one of assistance, not acquisition. The Federal Government does not own, manage, or maintain responsibility for the vast majority of the historic assets aided

by the National Historic Preservation program. Rather, the program, through the SHPOs, provides individual Americans and communities, together with local, State, and Federal Governments with the tools they need to identify, preserve, and utilize the historic assets of importance to them. SHPOs are constituent-oriented and constituent-focused, and working closely and cooperatively with individual Americans to preserve historic places across the Nation is a fundamental role.

HPF funds also support competitive grant programs aimed at protecting and promoting the Nation's historic and cultural resources, while furthering efforts to tell the full scope of America's history through recognition and preservation of irreplaceable historic places. As such, NCSHPO supports HPF funding of \$40 million for the Save America's Treasures grant program; \$28 million for the African American Civil Rights grant program; \$17 million for the Paul Bruhn Historic Revitalization grant program to support historic preservation in rural communities; \$13 million to assist in the preservation and rehabilitation of buildings on the campuses of Historically Black Colleges and Universities (HBCUs); \$11 million to support the Semiquincentennial grant program to commemorate the Nation's 250th anniversary; \$7 million for the History of Equal Rights grant program; and \$5 million for competitive grants to identify, recognize and preserve the sites and stories related to Underrepresented Communities.

The FY24 omnibus spending level for the HPF in the amount of \$188.666 million, reflects a decrease of over \$15 million from FY23, to the detriment of our historic and cultural assets.

JOBS, ECONOMIC DEVELOPMENT & COMMUNITY REVITALIZATION

Historic preservation has stimulated economic growth, promoted community education and pride, and rescued and rehabilitated significant historic resources throughout the country. By positively combatting the effects of blight and vacancy through respectful repurposing of existing historic building stock, historic preservation is frequently a catalyst for positive community change—resulting in dynamic destinations for visitors and residents alike. Further, preservation incentives and programs foster affordable housing and solutions to the challenge of environmental change.

The Federal Rehabilitation Tax Credit (HTC) program, administered by the State Historic Preservation Offices in cooperation with the National Park Service, is an important driver for economic development. Since 1976, the HTC has driven completion of nearly 49,000 individual projects, created more than 3.2 million jobs, leveraged over \$131.71 billion in private investment nationwide, and created 199,138 low and moderate income housing units.¹ On average, the HTC leverages \$5 dollars in private investment for every \$1 dollar in Federal funding, cultivating highly effective public-private partnerships and community focused re-investment. 39 States currently offer a historic tax credit program², including my own state of North Carolina. State tax credit programs complement the Federal HTC program incentives and provide additional opportunities for community revitalization and saving historic places for the use and enjoyment of future generations of Americans.

Historic preservation also stimulates economic development through heritage tourism. SHPOs are essential local partners in identifying and interpreting the historic places that attract and inspire visitors. A modest increase in SHPO funding would allow SHPOs to expand their public outreach and assistance efforts, enabling communities to take greater advantage of heritage tourism opportunities which lead to job creation, new business development and enhanced community pride.

STATE HISTORIC PRESERVATION OFFICES' ACCOMPLISHMENTS

The HPF has facilitated nearly 100,000 listings to the National Register, with over 1.9 million contributing resources, and the survey of millions of acres for cultural resources.³ The HPF has also provided SHPOs with the administrative capacity for constituent access to the Federal Historic Preservation Tax Credit program, which has generated more than \$50.3 billion in Federal tax revenue from historic rehabilitation projects from inception through FY 2022.⁴ Further, SHPO federally mandated responsibilities of project review are on the rise, and remain key to con-

¹2024. National Park Service, U.S. Department of the Interior, Technical Preservation Services. Federal Tax Incentives for Rehabilitating Historic Buildings Annual Report for Fiscal Year 2023.

²2022. National Trust for Historic Preservation. Preservation & State Historic Tax Credits.

³2024. National Park Service. Historic Preservation Fund Annual Report FY23.

⁴2024. Rutgers & National Park Service. Annual Report on the Economic Impact of the Federal Historic Tax Credits for Fiscal Year 2022.

scientious public consideration of how to balance two fundamental needs—public investments for the future and preservation of America’s historic places.

Many SHPOs have made extensive use of HPF grant programs to ensure preservation of sites associated with the Civil Rights Movement. In North Carolina, in recent years, we have applied for and received grants under several of these grant programs. A 2015 Underrepresented Communities grant yielded National Register nominations and listings for eight Rosenwald School nominations, two historic African American cemeteries, and the College Heights Historic District, which is associated with the HBCU North Carolina Central University; a 2022 Underrepresented Communities grant will focus on survey and identification and National Register nominations of surviving Green Books properties—telling the story of individual resilience during the Segregation era as “oasis places” for African American travelers. A 2020 Civil Rights Phase I grant was finalized, and gathered invaluable oral histories and background research, and identified conclusively places associated with the Civil Rights Movement in northeastern North Carolina; while Phase II will foster National Register nominations of these places. A 2022 Semiquincentennial grant provided \$500,000 to the Brunswick Town State Historic Site, a key Colonial town and prime Revolutionary War site of pro-Patriot activity near Wilmington, North Carolina, and will be used to identify unmarked graves of colonial residents, preserve known graves, repoint the masonry of St. Philip’s Anglican Church, and preserve the foundational ruins of private residences, a tavern and a courthouse.

CONCLUSION

Historic preservation recognizes that what was common and ordinary in the past is often rare and precious today, and what is common and ordinary today may be extraordinary, whether it is fifty, one hundred or five hundred years from now. But moreover, historic preservation elevates and promotes the value of the lives and stories of individual Americans through the places where they lived and worked, fulfilling one of the fundamental purposes of the National Historic Preservation Act: “that the historical and cultural foundations of the Nation should be preserved as a living part of our community life and development in order to give a sense of orientation to the American people.”

The national network of State Historic Preservation Offices helps to ensure that the places associated with the history of all Americans are recognized and preserved. To that end, I would like to thank the committee sincerely for its commitment to historic preservation. The Federal Government plays an invaluable role in preserving our Nation’s history and our collective sense of place. Through our partnership, SHPOs remain committed to working together to identify, protect, and maintain our Nation’s heritage.

On behalf of all 59 SHPOs, I’d like to thank you, Chairman Merkley, Ranking Member Murkowski, and members of the U.S. Senate Committee on Appropriations, subcommittee on Interior, Environment, and Related Agencies for the opportunity to submit testimony.

[This statement was submitted by Ramona Bartos, President.]

PREPARED STATEMENT OF NATIONAL COUNCIL OF URBAN INDIAN HEALTH

My name is Francys Crevier, I am an enrolled member of Algonquin and the Chief Executive Officer of the National Council of Urban Indian Health (NCUIH). On behalf of NCUIH, a national representative of the 41 UIOs contracting with the Indian Health Service under the Indian Health Care Improvement Act (IHCIA) and the American Indians and Alaska Native patients they serve. On behalf of NCUIH and the UIOs we serve, I would like to thank Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee for your leadership to improve health outcomes for urban Indians and for the opportunity to testify today. We respectfully request the following:

- \$53.85 billion for the Indian Health Service (IHS) and \$965.3 million for Urban Indian Health for Fiscal Year (FY) 2025 (as requested by the Tribal Budget Formulation Workgroup)
- Maintain Advance Appropriations for the Indian Health Service, until mandatory funding is authorized and protect IHS from sequestration.
- Reclassify Contract Support Costs and 105 (I) Tribal Lease Payments as Mandatory Appropriations

NCUIH SUPPORTS TRIBAL SOVEREIGNTY

First, I would like to emphasize that NCUIH respects and supports Tribal sovereignty and the unique government-to-government relationship between our Tribal Nations and the United States. NCUIH works to support those Federal laws, policies, and procedures that respect and uplift Tribal sovereignty and the government-to-government relationship. NCUIH does not support any Federal law, policy, or procedure that infringes upon, or in any way diminishes, Tribal sovereignty or the government-to-government relationship.

URBAN INDIAN ORGANIZATIONS PLAY A CRITICAL ROLE IN PROVIDING HEALTH CARE FOR AMERICAN INDIAN AND ALASKA NATIVE PEOPLE

UIOs were created by urban American Indian and Alaska Native people, with the support of Tribal leaders, starting in the 1950s in response to severe problems with health, education, employment, and housing caused by the Federal Government's forced relocation policies.¹ Congress formally incorporated UIOs into the Indian Health System in 1976 with the passage of IHCA. Today, over 70% of American Indian and Alaska Native people live in urban areas. UIOs are an integral part of the Indian health system, comprised of the Indian Health Service, Tribes, and UIOs (collectively I/T/U), and provide essential healthcare services, including primary care, behavioral health, and social and community services, to patients from over 500 Tribes² in 38 urban areas across the United States. There are four different UIO facility types, including full ambulatory, limited ambulatory, outreach and referral, and outpatient and residential alcohol and substance abuse treatment, that offer a wide range of healthcare services.

UIOs are on the front lines in providing for the health and well-being of American Indian and Alaska Native people living in urban areas, many of whom lack access to care that would otherwise be provided through IHS and Tribal facilities. American Indians and Alaska Native people experience major health disparities compared to the general U.S. populations, including, lower life expectancy,³ higher rates of infant and maternal mortality,⁴ and psychological or behavioral health issues.⁵ A lack of sufficient Federal funding plays a significant role in these continuing devastating health disparities,⁶ and Congress must do more to fully fund the Indian health system to improve health outcomes for all American Indian and Alaska Native people.

UPDATE: URBAN INDIAN ORGANIZATION INFRASTRUCTURE STUDY REPORT TO CONGRESS

Congress appropriated funds in the Consolidated Appropriations Act, 2021 (Pub. L. No. 116–260), for IHS to conduct an infrastructure study report on UIO facilities. The report, sent to Congress on February 22, 2024, highlights key metrics that will need to be met in order to appropriately meet the needs of UIOs and their patients.

¹Relocation, National Council for Urban Indian Health, 2018. 2018_0519_Relocation.pdf(Shared)- Adobe cloud storage

²Indian Health Service, IHS National Budget Formulation Data Reports for Urban Indian Organizations (2023), https://www.ihs.gov/sites/urban/themes/responsive2017/display_objects/documents/IHS_National_Budget_Formulation_Reports_Calendar_Year_2021.pdf

³Elizabeth Arias, et. al., Provisional life expectancy estimates for 2021, Vital Statistics Rapid Release; no 23, National Center for Health Statistics, Centers for Disease Control and Prevention, National Vital Statistics System (Aug. 2022), available at DOI: <https://dx.doi.org/10.15620/cdc:118999>.

⁴David C. Radley et al., The Commonwealth Fund 2023 Scorecard on State Health System Performance: Americans' Health Declines and Access to Reproductive Care Shrinks, But States Have Options, Commonwealth Fund (June 22, 2023), <https://www.commonwealthfund.org/publications/scorecard/2023/jun/2023-scorecardstate-health-system-performance>; Jennifer L. Heck et al., Maternal Mortality Among American Indian/Alaska Native Women: A Scoping Review, 30 J. of Women's Health 220, 225 (2021), <https://www.liebertpub.com/doi/epdf/10.1089/jwh.2020.8890>.

⁵Letter from National Council of Urban Indian Health, National Indian Health Board, Self-Governance Communication and Education Tribal Consortium, & United South and Eastern Tribes Sovereignty Protection Fund, to Shalanda Young, Director, Office of Management and Budget (Feb. 17, 2023), https://www.usetinc.org/wp-content/uploads/2023/02/Joint-Tribal-Organization-Letter-to-OMB-re-Native-Behavioral-Health-Resources-Program-FINAL2_17_23.pdf.

⁶U.S. Comm'n on Civil Rights, Broken Promises: Continuing Federal Funding Shortfall for Native Americans (Dec. 2018), available at: <https://www.usccr.gov/files/pubs/2018/12-20-Broken-Promises.pdf>; The National Tribal Budget Formulation Workgroup, Advancing Health Equity Through the Federal Trust Responsibility: Full Mandatory Funding for the Indian Health Service and Strengthening Nation-to-Nation Relationships, The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2024 Budget 17 (May 2022), available at: <https://www.nihb.org/docs/09072022/FY%202024%20Tribal%20Budget%20Formulation%20Workgroup%20Recommendations.pdf>.

The report found that to meet the 2032 vision of services for American Indian and Alaska Native people living in urban areas, UIOs will need to grow their staff from 3,420 full-time equivalents (FTEs) to 6,275 FTEs, a 78 percent increase and operating budgets will need to increase to \$1.37 billion.⁷ We thank the Committee for funding this critical report, and we look forward to working with you in addressing the needs highlighted by the report.

REQUEST: FULLY FUND THE INDIAN HEALTH SERVICE AT \$53.85 BILLION AND URBAN INDIAN HEALTH AT \$965.3 MILLION FOR FY25

The United States has a trust responsibility to provide “federal health services to maintain and improve the health” of American Indian and Alaska Native people.⁸ This responsibility is codified in IHCA. Additionally, it is the policy of the United States “to ensure the highest possible health status for Indians and urban Indians and to provide all resources necessary to effect that policy.”⁹ To finally fulfill its trust responsibility, we request that Congress fully fund Indian Health at \$53.85 billion for the Indian Health Service and \$965.3 million for Urban Indian Health. These amounts reflect the recommendations made by the Tribal Budget Formulation Work Group (TBFWG), a workgroup comprised of Tribal leaders representing all 12 IHS service areas and serving all 574 federally recognized Tribes.

According to the TBFWG, fulfillment of this responsibility “remain[s] illusory due to chronically underfunded and woefully inadequate annual spending by Congress.”¹⁰ Congress must prioritize increasing funding, as the current FY24 allocation of \$6.96 billion for IHS and \$90.49 million for Urban Indian Health represents only 12.9% and 9.4% respectively of the total FY24 funding requested by Tribes and UIOs to adequately address current needs.

UIOs are primarily funded through a single line item in the IHS budget, the Urban Indian Health line item, and without a significant increase to this line item, UIOs will continue to be forced to operate on limited and inflexible budgets, that limit their ability to fully address the needs of their patients. As one UIO leader highlighted, “funding to the Urban Indian line item is critical in ensuring that our funding better meets the needs of Urban Tribal citizens who come to us seeking medical, dental, and behavioral health care. Increased funding means that we can worry less about having to deny or delay care because of budget constraints.” For example, current funding levels pose challenges for UIOs in offering competitive salaries to hire and retain qualified staff who are essential for UIOs to continue to deliver quality care to their patients. Additionally, UIOs need resources to expand their services and programs to address the needs of their communities, including addressing pressing issues such as food insecurity, behavioral health challenges, and rising facilities costs. One UIO reported, “increased funding will allow our UIO to sustain our program capacity, maintain our workforce, address infrastructure needs, and expand health services that are greatly needed within our community.” Increased investments in Urban Indian Health will continue to result in the expansion of health care services, increased jobs, and improvement of the overall health in urban American Indian and Alaska Native communities.

REQUEST: RETAIN ADVANCE APPROPRIATIONS FOR IHS UNTIL MANDATORY FUNDING IS AUTHORIZED AND PROTECT IHS FROM SEQUESTRATION

We applaud Chair Merkley and this Committee for your work on the historic inclusion of advance appropriations in the FY23 Omnibus, and its continued inclusion in the FY24 minibus. This is a crucial step towards ensuring long-term, stable funding for IHS. Advance appropriations allowed the I/T/U system to operate normally and without fear of funding lapses during the entire FY24 budget negotiation process. Among other benefits, when IHS distributes their funding on time, our UIOs can pay their doctors and providers without disruption, ensuring continuity of care for UIO patients. Additionally, advance appropriations allow our UIOs to ensure they can stay open and provide patients with critically needed care, even in the event of a government shut down. We emphasize that advance appropriations are a crucial step towards ensuring long-term, stable funding for the I/T/U system and,

⁷ IHS, Urban Indian Organization Infrastructure Study Report. Retrieved from: https://www.govinfo.gov/content/pkg/CMR-HE20_300-00186499/pdf/CMR-HE20_300-00186499.pdf

⁸ 25 U.S.C. § 1601(1).

⁹ 25 U.S.C. § 1602.

¹⁰ The National Tribal Budget Formulation Workgroup, Honor Trust and Treaty Obligations: A Tribal Budget Request to Address the Tribal Health Inequity Crisis, The National Tribal Budget Formulation Workgroup's Recommendations on the Indian Health Service Fiscal Year 2025 Budget (April 2023), available at: <https://www.nihb.org/resources/FY2025%20IHS%20National%20Tribal%20Budget%20Formulation%20Workgroup%20Requests.pdf>.

therefore, it is imperative that you include advance appropriations for IHS FY26 in the final FY25 Interior, Environment, and Related Agencies Appropriations Act.

While advance appropriations are a step in the right direction to avoid disruptions during government shutdowns and continuing resolutions, mandatory funding is the only way to assure fairness in funding and fulfillment of the trust responsibility. As the President's FY25 budget notes, "Mandatory funding is the most appropriate, long-term solution for adequate, stable, and predictable funding for the Indian health system."¹¹ We request your support for mandatory funding, and until authorizers act to move IHS to mandatory funding, we request you continue to provide advance appropriations to the Indian health system to improve certainty and stability.

We also request that this Committee protect IHS from sequestration through an amendment to Section 255 of the Balanced Budget and Emergency Deficit Control Act.¹² Sequestration forces Indian Health Care Providers to make difficult decisions about the scope of healthcare services they can offer to American Indian and Alaska Native patients. For example, the sequestration of \$220 million in IHS' budget authority for FY13 resulted in an estimated reduction of 3,000 inpatient admissions and 804,000 outpatient visits for American Indian and Alaska Native patients.¹²

Sequestering funds reduces UIOs' ability to provide essential services to their patients and communities, delaying care and reducing UIO capacity to take on additional patients. One UIO leader emphasized that loss of funding "translates into Tribal citizens lacking access to care that is guaranteed to them through the trust and treaty obligations held by the United States. Cuts mean UIOs can't provide things like insulin for diabetics, counseling services for survivors of domestic violence, and oral surgery for our relatives."

REQUEST: RECLASSIFY CONTRACT SUPPORT COSTS AND 105 (L) TRIBAL LEASE PAYMENTS AS MANDATORY APPROPRIATIONS

We are also in strong support of the TBFWG's proposal to reclassify Contract Support Costs (CSC) and Section 105(l) Tribal Lease Payments as mandatory appropriations. These accounts are already mandatory in nature, and their inclusion in the discretionary budget makes it difficult for other programs to expand under discretionary funding caps. In 2014, the Appropriations Committees highlighted the challenging nature of these payments, stating, "Typically obligations of this name are addressed through mandatory spending, but in this case since they fall under discretionary spending, they have the potential to impact all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs."¹³

This proposal will make sure that other IHS programs are not impacted by these costs and can receive true increases to their line items. Reclassifying as mandatory appropriations will have no direct impact on the Federal budget and does not conflict with restrictions set forth by the Fiscal Responsibility Act. On July 12, 2023, NCUH joined the National Indian Health Board and 21 Tribal Nations and Native Partner Organizations in sending a letter to House and Senate leadership in support of this proposal.¹⁴

CONCLUSION

The Federal Government must continue to work to fulfill its trust obligation to maintain and improve the health of American Indians and Alaska Natives. We urge Congress to take this obligation seriously and provide the I/T/U system with the resources necessary to protect the lives of the entirety of the American Indian and Alaska Native population, regardless of where they live. The requests outlined herein are an important step towards fulfilling this obligation, and we respectfully request your consideration of each request.

[This statement was submitted by Francys Crevier, Chief Executive Officer of the National Council of Urban Indian Health.]

¹¹ IHS FY25 Congressional Justification, https://www.ihs.gov/sites/budgetformulation/themes/responsive2017/display_objects/documents/FY-2025-IHS-CJ030824.pdf

¹² Public Law 118-31

¹³ Contract Support Costs and Sequestration: Fiscal Crisis in Indian Country: Hearings before the Senate Committee on Indian Affairs.(2013) (Testimony of The Honorable Yvette Roubideaux)

¹⁴ Explanatory statement, Division G- Department of the Interior, Environment, and Related

PREPARED STATEMENT OF NATIONAL CONSERVATION LANDS

My name is David Feinman, and I am Government Affairs Director for Conservation Lands Foundation, which is the only organization in the country solely dedicated to safeguarding the National Conservation Lands, the most ecologically rich and culturally significant of lands managed by the Bureau of Land Management (BLM).

This provides us with perhaps the most clear-eyed view available on the cumulative impacts resulting from Congress's continued underfunding of BLM, and I offer this testimony with respectful frustration, urgency, and hope that it may give the committee greater clarity on how the lack of appropriate funding is suffocating the agency and harming the public's quality of life and access to their public lands. It is with this perspective in mind that I urge the subcommittee to include at least \$1.395 billion for BLM for Management of Lands and Resources, at least \$78 million for the BLM National Conservation Lands, and at least \$25 million for BLM's cultural resources account.

Conservation Lands Foundation and our Friends Grassroots Network—that we have grown to now more than 80 volunteer-powered organizations—are at the forefront of stewarding the National Conservation Lands. These community-based nonprofits provide essential partnerships to BLM throughout the West to ensure the National Conservation Lands, and all lands managed by the agency, have a dedicated team of local volunteers to welcome and educate visitors, provide on-the-ground monitoring, assist both financially and via volunteer hours to complete recreation improvements as well as stewardship and restoration projects.

Conservation Lands Foundation, our Friends Network and local volunteers and supporters understand public lands have multiple uses and respect the work of BLM staff and the incredibly complex task they have to fulfill the Bureau's conservation mandate and multiple-use, sustained yield mission under the Federal Land Policy Management Act (FLPMA).

What we don't understand is how Congress can continue to demand more of the Bureau and criticize it for its inability to fulfill its Congressionally-mandated work while continually refusing to allocate the resources necessary to do just that.

BLM is responsible for the largest portfolio of public lands in the United States, managing more than 245 million acres of land (along with nearly 700 million subsurface acres) while being the lowest funded Federal land management agency. The unique mission of the Bureau and the sheer size of the estate it manages make the historic deficit in funding from Congress even more challenging and baffling.

We can quantitatively measure the deficit the BLM faces in two clear statistics: dollars per acre, and dollars per visitor.

DOLLARS PER ACRE: FISCAL YEAR 2023¹

AGENCY	ACRES MANAGED	DOLLAR PER ACRE ALLOCATED BY CONGRESS
U.S. Forest Service	193M	\$52.20
National Park Service	84M	\$41.37
U.S. Fish and Wildlife Service	89M	\$19.89
Bureau of Land Management	248M	\$6.10

¹ Source: Bureau of Land Management

DOLLARS PER VISITOR: TEN-YEAR AVERAGE 2012–2021²

AGENCY	ACRES MANAGED	DOLLAR PER ACRE ALLOCATED BY CONGRESS
National Park Service	84M	\$5.20
U.S. Forest Service	193M	\$1.70
U.S. Fish and Wildlife Service	89M	\$1.32
Bureau of Land Management	248M	\$0.79

² Source: Bureau of Land Management

PUBLIC ACCESS AND QUALITY EXPERIENCES ARE AT RISK

Virtually every National Conservation Land location is negatively impacted by Congress's lack of funding and there are countless qualitative measures and examples of what this deficit has meant for the health of the land and water sources and for the people who have a right to access and have quality experiences on BLM lands.

One result of this chronic underfunding is delays and poor customer service for outdoor recreation visitors and guides at a time when the outdoor recreation economy is booming. Visitors to BLM lands continue to increase year over year with more than 80 million visitors in 2023 (a 10 percent increase from previous years), and according to the U.S. Department of Commerce, the outdoor recreation economy increased 4.8 percent in 2022, compared with a 1.9 percent increase for the overall U.S. economy.³

Public Safety and Land and Water Degradation is a Growing Problem

Ensuring that people are safe while on BLM lands cannot be overlooked as a Congressional responsibility to fund. Between 2016–2023 there were 4,346 search and rescues on BLM lands, an average of 543 per year. These are straining local law enforcement budgets and increased BLM staff and resources on the ground will increase visitor safety and save lives.

Another result of the failure by Congress to invest in the agency is the degradation and abuse of the public lands it manages. Across the system of National Conservation Lands managed by the BLM, we've seen an increase in vandalism and defacement of sacred sites and petroglyphs, illegal dumping, theft of personal and government property, poaching of wildlife, illegal off-highway vehicle (OHV) use, and unlawful shooting.

The Caja del Rio Plateau in New Mexico is one of many examples. Located just a few miles outside of Santa Fe, the Caja del Rio Plateau holds deep historical value and remains vitally important to the Pueblo people of the middle Rio Grande. It's the most ecologically rich and culturally significant landscapes in the Southwest, known for petroglyphs dating back 8,000 years, wildlife and special status species, geologic features, and scenic values. The La Cieneguilla Petroglyph Site within it continues to be vandalized, off-highway vehicles are going off-trail and unchecked tearing up riverbeds, and graffiti on the canyon walls and trash is happening with abandon. Last month alone, 120 volunteers showed up to help clean-up the Caja for Earth Day and picked up 13,500 lbs of trash and toxic materials.

Due to the rise in social media, these once remote and "secret escapes" no longer benefit from anonymity, and require much more active management from BLM, which cannot be provided without additional resources for rangers, outdoor recreation planners and other staff.

Congress Holds the Power to Meet the Public's Needs

Whether it's supporting ranchers with grazing leases, ensuring responsible mining operations, advancing energy production, providing the public with safe and accessible outdoor recreation opportunities, protecting cultural and paleontological resources, or managing lands for conservation, the Bureau of Land Management needs more funding to do all of this work it's been mandated by Congress to do on behalf of the American people.

The American people expect the BLM to fulfill its mission and they expect Congress to fulfill its responsibility to provide the Bureau with the staffing and resources necessary to achieve it.

It's time for Congress to invest in the Bureau of Land Management and do right by the American people, the public lands they cherish, and the public servants charged with managing them.

Conservation Land Foundation urges Congress to take responsibility for the priorities and promises you have laid out to the American people by adequately investing in the health of and safe and quality access to America's public lands under BLM, and the many benefits they provide to communities across this great country.

Thank you for your consideration of my testimony. Please contact me at davidf@conservationlands.org with any questions.

[This statement was submitted by David Feinman, Government Affairs Director Conservation Lands Foundation.]

³ "Commerce's Bureau of Economic Analysis Reports Outdoor Recreation Economy Tops \$1 Trillion in 2022", U.S. Department of Commerce, December 15, 2023

PREPARED STATEMENT OF NATIONAL COOPERATORS' COALITION

Thank you for the opportunity to provide input to your FY2025 Appropriations process. Our coalition is requesting at least \$36 million be appropriated to the U.S. Geological Survey's Cooperative Fish and Wildlife Research Unit program.

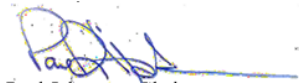
The National Cooperators' Coalition is an alliance of nonfederal cooperators, supporters, and beneficiaries of the USGS Cooperative Research Unit (CRU) program. Our members include state fish and wildlife agencies, universities, and other organizations dedicated to wildlife conservation and research.

The CRU program plays a significant role in advancing scientific understanding and conservation efforts for fish and wildlife across the United States. Cooperative Research Units are dynamic hubs for collaborative research that cuts across disciplines, and play a central role in training the next generation of conservation scientists.

The program's value is clear, as evidenced by its continuous growth since its inception in 1935. In FY 2023, CRUs generated \$48 million in external funds and \$22 million provided by universities. However, the lack of adequate Federal funding continues to limit the capacity of CRUs to produce actionable science and establish new units where they've been requested.

The CRU program is supported by the USGS Ecosystems Mission Area. To empower the program to deliver on its full potential, we, the National Cooperators' Coalition, urge the appropriation of at least \$36 million. By investing in the CRU program, you are investing in the future of wildlife conservation in the United States.

We look forward to working with you and answering any questions you may have about this \$36 million request. Please reach out to ncc@wildlife.org if you have any questions.



Sincerely,

USGS COOPERATIVE FISH AND WILDLIFE RESEARCH UNITS

Spanning 41 States and strategically housed at 44 universities, the USGS Cooperative Fish and Wildlife Research Units (CRUs) form a powerful network. These units function as collaborative hubs where researchers, students, and stakeholders from diverse backgrounds come together to tackle critical challenges facing fish and wildlife populations.

CRU research programs address a wide range of issues related to fish and wildlife conservation and management, and broader ecosystem health:

- Habitat loss and fragmentation
- Climate change impacts on fish and wildlife populations
- Sustainable management of fisheries and wildlife resources
- Invasive species
- Diseases affecting fish and wildlife
- Restoration of degraded ecosystems

Learn more about CRUs in the 2023 Annual Report: pubs.usgs.gov/publication/fs20243006



USGS map of all 50 States showing Cooperative Fish and Wildlife Research Unit (CRU) locations. Newest CRUs are indicated by a star: Nevada (Western Region) CRU, established in 2021; Michigan (Eastern Region) CRU, established in 2022; and Indiana (Eastern Region) CRU, established in 2023.

Quotes from new cooperators of the CRU program during the time of their establishment: “We look forward to the tremendous opportunity that collaboration with the Indiana CRU will bring to our state and Purdue University,” said Karen Plaut, executive vice president of research at Purdue University. “It will have a direct impact on graduate education as well as research productivity and innovation.”

“For more than 30 years, the DNR has wanted to establish a USGS Cooperative Fish and Wildlife Research Unit at Michigan State University,” said then-Michigan DNR Director Dan Eichinger. “I’m excited that this goal has been achieved and look forward to scientists in the unit working with MSU faculty and DNR experts to help better inform our science-based management of Michigan’s natural resources.”

“Nevada’s creation of a Cooperative Research Unit Program is a monumental success for the scientific research and conservation efforts for the State’s wildlife and habitat,” said then-Nevada Department of Wildlife Director Tony Wasley. “This partnership brings the State’s top wildlife and research agencies together at the table and allows us to collaboratively address conservation and message our efforts consistently.”

FY2025 APPROPRIATIONS REQUEST JUSTIFICATION

The National Cooperators’ Coalition is requesting \$36 million in FY2025 for the USGS Cooperative Fish and Wildlife Research Unit program. This request is a step towards ensuring the program has more of the funding it needs to robustly implement its mission in support of partners and their fish and wildlife science needs. Our coalition has identified more than \$41 million as the current funding need for the program, and encourages appropriations as close to this level as possible. Future coalition requests will step-up to this level.

The USGS Cooperative Research Unit program facilitates action-oriented cooperation between the USGS, state fish and wildlife agencies, a host university, and the Wildlife Management Institute to advance fish and wildlife research, graduate education, and technical assistance to natural resource agencies. The National Cooperators’ Coalition is an alliance of nonfederal cooperators, supporters, and beneficiaries of the USGS Cooperative Research Unit program.

Funding needed for the USGS Cooperative Fish and Wildlife Research Unit program:

Scientist Staffing: \$36 million

The core of the CRU program are the staff scientists. Each unit typically has 3 scientists, and there are >120 scientist positions across the program. Funds are needed to account for growth in existing staff salaries, fill existing and anticipated vacancies, and fill positions at newly established units to fulfil Federal commitments to cooperators.

New Administrative Support: + \$300,000

Units are supported by regional administrators. With the addition of 3 new units in the past 3 years, more administrative support is needed to guide the establishment of new units and enhance the partnerships established with each unit. Additionally, a new regional administrator in the Midwest will help align the Units with the regional associations of state fish and wildlife agencies, helping ensure greater levels of coordination and engagement with this key cooperator.

Vehicles and Equipment: \$2 million

The program currently maintains a fleet of approximately 300 vehicles plus other equipment (e.g., boats, ATVs, etc.) to support its research and operations. A substantial proportion of the fleet is more than 15 years old and needs to be replaced. The coalition recommends funding that supports replacing vehicles and other key equipment at least once every 10 years in order to minimize maintenance costs and reduce safety concerns for CRU students and staff.

Operating Expenses: \$1.5 million

As part of the Department of the Interior, the CRU program has associated operating expenses to support the larger department. This includes costs for facilities, IT support, internal peer reviews, and other general programmatic costs.

Program Expansion: + \$1.2 million each

Several States and territories have expressed an interest in establishing a new Unit in their borders to meet their own fish and wildlife science needs. This desire is indicative of the program's value to cooperators and partners. It takes \$1.2 million to establish a new unit during its first fiscal year; future costs amount to approx. \$700,000 per year to maintain that unit.

Total FY2025 Need: >\$41 million

FY2024 Enacted Level: \$28.206 million

FY2025 Request: \$36 million

[This statement was submitted by Paul Johansen, Chair, National Cooperators' Coalition.]

PREPARED STATEMENT OF NATIONAL ENDOWMENT FOR THE ARTS

As the only trade association in Washington representing all music creators—songwriters, performers, and studio professionals—the Recording Academy is pleased to offer testimony to the U.S. Senate Committee on Appropriations subcommittee on Interior, Environment, and Related Agencies in support of a continued increased funding for the National Endowment for the Arts (NEA) in Fiscal Year 2025 of no less than the \$211 million. The Recording Academy is proud to support the NEA and its initiatives to enrich American music and culture.

The NEA brings music and the arts to communities across the country, and its mission has never been more important. The agency is an indispensable part of the Nation's \$1.1 trillion creative economy and is well-positioned to invest in local arts sectors in all 50 States. As such, the Recording Academy supports increasing funding of the NEA for the coming fiscal year.

Through supporting music and the arts, the NEA empowers local communities, improves student development, and advances cultural achievements. Considering that NEA grants yield more than \$500 million in matching support-leveraging outside funds at a ratio of 9:1—it is financially one of the smartest investments the government can commit to. In the music industry, the NEA supports more than \$50 million in music related direct grants each year—bringing music, and matching investments, to your back yards. From Young Audiences of Oregon, Inc. for arts education (\$40,000, 2024) and Alaska Arts Education Consortium Inc. (\$50,000, 2024); to the Boise Hive in Idaho (approx. \$10,000, in 2021), the Music & Ideas Festival (\$10,000, 2021) and the 317 Main St Community Music Center in Yarmouth, Maine (\$10,000 in 2022); and from the Van Cliburn International Piano Competition (\$10,000, 2023) in Fort Worth to the New Haven Symphony Orchestra in Connecticut (\$15,000, 2023), the NEA has proven to support and foster local music communities and opportunities.

The Recording Academy appreciates Congress's continued support of the NEA during recent fiscal years, but the Agency needs additional funding to fulfill its mission of expanding access to and participation in the arts. Robust funding for the

NEA will ensure the agency can provide grants across all 50 States, while promoting more equitable access and reaching more diverse audiences.

As you finalize appropriations for FY25, please make a strong commitment to the arts and music with robust funding for the NEA.

[This statement was submitted by Todd Dupler, Chief Advocacy Officer, Recording Academy.]

PREPARED STATEMENT OF THE NATIONAL ENDOWMENT FOR THE ARTS

Thank you for providing the opportunity to submit outside witness testimony as you consider investments in vital Federal agencies, including the National Endowment for the Arts (Arts Endowment). The Western States Arts Federation (WESTAF), a regional partner of the Arts Endowment, writes to affirm the integral impact the Endowment plays in communities throughout the West. Through innovative programming, advocacy, research, technology, and grantmaking, WESTAF encourages the creative advancement and preservation of the arts in the West, serving the States and jurisdictions of Alaska, American Samoa, Arizona, California, Colorado, Commonwealth of the Northern Mariana Islands, Guam, Hawai'i, Idaho, Montana, Nevada, New Mexico, Oregon, Utah, Washington, and Wyoming. We express gratitude for Congressional support in funding the National Endowment for the Arts and the National Endowment for the Humanities in the FY 2024 Interior Appropriations bill at \$207 million to broaden opportunities for Americans to realize the cultural, educational, and economic benefits of the arts and creativity in communities across the United States. We write to urge you to increase the Arts Endowment's FY 2025 budget to at least \$211 million and for Congress to maintain parity funding between the National Endowment for the Arts and its sister agency the National Endowment for the Humanities.

SUPPORTING ARTS AND CREATIVITY IS SUPPORTING THE US ECONOMY

We know that arts and creativity strengthen our Nation. They make us stronger—as individuals, families, communities, States, and as a country. Arts, culture, and creative industries are a backbone of innovation, prosperity, and thriving people and places. They are also a major portion of the US economy. According to the BEA, in 2022 Arts and cultural economic activity accounted for \$1.1 trillion of the US economy (4.3% of GDP) and over 5 million jobs. In addition, a 2024 study commissioned by the National Assembly of State Arts Agencies provides strong evidence that there is a causal link between growth in the creative economy and overall economic growth in the US.¹ However, the study also shows that growth in the overall economy does not necessarily lead to growth in the arts economy, which is why public investment in arts is vital. Choosing to invest in the arts is choosing to invest in US economic growth.

Because of the leadership of Congress, an increase will mean expanded investment in arts and culture across the US driven by decisions made at the community level. The structure of the Arts Endowment is focused on a local control model. By mandate, 40% of the agency's grantmaking budget is awarded to state and regional arts agencies. We further request you to support the sector by allowing the Arts Endowment to continue to provide more types of flexible funding, such as general operating support, within the scope of its grantmaking.

We deeply understand the importance of the Arts Endowment's leadership in the West and would like to point out the following:

1. The Arts Endowment is a significant funder and a positive force for arts development in the West, a fast growing and exceptionally diverse region that is home to nearly a quarter of the U.S. population.
2. Arts Endowment investment reaches every congressional district in the West and throughout the United States. Public support is a critical component in ensuring that arts funding reaches every community in the U.S.
3. Investment is particularly critical to the most rural States and jurisdictions. Rural communities make up a significant portion of the WESTAF region and are home to nearly 20% of the people in the US. Yet, rural communities receive only

¹Noonan, D. (2024). Arts and Creativity Drive Economies and Build Resilience: 2024 Key Findings. NASAA. https://nasaa-arts.org/nasaa_research/arts-and-creativity-drive-economies-and-build-resilience/

7% of US private foundation funding.² Public support of arts and culture in these areas is critical and an important strategy of community and economic development.

4. Federal-state partnership is vital to the WESTAF region. Four States, American Samoa, Guam, and CNMI receive over a third of their agency funds from the National Endowment for the Arts. State and jurisdictional arts agencies are crucial in ensuring that public funds are distributed to local and rural communities.
5. Every dollar of Federal funding invested in the National Endowment for the Arts leverages \$9 of additional funding nationally. Investment into state arts agencies in our region alone provides a nearly 7:1 return on investment based on 2024 data (see table below). In addition to leveraging significant State and local government dollars, Arts Endowment funding allows some organizations to access additional investment from private foundations.

Arts Endowment Contribution to State Arts Agency Revenue in the West in FY24

State	Total Agency Revenue (\$)	Arts Endowment funds (\$)	% of Total Funding from Arts Endowment
Alaska	\$4,147,702	\$874,002	21.1%
American Samoa	\$540,695	\$373,695	69.1%
Arizona	\$7,572,787	\$1,136,787	15.0%
California	\$40,923,900	\$1,579,900	3.9%
Colorado	\$3,121,031	\$943,331	30.2%
Guam	\$964,854	\$378,700	39.2%
Hawai'i	\$11,238,035	\$907,500	8.1%
Idaho	\$1,999,490	\$1,002,155	50.1%
Montana	\$2,341,337	\$1,074,400	45.9%
Nevada	\$3,262,440	\$934,200	28.6%
New Mexico	\$2,636,700	\$918,600	34.8%
Northern Marianas	\$631,054	\$350,800	55.6%
Oregon	\$7,773,127	\$1,016,100	13.1%
Utah	\$10,635,339	\$964,500	9.1%
Washington	\$11,164,822	\$1,110,200	9.9%
Wyoming	\$2,047,728	\$899,978	44.0%
WESTAF region	\$111,001,041	\$14,464,848	29.86%

Source: National Assembly of State Arts Agencies, 2024

The Arts Endowment invests in projects that represent communities in the West and its support has been particularly important to engaging rural communities, indigenous communities, young people, and the full range of communities and cultures that make up the West in terms of race and ethnicity. The Endowment's long-standing focus on the underserved, prompted in part by Congressional leadership, inspires the work of state arts agencies across the West and WESTAF.

SUPPORTING THE ENDOWMENT AS SUPPORTING THE CREATIVE ECONOMY ECOSYSTEM

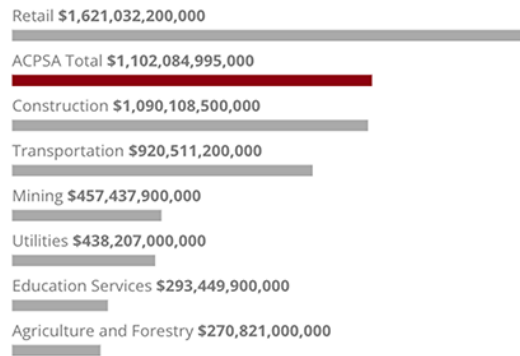
Arts and creativity are an engine for the US economy. In the West, jobs in creative occupations, creative industries earnings, and cultural nonprofit revenues have been on a growth trajectory for a decade. The National Endowment for the Arts acts as the flag bearer for this powerful national industry which in the West alone grew by 85% between 2011 and 2020.³ When looking at the value added across the US economy in 2022, arts and culture is ranked second among comparison sectors.⁴

² Ford Family Foundation. (2021). Investing in Rural Prosperity: The Role of Philanthropy in Rural Community Development. Federal Reserve Bank of St. Louis. <https://www.stlouisfed.org/community-development/publications/invest-in-rural>

³ WESTAF. Creative Vitality Suite. (2022).

⁴ Noonan, D. (2024).

Comparing Arts and Culture to Other Sectors of the Economy



Source: National Assembly of State Arts Agencies, US Bureau of Economic Analysis, 2024

Arts, culture, and creative industries provide people with the foundation for creative thinking, generate new ideas in every field, and keep our Nation globally competitive. Arts and creativity strengthen economic health by creating jobs in multiple industries, driving tourism, and providing workforce development opportunities for young people. Unlike conventional industries, the arts tend to grow independently from other sectors, which provides a diversification strength—something that may be especially important for States whose economic fortunes hinge on just a few industries. States with varied arts ecosystems (including nonprofit, commercial, and community-based arts) posted bigger economic gains after the Great Recession than their less-diversified neighbors. In addition, growth is not restricted to States with large populations and high concentrations of creative businesses, smaller States also experience notable growth on a per capita basis.⁵ Creativity stimulates economic development while bolstering civic engagement, making the arts a powerful catalyst for building community and economic strength.

Public funding for arts and creativity improves the lives of all Americans, equips an innovative workforce, and enriches communities. Public support in the arts is important because it fuels innovative public-private partnerships, leverages considerable additional public and private investment far surpassing the required Federal match of 1:1, and puts tax dollars and decision-making authority into State and local hands. We encourage the House Interior Appropriations subcommittee to work with other Congressional leaders to increase the Arts Endowment's FY 2025 budget to at least \$211 million and build a specific path to fund the Arts Endowment at \$1 per capita. Currently funding is at about \$0.62 cents per capita. A more robust NEA budget would ensure that the arts continue to contribute to the strength, pride, cohesion and economic success of every community in the United States.

Sincerely,

Teniqua Broughton
Chair

Christian Gaines
Executive Director

David Holland
Deputy Director

Endorsed by:

Regional Organization

Western Arts Advocacy Network

Co-Chairs: Andrew Schneider (Wyoming), Jessi Wasson (Washington)

State-Wide Organizations

Arizona Citizens for the Arts

CA Arts Advocates

Creative New Mexico

Hawai'i Arts Alliance

Inspire Washington

Montana Arts Council

Utah Cultural Alliance

Wyoming Arts Alliance

⁵Noonan, D. (2024).

[This statement was submitted by David Holland, Deputy Director, Western States Arts Federation in support of the National Endowment for the Arts.]

PREPARED STATEMENT OF NATIONAL ENDOWMENT FOR THE ARTS AND NATIONAL
ENDOWMENT FOR THE HUMANITIES

Chair Merkley, Ranking Member Murkowski, and members of the subcommittee. Thank you for the opportunity to submit this written testimony in support of Federal funding for both the National Endowment for the Arts (NEA) and the National Endowment for the Humanities (NEH) at no less than \$211 million each for Fiscal Year 2025. This represents only 0.006 % of last year's Federal budget. We also encourage the subcommittee to build a specific path to index funding for each of these two cultural agencies at \$1 per capita. Each agency is currently funded at about .62 cents per capita.

The arts are a national asset, and these agencies are vital to a thriving arts and culture sector which in turn positively affects the American economy as a whole. It has been a tough budget environment, but the arts community is thankful for this subcommittee's leadership as well as the entire Senate for its continued support.

The arts and culture help drive our creative economy which is a primer to our country's economic activity. Last March, the U.S. Bureau of Economic Analysis reported that arts and cultural economic activity accounted for 4.3 percent of gross domestic product (GDP), or \$1.10 trillion with over 5.2 million jobs. Additionally, America's arts and culture exports increased the trade surplus from \$15.5 billion to \$21 billion. This data represents a new high-water mark that represents a larger percentage of GDP than the transportation, construction, and agriculture sectors.

Furthermore, the nonprofit arts sector generated \$151.7 billion in direct spending by organizations and attendees and \$29.1 billion in tax revenue in 2022. The nonprofit arts sector also supported 2.6 million jobs and provided \$101 billion in personal income to workers in communities across America, clearly demonstrating that the arts are an asset to the economy.

The resilience of an artist is evident by these statistics, and the NEA and NEH have helped provide resources to support their creativity and work ethic. Every NEA grant dollar leverages at least \$9 in private and other public funds, generating more than \$500 million in matching support. This leveraging power far surpasses the required non-federal match of at least 1:1 and illustrates why Federal support for the arts is uniquely valuable. The Federal investment in the arts helps power the creative economy across the country.

42% of NEA-supported activities take place in high-poverty neighborhoods, and 35% of NEA grants went to organizations that reach underserved populations such as people with disabilities and individuals in institutions. The NEA also funds school- and community-based programs that have helped children and youth navigate a mental health crisis exacerbated by the pandemic.

The NEA's funding to Local Arts Agencies (LAAs) is extremely vital to their ability to serve their communities. LAAs collectively are responsible for approximately \$912 million annually in public and private grantmaking. They are also the largest grantmaker to individual artists. LAAs work directly for and with mayors, city managers, county supervisors, and township managers as well as corporate CEOs, real estate developers, and social service providers in every size community across the country. Additionally, LAAs have taken the lead in equity-centered grantmaking in their cities, counties, and rural and suburban areas. They have been entrusted with federal, State, and local funds, including Community Development Block grants, CARES Act and American Rescue Plan Act State and local block grant funds, and other government sources to support emergency relief grants to arts small businesses, nonprofits, individual gig artists, and entrepreneurs.

Both agencies offer healing programs for those who serve in our Armed Services as well as veterans reintegrating into civilian life. The NEH's Dialogues on the Experience of War programs bring together veterans and civilians to reflect on powerful literature and art. Across nine programs assessed from 2018–2020 by the National Humanities Alliance, ninety-six percent of respondents indicated that humanities materials helped them better understand their experiences. Seventy-nine percent of veteran respondents indicated that their program made them more likely to seek help if they needed it.

The NEA's Creative Forces program supports military families, a collaboration with the Departments of Defense and Veterans Affairs, to serve the unique and special needs of military patients and Veterans diagnosed with traumatic brain injury (TBI) and psychological health conditions such as post-traumatic stress disorder (PTSD). In clinical settings, creative arts therapists provide art, music, and dance/

movement therapies, as well as therapeutic writing instruction, for military patients and veterans. The NEA also provides community engagement services by partnering with nonprofit organizations to provide arts-based programming for military communities.

Understanding our country's current environment that requires a focus on wellness and mental health, the NEA continues to provide sound leadership on arts and healing throughout our Federal agencies and our society. In January, the NEA and the White House hosted a first-ever summit that recognized the profound impact that arts and culture play in shaping our lives, communities, and nation. At this event, NEA Chair Maria Rosario Jackson moderated a conversation with the U.S. Surgeon General, Vice Admiral Vivek Murthy, about the importance of broadening the concept of healing to include our need for joy, social connection and hope. Murthy highlighted how arts and culture are critical ways in which we connect and essential tools for rebuilding the social infrastructure to address the Nation's epidemic of isolation and loneliness and the mental health crisis that young people are facing. With the NEA's leadership, more work is necessary through interagency partnerships to help solve this epidemic.

The arts and humanities touch Americans in so many different ways, and its two cultural agencies provide the leadership necessary to help sustain livable communities for us and our children. Thank you for your consideration of Federal funding for both the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH) at no less than \$211 million each for FY 2025. We also encourage the subcommittee to build a specific path to index funding for each of these two cultural agencies at \$1 per capita.

Americans for the Arts is the leading nonprofit organization for advancing the arts and arts education in America. We have more than 60 years of service and are dedicated to representing and serving the more than 4,500 local arts agencies in every State. Together we work to ensure that every American has access to the transformative power of the arts.

[This statement was submitted by General Nolen Bivens (U.S. Army Ret.), President and CEO.]

PREPARED STATEMENT OF THE NATIONAL FISH AND WILDLIFE FOUNDATION

Thank you for your longstanding support of the National Fish and Wildlife Foundation (NFWF). Created by Congress in 1984, NFWF works to sustain, restore, and enhance the Nation's fish, wildlife, plants and habitats for current and future generations. Many NFWF conservation outcomes also enhance nature-based infrastructure that protects communities from the impacts of flooding, sea level rise, drought, wildfire, and other natural threats. We appreciate Congress's continued bipartisan support for the Foundation and its many programs across the country.

Congress provides Federal funding to NFWF that NFWF leverages with non-federal funds to increase conservation benefits across the country. NFWF applies 100% of the appropriated funding towards on-the-ground conservation projects and does not cover any administrative costs with these funds. These funds support many NFWF conservation programs, including the Monarch Butterfly and Pollinators Conservation Fund that supports work that advances the conservation of the monarch butterfly and other at-risk native insect pollinators, and the Alaska Fish and Wildlife Fund that furthers conservation of species and habitat while supporting communities responding to challenges presented by changing climate and land use in Alaska.

The Foundation appreciates the subcommittee's past support and respectfully requests that the subcommittee recommend the following funding levels for Fiscal Year 2025:

- \$3.0 million provided through the Bureau of Land Management's Management of Lands and Resources appropriation. We also ask that the subcommittee restore the bill text appropriating BLM funds to NFWF to administer in support of BLM's wildlife conservation efforts¹;
- \$7.032 million provided through the U.S. Fish and Wildlife Service's Resource Management appropriation which would be a return to FY23 level and;

¹ Prior to the FY18 spending bill, the appropriations language required BLM to provide NFWF the full amount of appropriated funds. The FY18 appropriation bill changed the law by making the provision of funds to NFWF the discretion of the Director of the BLM and removed the language from the bill which has hindered the two organizations' ability to partner in the most effective manner. We request that the FY17 bill language be restored in the FY25 bill.

—\$3.0 million provided through the Forest Service’s National Forest System appropriation (same funding level as FY 2024).

BUREAU OF LAND MANAGEMENT

The Bureau of Land Management (BLM) has partnered with NFWF for more than two decades to further conservation efforts on BLM lands throughout the United States. The benefits this partnership provides have decreased over the last 5 years, however, as the amount of funding provided for species conservation efforts on BLM lands has decreased. For FY2023, NFWF received \$2,200,000 from BLM which was a decrease from the FY2022 allocation of \$3 million. For FY2021, NFWF received \$800,000. This fluctuating amount of funding creates a lack of certainty for how NFWF can direct Federal funds consistently to conservation programs and is the primary reason we are requesting a return to the FY 2017 language that would provide \$3 million on an annual basis.

NFWF continues to administer programs that benefit BLM lands despite inconsistent amounts of funding. NFWF is focusing the BLM funding within just a few programs where it can have the greatest impact and conservation value. The primary program is the Western Big Game Seasonal Habitat and Migration Corridors Fund which was created by Secretarial Order 3362 that conserves habitat and migration corridors to maintain healthy populations of migratory animals. NFWF works with private landowners, state game and fish agencies and other entities to utilize a voluntary approach that will have the greatest project efficiency and return on investment. Last year NFWF awarded nearly \$1.6 million of BLM funds to projects through this program. To date, the program has awarded \$18.6 million across 76 projects, leveraging \$81.1 million in matching contributions to generate a total conservation impact of more than \$99.7 million. With the Federal funding NFWF receives we generate significant private match funding to further the impact of Federal funds. The Foundation urges the subcommittee to consider restoring earlier funding levels to enable the Foundation to continue its conservation work.

Requested restoration of FY17 BLM Bill Language for FY 2025:

“; of which \$3,000,000 shall be available in fiscal year 2025 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost shared projects supporting conservation of Bureau lands; and such funds shall be advanced to the Foundation as a lump-sum without regard to when expenses are incurred.”

UNITED STATES FISH AND WILDLIFE SERVICE

The United States Fish and Wildlife Service (FWS) has been a trusted partner since NFWF was created by Congress in 1984. Since FY 2020, NFWF has allocated over \$21 million in FWS appropriated funds across 213 projects leveraging an additional \$80 million in additional funding, for a total conservation impact of \$101 million. The funds appropriated to NFWF enable the Foundation to attract private sector funds and enable the Foundation to strengthen public-private partnerships critical to restoring fish, wildlife, eco-system restoration, improving aquatic passage, addressing climate change, and increasing natural processes for immediate carbon sequestration.

The annual appropriation of \$7,032,000 which was reduced to \$5,500,000 in FY24 provides critically important funding that NFWF uses to fully support some conservation programs and to fill important funding gaps in other conservation programs. The approximately \$1.5 million reduction in funding in FY24 will lessen NFWF’s ability to support various conservation programs across the country, including some programs solely reliant upon this appropriations funding. For example, the Alaska Fish and Wildlife Fund (Alaska Fund) is fully dependent on FWS appropriated funds and United States Forest Service (USFS) appropriated funds. For FY23, NFWF directed \$300,000 of appropriated FWS funds to the Alaska Fund but to continue this funding level for the Alaska Fund will require NFWF to decrease funding for other conservation programs that rely in part on these appropriated dollars. The FWS appropriated funds also provide NFWF with flexible funding that is used to support a myriad of programs such as Klamath Basin Restoration, efforts to combat white-nosed syndrome in bats, conservation of Monarch butterfly habitat, and fish passage.

The Foundation appreciates the subcommittee’s past support and respectfully requests that the subcommittee recommend the following funding level for the FY2025 bill:

Requested FWS Bill Language for FY 2025:

“; of which \$7,032,000 shall be available in fiscal year 2025 subject to a match by at least an equal amount by the National Fish and Wildlife Foundation for cost-shared projects supporting conservation of wildlife and other natural resources; and such funds shall be advanced to the Foundation as a lump-sum grant without regard to when expenses are incurred.”

UNITED STATES FOREST SERVICE

Congress has appropriated approximately \$3 million in annual funding to NFWF for partnerships with the United States Forest Service (USFS) since FY 1998. Since FY2020, NFWF has leveraged \$15.0M in USFS appropriated funds across 150 projects into a total of \$68.5 million in on-the-ground conservation impact. We respectfully request that the Committee continue supporting this cost-effective partnership. These USFS funds also support programs such as the Western Big Game Seasonal Habitat and Migration Corridors Program, the Northeast Forests and Rivers Fund, the Southwest Rivers Headwaters Fund which focuses on restoring, protecting, and enhancing aquatic and riparian species and their habitats in the headwaters of the Rio Grande and Colorado River watersheds, and the Alaska Fish and Wildlife Fund for habitat restoration benefitting salmon in southeast Alaska.

Retain US Forest Service Language for FY 25 as with previous years:

“Pursuant to section 2(b)(2) of Public Law 98–244, up to \$3,000,000 of the funds available to the Forest Service may be advanced to the National Fish and Wildlife Foundation in a lump sum to aid cost-share conservation projects, without regard to when expenses are incurred, on or benefitting National Forest System lands or related to Forest Service programs: Provided, That such funds shall be matched on at least a one-for-one basis by the Foundation or its sub-recipients: Provided further, That the Foundation may transfer Federal funds to a Federal or non-Federal recipient for a project at the same rate that the recipient has obtained the non-Federal matching funds.”

ENVIRONMENTAL PROTECTION AGENCY

NFWF has partnered with the Environmental Protection Agency (EPA) since FY 1997 to make grants to States and other grantees within the Geographic Programs appropriation. Therefore, we respectfully support the highest possible funding levels for the Great Lakes Restoration Initiative, Chesapeake Bay, Gulf of Mexico, and Long Island Sound within the EPA Geographic Programs. We also respectfully ask that the long-standing report language that delineates the amount of funding for nutrient and sediment removal grants and small watershed grants within the Chesapeake Bay program be continued (U.S. Senate approved FY 2024 report language is below). Last year NFWF, through its Innovative Nutrient and Sediment Reduction Fund and Small Watershed Grant Fund which together award most of the funding for NFWF's Chesapeake Bay Stewardship Fund, collectively awarded \$43.7m across 92 projects that leveraged \$44.1m of matching funds to create nearly \$87.9m for on the ground conservation impact.

The Foundation appreciates the subcommittee's past support and respectfully requests that the subcommittee recommend the following report language in the FY2025 bill:

Chesapeake Bay.—The Committee recommends \$93,000,000 for the Chesapeake Bay program. From the total amount provided, at least \$10,000,000 is for nutrient and sediment removal grants, at least \$10,000,000 is for small watershed grants to control polluted runoff from urban, suburban and agricultural lands, and at least \$8,000,000 is for State-based implementation in the most effective basins.

NFWF BACKGROUND

NFWF was established by Congress in 1984 to catalyze private investments to conserve fish, wildlife and their habitats. NFWF raises private funds not only to leverage appropriated dollars, but also to support the associated management costs of implementing the appropriated funds. Since its creation by Congress in 1984, NFWF and its partners have funded more than 22,100 grants and supported more than 6,800 grantee organizations. The Foundation's investments since its founding have leveraged matching contributions from grantees and other partners to generate a total conservation impact of \$10 billion.

NFWF remains fully transparent and is required by law to notify Congress 30 days in advance of every grant that exceeds \$10,000 in Federal funds. Details of all

projects awarded during FY 2023 can be found in NFWF's annual investment guide and all NFWF's grants can be found on our website: <https://www.nfwf.org/grants/grants-library>

In FY 2023, NFWF was audited by an independent accounting firm and issued an unqualified report with no material weaknesses identified and no deficiencies identified. This is the FIFTEENTH consecutive year of unqualified audits. In addition, NFWF has continually qualified as a low-risk auditee under OMB guidelines.

Chairman Merkley, Ranking Member Murkowski and members of the subcommittee, we greatly appreciate your continued support and stand ready to answer any questions you or your staff might have.

[This statement was submitted by Will Heaton, Director, External Relations.]

PREPARED STATEMENT OF THE NATIONAL HUMANITIES ALLIANCE

OVERVIEW

For FY 2025, we respectfully urge the subcommittee to consider no less than \$211 million for the National Endowment for the Humanities.

While we recognize the difficult choices that are before this subcommittee, we believe that expanding the capacity of the NEH is essential at this moment in the Nation's history, when the humanities are so needed to 1) build strong communities and foster civic dialogue; 2) preserve cultural heritage, including Indigenous languages; 3) cultivate knowledge of world histories and cultures; and 4) shore up local tourism economies and community institutions.

The NEH has a clear track record of supporting programs that work towards these ends, and additional capacity is needed to ensure that these crucial goals are met around the country. The NEH does not have the capacity to fund many of the highly rated proposals it receives-in FY 2023, 784 applications with high ratings were not funded, amounting to a total of \$67,082,488.

BUILDING STRONG COMMUNITIES AND FOSTERING CIVIC DIALOGUE

NEH funding builds strong, civically-engaged communities through its support of cultural organizations. The agency's grantmaking helps establish and sustain robust community institutions, providing opportunities for learning, empathy, and understanding. The International Storytelling Center in Jonesborough, Tennessee, regularly hosts programs that promote discussion and dialogue. Ninety-three percent of respondents to an NHA survey indicated that they were "motivated to listen to the stories of people whose background was different from their own" after participating in a program featuring the stories of Black Appalachians. Meanwhile, Dialogues on the Experiences of War grants strengthen communities by offering veterans the chance to reflect upon their experiences while building bonds with each other and with civilians. Ninety-nine percent of respondents across eight programs reported a desire to "keep in touch with some of the people [they] met during the program." Programs have been held throughout the U.S. and are tailored to local audiences. In California, San Francisco's Chinese Historical Society of America is hosting a program on Chinese American Veteran experiences, while Cal Poly Pomona's program featured California voices more broadly. In Maryland, Bowie State University's program brings together ROTC cadets, student Veterans, and Veterans from the broader community, while a 2017 program hosted by the University of Maryland was designed for women Veterans.

NEH funding has an especially outsized role in small and rural communities, where it can build and support the infrastructure and programs that are vital to strong communities. Foundational support from the NEH has enabled Bend, Oregon's High Desert Museum to create engaging exhibitions and programs that showcase the region's diverse history. Recently, NEH funding has helped the museum strengthen relationships with and support for local Indigenous populations. In Matewan, West Virginia, NEH funding has proven transformative for the grassroots Mine Wars Museum, enabling it to hire staff, engage with partners and stakeholders, and create events for the local community that explore the region's significance to U.S. labor history and the struggle to unionize the southern coalfields. And in Red Cloud, Nebraska, NEH funding helped the Willa Cather Foundation expand its facilities and programming, having a robust impact on the rural town of 1,000 as both an employer and as an educational and cultural center that hosts theatrical adaptations on Cather's work, children's film screenings, and an annual conference.

PRESERVING CULTURAL HERITAGE, INCLUDING INDIGENOUS LANGUAGES

Our cultural heritage lives in many forms, from presidential letters and great works of art to community archives and endangered languages. It is also vulnerable and requires protection from natural and man-made disasters as well as decay over time. NEH funding is indispensable to ensuring that our cultural heritage is both accessible now and preserved for future generations. The NEH funds documentary editions that make the papers of significant Americans accessible—from The Papers of John Adams and Civil War Governors of Kentucky to New Mexico's Amador Family Correspondence, 1856–1949. In a partnership with the Library of Congress, the agency's *Chronicling America* program is digitizing the historic newspapers of every State. And the NEH helps small and mid-size institutions invest in their own preservation needs. Institutions such as Dothan, Alabama's Wiregrass Museum of Art and the Stillwater Public Library in Oklahoma have used NEH funds to help ensure their collections are protected for the future.

Funding for documenting traditional cultures and endangered languages supports Indigenous people throughout the United States. Through the Dynamic Language Infrastructure-Documenting Endangered Languages (DEL) program, a partnership with the National Science Foundation, NEH funding has preserved and made accessible languages spoken by Indigenous communities, having a profound impact on their way of life. In North Dakota, DEL grants have supported Sitting Bull College's Standing Rock Lakota/Dakota Language Project, including funds for a Master-Apprentice Language Learning Program and to expand an accessible digital language archive. NEH support for the Coeur d'Alene Online Language Resource Center helped create a single, searchable repository for a wide range of language resources, from dictionaries to archival recordings of personal narratives and coyote stories. The NEH additionally supports the documentation and revitalization of Indigenous American languages through its regular grant programs.

CULTIVATING KNOWLEDGE OF WORLD HISTORY AND CULTURES

Established in the midst of the Cold War, the NEH has always provided funding to support research and programs that help Americans understand and engage with timely world issues. From scholarly exchanges with the Soviet Union and Eastern Europe and language institutes in the 1970s to international research support for American scholars and professional development for schoolteachers today, NEH funding supports efforts to understand other nations' languages, cultures, and geopolitical contexts. NEH funding has supported the research and publication of books such as *Treason in Transit: Soviet Defectors and the Borders of the Cold War World* (2022), by Erik R. Scott, and *Iron Curtain: The Crushing of Eastern Europe, 1944–1956* (2013)—among many other works of history that shed light on current events. NEH-supported English translations of Ukrainian literature, including *Words for War: New Poems from Ukraine* (2017) and *The White Chalk of Days: The Contemporary Ukrainian Literature Series Anthology* (2017) bring Ukrainian literature to broader American audiences.

NEH funding also provides high-quality education on world affairs for school teachers and college educators. Using the Holocaust as a case study, Kean University's 2021 two-week seminar "The Search for Humanity after Atrocity" helped higher education faculty integrate atrocity studies into their research and curricula. A 2016 program for K–12 educators, hosted by Ferris State University, explored U.S.–Russian/Soviet relations from 1776 to the present. Moreover, from 2013–2018, a series of NEH grants helped community colleges throughout the U.S. integrate the study of world cultures into their curricula. These programs included content on Latin America, Asia, Russia, Eastern Europe, and the Middle East, among other topics.

BUILDING LOCAL TOURISM ECONOMIES AND SHORING UP COMMUNITY INSTITUTIONS

NEH funding catalyzes growth in local tourism economies and shores up local institutions so that they can continue serving their communities. A series of grants to the Dubuque County Historical Society, in Iowa, helped the organization transform from a small, regional museum into a world-class institution dedicated to the Mississippi River and its history—one that contributes more than \$10.5 million per year to the local economy. NEH support has also proven crucial to Thomas Jefferson's Monticello, which is an important economic driver in its Virginia region: 50 percent of the site's 400,000 annual visitors stay in a hotel for at least one night, contributing no less than \$13.1 million to the local economy.

Humanities organizations play a crucial role in their communities, and NEH funding helps ensure their financial stability and longevity. From offering COVID

relief funding to New Hampshire's Currier Museum of Art, to supporting Appalshop following historic flooding in Kentucky, NEH funding helps cultural organizations survive times of crisis. NEH funding also offers crucial financial support necessary for accomplishing the more mundane tasks that private funders often overlook, such as replacing the roof on Libby, Montana's Heritage Museum or upgrading HVAC systems and improving ADA compliance at Detroit's Opera House.

[This statement was submitted by Stephen Kidd, Executive Director, National Humanities Alliance.]

PREPARED STATEMENT OF THE NATIONAL INDIAN HEALTH BOARD

On behalf of the National Indian Health Board (NIHB) and the 574 sovereign federally recognized American Indian and Alaska Native (AI/AN) Tribal nations we serve, thank you for the opportunity to provide testimony on the Indian Health Service (IHS) for FY 2025. Tribal nations have a unique legal and political relationship with the United States. Through its acquisition of land and resources, the United States formed a fiduciary relationship with Tribal nations whereby it has recognized a trust relationship to safeguard Tribal rights, lands, and resources.¹ In fulfillment of this Tribal trust relationship, the United States "charged itself with moral obligations of the highest responsibility and trust" toward Tribal nations.² In the enactment of the Indian Health Care Improvement Act (25 U.S.C. § 1602), Congress imposed upon itself the duty to provide the highest possible health status of Indians and provide the IHS with all resources necessary to effect that policy. Each year, the IHS National Tribal Budget Formulation Workgroup (NTBFWG), through Tribal input from the 12 IHS Areas, creates a budget recommendation to meet Indian Country's health needs. Unfortunately, Tribal communities continue to be underfunded and remain in a health crisis despite these efforts.

THE INDIAN HEALTH SERVICE

For FY 2025, the NIHB supports the request of the NTBFWG for IHS in the amount of \$53.8 billion for IHS, as a mandatory funded program. This includes full amount estimates for all services, facilities and improvements needed to bring the Indian health system up to the same standards as the U.S. population. Top ranked priorities of the workgroup are hospitals and health clinics, purchased/referred care, alcohol and substance use and mental health, and the Indian Health Care Improvement Fund (IHCIF). In facilities the workgroup recommends maintenance and improvement, healthcare facilities construction, and sanitation facilities construction.³

For the first time in FY 2024, the Appropriations Committees needed to cut IHS accounts to make room for growing Contract Support Costs and Section 105(l) Lease Payments. Without a mandatory IHS budget as the NTBFWG has proposed, the costs for these accounts must come from within the discretionary caps placed on the budget. With an already dramatically underfunded health system and the rising costs of providing health care nationwide, there is little room for crimping to accommodate these increasing costs. The accounts which bore the brunt were facilities and the electronic health record line-item. This of course is also compounded on top of years of sub-inflationary increase the Agency's budget has weathered, diminishing Services purchasing power for years. These types of cuts impact the health status of American Indians and Alaska Natives.

According to the Indian Health Service and Tribal Health Care Facilities' Needs Assessment Report to Congress, the need for facilities funding remains enormous. In 1992, the IHS established its current new construction priority list. Of the original 27 facilities on the list, over 30 years later, seven remain to be fully funded. The IHS hospitals now average 39 years of age, over three times older than the average age of U.S. not-for-profit hospitals (which is 11.5 years). Aging facilities risk code non-compliance, lower productivity, and compromises for health care services. Put another way, at the existing replacement rate, a new 2021 facility would not be replaced for 290 years.

Last year, the Centers for Disease Control and Prevention reported that life expectancy for AI/ANs has declined by nearly 7 years, and that our average life expectancy is now only 65 years-equivalent to the Nationwide average in 1944.

¹ *Worcester v. Georgia*, 31 U.S. 515 (1832).

² *Seminole Nation v. United States*, 316 U.S. 286, 296–97 (1942).

³ The NTBFWG's detailed request can be found here: https://www.nihb.org/government-relations/budget_formulation.php

[This statement was submitted by The cuts also impact the roll out of significant enterprise-level operation and systems changes, such as the new electronic health record system IHS is adopting. Without consistent funding for such important high-level programs, systems transitions can become marred by stalls, leadership changes, and implementation delays. The IHS budget is already dramatically underfunded as evidenced by the NTBFWG's fully funding estimates, but when additional cuts to critical accounts and line items occur, it only sets the Indian health system back further.

RECLASSIFY CONTRACT SUPPORT COSTS (CSC) AND SECTION 105(L) AS MANDATORY

The Indian Self-Determination and Education Assistance Act (ISDEAA) requires IHS to compensate Tribes for CSC and Section 105(l) leases thus making these payments legally mandatory. Congress provides "such sums as may be necessary" to meet these obligations but does not account for them as mandatory spending in the budget. Since the payments are provided through discretionary spending it means that annual increases mostly go to these two accounts, leaving all other programs in IHS, Bureau of Indian Affairs (BIA), and Bureau of Indian Education (BIE) budget flat-funded.

Congress intended for these payments to be mandatory when ISDEAA was first enacted. The Supreme Court upheld these payments as mandatory obligations. Appropriations Committees have cited this issue for nearly a decade and call on a solution, including reclassification of these accounts as mandatory. IHS has also consistently included this solution in their budget and this approach has been endorsed in the Committee report language throughout the years.

Congress can reclassify these accounts by simply coming to an agreement on how to score them with the Budget Committees, Congressional Budget Office, and OMB, as official scorekeepers. We believe that no changes in law are necessary—there merely must be an agreement on record stating whether the payment is a mandatory or discretionary obligation of the United States.

Now more than ever, this transition is critical. In FY 2024, 105(l) leases increased by 34.2 percent and CSC increased by 8.4 percent, whereas the total increased funding for IHS was only 0.05 percent. In fact, it was the first year where we saw actual IHS budget cuts—cuts from essential services and facilities—to fund these mandatory obligations. IHS funding last year did not even keep up with inflation, which is estimated to be 3.1 percent according to the Consumer Price Index. The U.S. Supreme Court is currently considering a case that could have major implications on the funding obligations from CSC. The court is expected to soon rule on *Becerra v. San Carlos Apache Tribe* and *Northern Arapaho Tribe* which could significantly increase the obligations for CSC in coming years. In today's funding model, it is unclear where this funding would come from.

We are also cognizant that in FY 2025 the Appropriations Committee will have to work under the discretionary budget limits set forth by the Fiscal Responsibility Act (FRA) (Public Law 118–5) which will provide a maximum of \$710.688 billion for nondefense programs; this is only 1 percent over FY 2024. All other programs being equal, this would not leave room for IHS to fully fund CSC and 105(l) leases (if the increases next year are similar to what they were in FY 2024) without cuts to other areas of the IHS budget. Furthermore, it would impede the ability of the Appropriations Committee to fund staffing, inflation and population growth, let alone much needed program expansion. With these growing costs, the Interior subcommittee would need a dramatic increase in its 302(b) allocation to avoid cuts to other critical programs funded by the subcommittee. The time to move these costs to mandatory is now.

TOWARDS FULL AND MANDATORY FUNDING FOR IHS

In addition to the transition of CSC and Section 105(l) Lease Payments to mandatory, the NTBFWG has recommended all IHS funding transition to mandatory appropriations. The recommendation includes the full funding estimate developed by the NTBFWG, \$53.8 billion for FY 2025. IHS funding should be provided for through direct appropriations with adjustments for inflation and population growth in an allocation mutually agreed to by Indian Tribes. These steps will secure the future of the Indian health system and meet the treaty and trust obligations of the Federal Government to provide for the health of AI/ANs. Until then, the provision, preservation, and enhancement of IHS advance appropriations is necessary.

For the first time, IHS was provided advance appropriations in the FY 2023 Consolidated Appropriations Act (Public Law 117–328). Proving the life-saving and cost-saving value of this authority in its first budget cycle, IHS and the Tribes were able to receive full-year appropriation starting on October 1, 2023 for FY 2024 for the

first time in almost a decade. Advance appropriations is allowing IHS and Tribes to focus on implementation and execution of the core mission, instead of partial year budgets and reconciliations. Continuation of advance appropriations for IHS is imperative, however, not all IHS accounts and line items are included. All IHS accounts must be included in the advance appropriations as well as increases year-to-year that adjust for inflation, population growth, the IHCIF, and other necessary programs. Until IHS spending is mandatory, securing advance appropriations for every account in the IHS budget is critical to the health of every Tribal community in Indian Country.

REFORMING FEDERAL FUNDING AND SUPPORT FOR TRIBAL NATIONS TO BETTER EMBRACE OUR TRUST RESPONSIBILITIES AND PROMOTE THE NEXT ERA OF TRIBAL SELF-DETERMINATION

On December 6, 2023, President Biden signed into law Executive Order (E.O.) 14112 marking the continuation and further advancement of the administration's historic commitment to uphold the Nation's treaty and trust obligations to Tribal Nations and their citizens. Further, the Executive Order reiterates the United States' commitment to protect and support Tribal sovereignty and self-determination.

The Executive Order also directs the head of each agency to design, revise, provide waivers for, and otherwise administer Federal funding and support programs for Tribal Nations to achieve objectives such as, compacting and contracting, funding for programs to allow Tribal set-asides, designing application and reporting criteria that reduces administrative burdens, and increasing the flexibility of Federal funding Tribes receive.

At its core, E.O. 14112 recognizes three things: Tribal Nations have long-standing legal rights recognizing their inherent sovereignty; the United States owes a duty to Tribes that has not been met; and Federal agencies have authority to make meaningful change and progress toward meeting those obligations, doing so in collaboration with the sovereign nations they seek to serve. We hope that Congress will also recognize the principles outlined in E.O. 14112 as it makes FY 2025 funding decisions.

HHS PROGRAM FUNDING AND REPORT LANGUAGE REQUESTS

Due to the restrictions in the Interior Appropriations subcommittee's 302(b) allocation, and increasing CSC and 105(l) leases, the most likely and needed funding is from other operating divisions at the Department of Health and Human Services (HHS). As current law States and reiterated in E.O. 14112, all Federal agencies have a Federal trust responsibility to provide for Tribal nations. However, most agencies, including HHS, do not provide any significant, broad-based, dedicated funding to Tribal nations despite significant support to States, localities, and territories.

HHS consistently provides funding in the form of competitive grants, block grants to States only, and complicated overburdensome administrative procedures and reporting requirements that only serve to exclude the vast majority of Tribal nations. Those that get funding have a higher administrative capacity, the workforce to handle the significant reporting requirements, and likely receive more funding than Tribes who don't have this type of infrastructure. This increases a vicious cycle where those without resources continue to remain so.

CDC has engaged with States and localities for decades on this work, with nominal support to Tribal nations. Through COVID-19 supplemental funding IHS received limited funds to assist with public health capacity building. However, Congress took almost \$800 million of that funding away through the Consolidated Appropriations Act, 2024 (Public Law 118-42) and the Fiscal Responsibility Act (Public Law 118-5). We call on the Appropriations Committee to end this epidemic of invisibility in the public health system by supporting Tribal nations beyond the IHS.

In recognition of new Executive Order and the constraints on Congress in the FY 2025 budget, particularly on the Interior, Environment, and Related Agencies budget, we are recommending further report language and increases for Tribal set-asides within the Labor, Health and Human Services, Education, and Related Agencies budget. We urge this subcommittee to communicate the constraints on Tribal programs and the shared responsibility of the Federal trust responsibility.

CONCLUSION

The IHS budget faces many pressures to meet the Federal treaty and trust obligations to Tribes in such a constrained fiscal environment. This subcommittee can make critical changes to the IHS budget, which are budget neutral and take pres-

sure off the Interior budget and the IHS. Moving CSC and Section 105(l) Lease Payments, providing for full advance appropriations, and supporting expansion of Self-Governance and Tribal Support beyond the IHS can dramatically improve the outlook for Tribes without breaking a budget cap. This subcommittee can break the cycle of inequity. We thank you for the opportunity to provide testimony and look forward to working with you for the betterment of Tribal nations.

[This statement was submitted by William Smith (Valdez Native Tribe), Chairman, National Indian Health Board.]

PREPARED STATEMENT OF NATIONAL PARKS CONSERVATION ASSOCIATION

Chairman Merkley, Ranking Member Murkowski and members of the subcommittee, thank you for the opportunity to submit testimony on behalf of National Parks Conservation Association (NPCA). Founded in 1919, NPCA is the leading national, independent voice for protecting and enhancing America's National Park System for present and future generations. We appreciate the opportunity to provide our views regarding the National Park Service (NPS) FY25 budget and provide commentary on related accounts and issues. We call for a \$250 million increase for the Operation of the National Park System; \$17 million for the Housing Improvement Program; \$32 million for the National Heritage Area program; and support for other accounts without specified recommended amounts.

INCREASE THE OPERATION OF THE NATIONAL PARK SYSTEM (ONPS) BY \$250 MILLION

This account remains NPCA's highest priority and critically needs a significant increase, in particular after the damaging cut in FY24. We respect your allocation will be limited this year and there are many competing priorities. We know you will have to make difficult decisions; at the same time, we also urge you to recognize the importance of helping our parks operate more capably. ONPS has been described as the "bread and butter" of our National parks, providing critical funding for personnel and other operational needs. It is the core funding that allows national parks to meet their mission protecting the world-class cultural and natural resources for which these places were designated, and to ensure the safety and enjoyment of the visiting public that collectively own them. Unfortunately, because the ONPS has not kept up with needs, NPS continues to struggle with insufficient staff and other operating needs due in part to the impact of uncontrollable fixed costs that has been a contributor to the long-term erosion of staffing levels.

Prior to this year, parks and supporting offices were already struggling with understaffing due to the impact of uncontrollable fixed costs that include staff Cost of Living Increases and pay raises, rental payments, the Departmental Working Capital Fund, unemployment compensation and more. Outside of more significant appropriated increases in FY16 and FY23, appropriated ONPS funding increases over the last decade have been largely insufficient to provide for these fixed costs. As a result, superintendents have become accustomed to letting positions lapse and making other hard decisions to absorb these costs. As a result, between 2012 and 2022, NPS lost nearly 3,000 staff (in FTES, or full-time equivalent staff).

The disappointing ONPS appropriation in FY24—the account's first cut in a decade—is making this year even more challenging. The Interior, Environment and Related Agencies appropriations bill cut park operations by \$35 million, but this cut was compounded by the forced absorption of more than \$120 million in fixed costs—a significant amount this year due to the mandatory 5.2% Federal pay raise. As a result, appropriators in recent budget hearings have been appropriately expressing concern that this will mean fewer visitor services during the busy season. Resource protection will suffer as well, making it that much harder for parks to meet their mission. A \$250 million ONPS increase would provide for an estimated \$44 million in fixed costs and ensure a program change of a little more than \$200 million that would ensure modest, direly needed increases across hundreds of NPS units.

An ONPS increase is needed to help with high visitation and climate change adaptation: NPS understaffing is being compounded by record visitation increases. Between 2012 and 2022, NPS gradually lost 13% of its staff capacity. Meanwhile, visits to NPS sites grew by 10 percent. Superintendents regularly report staffing constraints that are compounded by often double-digit percentage increases in visitation. Staff commonly cover multiple collateral duties. It is not uncommon to have, for example, interpretive staff addressing increased restroom use or law enforcement assisting with cars in parking lots. As a result, other needs go unaddressed. Natural and cultural resource protection, research and monitoring, programming, and other services central to parks meeting their mission go unaddressed or delayed

indefinitely. NPS is addressing the visitation challenge in many parks with timed entry, permits, and related tools. However, they all require staffing and resources that take away from other needs.

Our national parks are also on the front lines of climate change, between storm surges, wildfire risks, and threatened wildlife habitat and irreplaceable cultural sites. Helping our parks adapt to a changing climate requires funding. These investments can be made across diverse subaccounts within park operations, including Cultural and Natural Resource Stewardship. Among other climate-related needs, funding is vital to relocate facilities threatened by erosion and storm surges, combat invasive species, address catastrophic wildfires, provide critical air and water quality monitoring and otherwise inventory and monitor cultural and natural resources to identify threats and develop adaptive management strategies. Management planning is needed in many areas including related to climate and increased visitation.

ONPS support for cultural resource management is needed: As we outlined in our recently released Cultural Resource Challenge for the National Park Service, the ability for NPS to staff its cultural resource operations has fallen significantly and disproportionately over the years. Inventory and monitoring, climate-related needs, museum collections and more are all overdue for added investments. A significant shortfall in cultural resources funding has undermined the agency's ability to plan and manage the resources in their care. It is difficult to impossible to care for these resources when NPS has not been able to even properly inventory the resources they are tasked with stewarding. FY25 is an opportunity to help meet these needs and highlight the importance of NPS' world-class, nationally significant cultural and historic resources. Our cultural resource report calls for investments in: a professional cultural resource stewardship workforce; historic research; cultural resource inventory and monitoring; the Cultural Resource Project Budget; collections management; and museums collections digitization.

New park units: We commend this committee for historically supporting more recent NPS designations. NPCA has advocated for these new units that better protect and interpret America's diverse history. We encourage continuing fiscal support as well as highlighting in the bill's Explanatory Statement the importance of these units, such as Birmingham Civil Rights National Monument, Blackwell School National Historic Site, and Amache National Historic Site.

Management Planning capacity is needed. Planning is not happening at the pace needed to guide park decision-making; this becomes more of an issue when considering the dual and intersecting challenges of climate change and skyrocketing visitation at many parks. NPS must be equipped to successfully respond to rapidly evolving and increasing visitor use. We urge investments to conduct research and prepare and implement visitor use management plans to address rising use and its threat to visitor safety and resources. NPS needs staff and resources to collect baseline data on visitation and resource conditions to inform visitor use management planning processes; enhance NPS' capacity for conducting good social science and using it to guide visitor use management planning and adaptive management; study the application of recreation ecology science in visitor use management planning; and support mechanisms for gateway communities and other public land management agencies to collaborate and conduct coordinated regional visitor use management planning. NPS can also improve its communications systems to reach new and underrepresented communities.

Great American Outdoors and appropriated maintenance and repairs: The Great American Outdoors Act's Legacy Restoration Fund (LRF) is funding hundreds of projects across the country that are successfully repairing park infrastructure. We commend your support for and oversight of this important program and ask that members of this committee support legislation to extend the LRF for at least an additional 5 years at current levels. We are hopeful authorizing legislation will be introduced in the coming months. We also encourage you to support cyclic maintenance, repair and rehabilitation and line-item construction to address the \$23 billion deferred maintenance backlog and ensure the day-to-day maintenance that can reduce the growth of the backlog. We are disappointed with the levels in the president's budget for these appropriated accounts and encourage you to provide more if your allocation allows.

NPS Housing: Unfortunately, the lack of affordable housing facing countless Americans has been taking a toll on NPS' capacity to house its employees. Rent and home sale prices have increased prohibitively so that as staff who have long served parks retire, new incoming staff cannot afford to live near parks. In absence of decent housing within a reasonable commuting distance and with limited housing stock in parks, prospective park employees turn down jobs and superintendents struggle to fill positions even when funds are available. NPCA is discussing with partners, congressional offices and NPS the varied options for trying to address this

housing crisis; however, additional funding would clearly be helpful in addressing some of these needs. Accordingly, we commend the committee for its \$4.7 million increase in FY23 for the NPS housing program and its maintenance of that \$7.9 million level in FY24. We ask the committee to support the president's budget level of \$16.9 million for this important account in FY25.

Heritage Partnership Program: This program supports National Heritage Areas (NHAs) in dozens of communities throughout the country. NHAs are strong examples of truly effective public-private partnerships established in support of conservation and preservation values. NHAs allow local experts to better protect and interpret stories and resources that are regionally distinct and nationally significant. The Federal funding NHAs receive must be matched 1:1 with money from a non-federal source. The NHA system was formalized through legislation at the end of the last Congress, so this subcommittee's maintenance of the \$29 million funding level for this small but mighty program is commendable. We urge you to reject the president's proposed cut and urge you to provide level funding at a minimum. A modest increase to \$32 million could ensure that every NHA has at least \$500,000 in funding, that NPS guidelines and performance benchmarks are met, and that the program can support new NHAs and NPS management.

Historic Preservation Fund: NPCA supports this important program that provides support for cultural resource protection in communities throughout the country, so were disappointed in the significant cut in FY24 and poor funding levels proposed in the president's budget. We support increasing this fund with a particular eye towards the Tribal Historic Preservation Offices (THPOs) that have long been underfunded. We commend the committee's increase for these grants-in-aid to Tribes in FY23. This increase raised the average for each THPO to \$100,000, which is helpful, but these offices are expected to respond to thousands of consultation requests. We encourage an increase specifically for these THPOs to help meet preservation responsibilities under the National Historic Preservation Act and protect important artifacts.

Investments are also needed for related agencies that support the health of park resources and communities. We commend the committee's work to better invest in the many agencies and programs that support wildlife, clean air and water in our parks and help research and address climate change. Park wildlife, for example, benefit from US Fish and Wildlife Service funding. We urge the committee to make significant investments in the protection and recovery of our most vulnerable species, including the more than 600 threatened and endangered plants and animals in national parks. The US Fish and Wildlife Service needs robust funding for Endangered Species Act programs. Investments in EPA's Geographic Programs are critical for restoring and maintaining the health of the Great Lakes, Chesapeake Bay and other waterways and ecosystems in and surrounding national parks. There are many important investments the committee can continue to make that helps our parks adapt to climate change. For example, USGS Climate Adaptation Science Centers are critical to support climate science that benefits our National parks and their ecosystems.

We urge the committee to support supplemental disaster relief funding for NPS. Catastrophic weather events-increasingly related to climate change-cause massive harm to park communities and infrastructure. We commend the \$1.5 billion investment in NPS disaster relief in FY23, which will address the damage to numerous parks from flooding, hurricanes, wildfires, and more. The nondefense supplemental bill introduced in October 2023 included \$395 million for disasters at numerous parks. This includes the Hurricane Ridge day lodge at Olympic National Park and numerous national park sites in California, in addition to historic resource damage due to the wildfires in Maui. Since then, Acadia National Park has seen at least \$20 million in damage from two back-to-back storms in January 2024 and Big Thicket National Preserve has recently joined surrounding communities in suffering from recent flooding. These disasters and any others this year should be included in a disaster supplemental package that we hope can move forward in the coming months to provide not only for the countless communities impacted by climate change-related and other disasters, but also our National parks. We urge members of this subcommittee to support this funding when an opportunity arises.

Policy riders: The FY24 Interior bill included hundreds of riders that would have damaged national parks, their wildlife and clean air and water. We applaud the stripping of these riders in conference and urge that the underlying bill in FY25 does not contain damaging riders.

[This statement was submitted by John Garder, Senior Director of Budget and Appropriations, National Parks Conservation Association.]

PREPARED STATEMENT OF THE NATIONAL TRIBAL CONTRACT SUPPORT COST
COALITION

The National Tribal Contract Support Cost Coalition is a voluntary organization of 21 Tribes and inter-Tribal organizations located across 13 States, which collectively operate over one billion dollars in Indian Health Service (IHS) and Bureau of Indian Affairs (BIA) programs on behalf of over 250 Native American Tribes.¹

The Coalition was launched in 1996 to press Congress and the agencies to honor the Government's legal obligation to add contract support cost funding to every contract and compact awarded under the Indian Self-Determination Act (ISDA). During this same period, Tribes across the country launched massive litigation that eventually led to two Supreme Court victories cementing the Government's duty to pay contract support costs in full: *Cherokee Nation v. Leavitt* (2005) and *Salazar v. Ramah Navajo Chapter* (2012). In the wake of those victories, this Committee adjusted the appropriations process going forward to recognize the mandatory nature of these contract payments, based upon agency reports on the amounts required to fully reimburse the Tribes.

But IHS understated the amounts required to fully reimburse the Tribes and it continued to underpay them, leading to a third round of litigation culminating in *San Carlos Apache Tribe v. Becerra*, now pending before the Supreme Court. I will address this case today because a Court decision against IHS in the San Carlos case will require a significant adjustment to Tribal contract support cost payments going forward, and because IHS has to date failed to advise this Committee about the true magnitude of its contract support cost obligations to the Tribes.

The core issue presented in the San Carlos case is whether Congress in the ISDA required IHS to reimburse Tribal overhead costs for running the entire "Federal program" that IHS turns over to Tribal operation, including the portion of that program that IHS (and now Tribes) fund with "program income"—principally third-party revenues that IHS and Tribes generate from providing services to patients eligible for Medicare, Medicaid and private insurance. As IHS has frequently told this subcommittee, in some IHS service units third-party revenues fund over 60 percent of healthcare operations (with agency appropriations funding the balance), and tribally operated service units equally rely on these same collections to sustain the contracted Federal programs.

Contrary to the ISDA (as we see it), IHS has been unlawfully reducing its CSC reimbursements to ensure no overhead is paid to support the third-party revenue-funded portion of each contracted program. At the same time, since third-party revenues are a large part of IHS's own operations, IHS's overhead, including its HR and IT operations, supports all of its third-party funded personnel and expenditures. IHS has been wrong to treat Tribes differently by excluding from its CSC reimbursements the portion of Tribal overhead costs associated with spending third-party collections.

In the San Carlos litigation, IHS irresponsibly asserted that the total additional cost of covering overhead associated with program income spending would be between \$800 million and \$2 billion. But in March, government counsel was forced to admit before the Supreme Court that this estimate was overstated, and that IHS had no reliable estimate of the amount of its annual underpayment to the Tribes. It also mixed up the issue of annual CSC reimbursements (which this committee will address) with damage awards for past underpayments (which Treasury will address through the Judgment Fund). This Committee needs an honest assessment of the added costs needed to fully fund Tribal contract support costs going forward. We therefore respectfully request that the Committee direct IHS, on an urgent and immediate basis, to engage in Tribal consultation on this issue over the next 90 days. We also respectfully suggest that the Committee ask the General Accountability Office to undertake a stratified statistical sampling to facilitate this process.

Other issues also remain which warrant this Committee's attention.

¹ The Coalition members are the Alaska Native Tribal Health Consortium (AK), Arctic Slope Native Association (AK), Central Council of Tlingit & Haida Indian Tribes (AK), Cherokee Nation (OK), Chickasaw Nation (OK), Choctaw Nation (OK), Citizen Potawatomi Nation (OK), Confederated Salish and Kootenai Tribes (MT), Copper River Native Association (AK), Forest County Potawatomi Community (WI), Kodiak Area Native Association (AK), Little River Band of Ottawa Indians (MI), Muscogee (Creek) Nation (OK), Pueblo of Zuni (NM), Riverside-San Bernardino County Indian Health (CA), Shoshone Bannock Tribes (ID), Shoshone-Paiute Tribes (ID, NV), Southeast Alaska Regional Health Consortium (AK), Spirit Lake Tribe (ND), Tanana Chiefs Conference (AK), Yukon-Kuskokwim Health Corporation (AK), Northwest Portland Area Indian Health Board (43 Tribes in ID, WA, OR), and the Ysleta del Sur Pueblo (TX).

MANDATORY APPROPRIATION

The Coalition renews its request that all contract support cost and section 105(l) lease accounts be moved to the mandatory side of the budget to ensure these vital funds remain available and are timely paid. Language to accomplish this result has been shared with the Committee.

THE RECONCILIATION PROCESS AND DIFFICULTIES WITH CURRENT BILL LANGUAGE

As we noted last year, current bill language concerning contract support cost significantly differs for the BIA and IHS. Bill language for the BIA (but not IHS) States that CSC appropriations shall only be “available for obligation” during the current fiscal year, impeding the BIA’s ability to access the appropriation to reimburse additional audited amounts found due after the fiscal year has closed. The BIA language on this score should match the IHS language.

Conversely, bill language for IHS (but not the BIA) States that unspent funds “shall be applied to contract support costs due” in “subsequent years”—necessitating an additional process to determine exactly how much is available to cover a future year’s CSC obligation. This language may be responsible for the fact that IHS (but not the BIA) has built up a massive post-fiscal year “reconciliation” process that leaves the books open on every Tribal contract until audits and indirect cost rate agreements for each year are completed. Many Tribal overhead costs therefore go unreimbursed for up to 6 years, leading to additional Tribal claims against IHS.

The IHS reconciliation process is contrary to standard practice for calculating and paying contract support costs. Both agencies calculate and pay contract support costs—mostly indirect costs—based on an indirect cost rate that can be up to 3 years old. This provides flexibility in case audits are late, or—as has often been the case in recent years—the rate-making agencies are late. Either way, the goal should be to pay contract support costs based upon the best available data, and to then move on to the next year. IHS’s “reconciliation” practice does not facilitate Tribal self-determination and self-governance, and each year it costs millions of dollars in man-hours for the agency and the Tribes combined. It also complicates Tribal accounting and indirect cost negotiations as adjustments are made years after the books are already closed. Similarly (and as also mentioned earlier), the BIA’s practice of recalculating “direct” contract support costs every year differs from IHS practice and should be discontinued because it leads to recurring and unacceptable delays on contract payments.

Attached to this testimony is suggested bill language that would make the CSC provisions uniform and eliminate the need for any reconciliation process.

PAYMENT DELAYS

The BIA and the DOI Office of Self-Governance consistently fail to timely disburse contract funds to contracting and compacting Tribes. Unlike other government contractors, Tribes are left to wait months, some years, before they receive payment. Last year we noted that one Region failed to make any CSC payments to its Tribes. Meanwhile, OSG holds back what should be recurring contract payments until late in the fiscal year, then threatens Tribes with no payment if information demanded in August is not promptly provided.

These are government contracts, and forcing Tribes to file claims in order to be paid is unacceptable. A number of Tribes have called for penalties on agency personnel who fail to make timely payments.

IHS MISCONDUCT IN REDUCING CSC PAYMENTS

Last year we noted that IHS had unlawfully reduced contract payments to a Navajo ISDA hospital contractor based upon a flawed case known as *Cook Inlet Tribal Council v. Dotomain*, 10 F.4th 892 (D.C. Cir. 2021). Although this misconduct was quickly remedied in *Fort Defiance Indian Health Board v. Becerra*, 604 F.Supp.3d 118 (D. NM 2022)—and after the agency’s own hearing officer also ruled against the agency—a better answer would be enactment of H.R. 409.

H.R. 409 would not require IHS to pay any sums that IHS does not already pay, and the flaw in the Cook Inlet decision is this: the D.C. Circuit Court of Appeals concluded that costs which IHS “normally” incurs in its direct operation of a program are not eligible for reimbursement as contract support costs. But IHS has for decades reimbursed Tribal costs that IHS “normally” incurs too, like human resource (HR) costs and costs to cover management and planning, utilities, financial management, housekeeping and janitorial services, building and grounds maintenance expenses, general support services, property management repairs and maintenance, records management, data processing (information technology, or IT) and of-

face services. Requiring that IHS continue to reimburse these costs precisely as it has in the past will not cause any increase in outlays, which is why H.R. 409 is a reasonable and measured response to the flawed Cook Inlet decision.

REMAINING ISSUES

Two other important issues warrant brief comment.

—Untimely CSC Reporting. Neither agency is honoring its duty to timely report to Congress on the execution of its contract support cost obligations. See 25 U.S.C. § 5325(c). IHS and BIA reports are several years behind.

Reporting assures accountability. The Coalition requests that the Committee reinforce the agencies' CSC reporting obligations.

—IHS replacement of contracts with grants. The IHS practice of awarding new Indian healthcare funds as grants instead of adding them to existing contracts and compacts bypasses the ISDA's CSC obligation while also adding unnecessary grants management overhead costs. The practice needs to end.

Prior to FY 2012, IHS transferred earmarked domestic violence and methamphetamine and suicide prevention (behavioral health initiative) funds through compacts and contracts. But a few months after the 2012 Supreme Court decision in *Ramah*, then-Director Roubideaux reversed course and demanded that grant instruments be used. Without CSC reimbursements, Tribes were then compelled to divert program funds to cover overhead costs, while also incurring new overhead costs to comply with special and different grant management rules.

Six years ago this Committee pressed IHS to return to the pre-2012 practice of transferring these and similar funds through compacts and contracts. IHS launched, stalled, then relaunched a Tribal consultation on the matter, only to let the matter die.

The Coalition respectfully requests that the Committee add bill language for FY 2025 mandating the transfer of substance abuse, opioid, domestic violence, suicide prevention, and other targeted funds to Tribes through their ISDA contracts and compacts.

Thank you for the opportunity to offer this testimony on behalf of the National Tribal Contract Support Cost Coalition.

[This statement was submitted by Lloyd B. Miller, Sonosky Chambers, Sachse, Miller & Monkman LLP Counsel to the National Tribal Contract Support Cost Coalition.]

PREPARED STATEMENT OF THE NATIONAL TRUST FOR HISTORIC PRESERVATION

I appreciate the opportunity to present the National Trust for Historic Preservation's recommendations for FY 2025 appropriations. My name is Shaw Sprague, and I am the Vice President of Government Relations. The National Trust is a privately funded nonprofit chartered by Congress in 1949. We work to save America's historic places to enrich our future.

Thank you for considering recommendations made by the National Trust. We look forward to continuing our work with this subcommittee as you address the ongoing need for investments to sustain our Nation's rich heritage of cultural and historic resources that also generate lasting economic and civic vitality for communities throughout the Nation. We offer our gratitude for your longstanding support for preserving America's special places.

Our annual report, "The Preservation Budget: Select Preservation Priorities for FY 2025 Appropriations,"¹ includes more information on the programs identified below, including funding levels over time and many remarkable recent examples of program successes.

National Park Service: Historic Preservation Fund. The HPF is the principal source of funding to implement the Nation's preservation programs. This critical program saw six successive historic funding levels, until FY 2024. While this recent investment in the HPF has facilitated innovative and impactful historic preservation work across the country, additional appropriations are needed to ensure a more

¹ <https://savingplaces.org/preservation-funding-priorities>

complete historic narrative is preserved for future generations and lesser-known places of historic and cultural significance may continue to enrich our communities.

HPF funding supports fundamental preservation activities such as survey, nomination of properties to the National Register of Historic Places, public education, and project reviews required for Federal Historic Tax Credit (HTC) projects. Among many highlights, we would like to emphasize the subcommittee's sustained support for the African American Civil Rights grants program to preserve and highlight sites and stories associated with securing civil rights for All Americans. We would also like to highlight the extraordinary impact Paul Bruhn Historic Revitalization Grants have in fostering economic development in our Nation's rural communities. The competitive grant programs within the HPF are having a transformative impact in communities throughout the country and these investments are helping preserve a broader historic narrative while revitalizing communities and creating local jobs. State and Tribal historic preservation offices are at the forefront of protecting our Nation's historic and cultural resources and are consistently asked to do more with less funding. The National Trust strongly supports addressing this unmet financial need.

We respectfully request that Congress provide a total FY 2025 HPF appropriation of \$225 million. Within that funding, we recommend:

- \$70 million for State Historic Preservation Officers (SHPOs)
- \$34 million for Tribal Historic Preservation Officers (THPOs)
- \$28 million for competitive grants to preserve the sites and stories of efforts to advance African American Civil Rights
- \$7 million for the History of Equal Rights Grants program to preserve the sites and stories associated with securing civil rights for All Americans, including women, American Latino, Native American, Alaska Native, Native Hawaiian, and LGBTQ Americans
- \$13 million for grants to Historically Black Colleges and Universities to preserve and rehabilitate historic buildings
- \$40 million for Save America's Treasures grants
- \$17 million for Paul Bruhn Historic Revitalization grants
- \$5 million for Underrepresented Community grants
- \$11 million for Semiquincentennial Grants program

National Park Service: National Networks. The NPS manages five national networks around important themes in American history: African American Civil Rights, the Underground Railroad Network to Freedom, the Reconstruction Era, World War II Heritage Cities, and Japanese American World War II History. These programs coordinate preservation, research, and education efforts nationwide across large networks of partners. Please support \$11.75 million to administer and enhance National Networks programs. Increased funding would provide additional support for the NPS to enhance the administration and expansion of National Networks programs.

National Park Service: Deferred Maintenance. The NPS is responsible for maintaining a system comprised of more than 85 million acres that tell the stories of remarkable people and events in our country's history. Unfortunately, after over 100 years of operation and inconsistent public funding, the NPS faces a multi-million dollar deferred maintenance backlog. Deferred maintenance in our National parks puts historic and cultural sites at risk of permanent damage or loss, and in the absence of funding, the condition of these assets will continue to deteriorate and become more expensive to repair and preserve in the future. We also recommend sustained increases for specific line items to ensure the maintenance backlog continues to decrease.

- Construction. We recommend at least \$150 million in funding for Line-Item Construction projects that address the deferred maintenance for the NPS' highest priority non-transportation assets with project costs greater than \$1 million.
- Repair and Rehabilitation; Cyclic Maintenance. We are enormously appreciative of the Committee's commitment to enhancing these accounts with significant investments since FY 2016. We recommend additional increases for Repair and Rehabilitation at \$150 million and maintaining \$205 million for Cyclic Maintenance to ensure routine and emerging needs are appropriately addressed.

National Park Service: Cultural Programs. Within its cultural programs, the NPS manages many critical historic preservation activities, including management of the National Register of Historic Places and the National Historic Landmarks Program,

certification of Federal historic tax credit (HTC) projects, coordination of Federal archaeology programs, and the administration of invaluable and targeted grant funding. These grant programs include the Native American Graves Protection and Repatriation Act Grants, Japanese American Confinement Sites Grants, American Battlefield Protection Program Assistance Grants, and many more.

The National Trust recommends \$46 million for Cultural Programs for FY 2025. Specifically, we want to highlight our recommendation of \$3 million for the African American Burial Grounds Preservation Program, which has been authorized since FY 2023, but has yet to receive any appropriated funds to begin this critical work. This recently authorized program will allow descendant-led and preservation organizations working to protect African American burial grounds to receive funding to preserve these sacred landscapes. Assisting with the discovery of these places of tribute and memory ahead of commercial development will help avoid disturbances of these sacred places and aid family members, descendants, and community members in honoring and remembering their shared past.

Further increases in this account will support sustained demands to review and approve Federal HTC projects and allow improvements to, and a more complete list of, historic and archeological resources in the National Register of Historic Places.

National Park Service: National Heritage Areas. We recommend \$34 million for the Heritage Partnership Program and National Heritage Areas (NHAs). This level of investment would provide the necessary funding for each of the 62 individual NHAs in 36 States, as well as NPS administrative support for coordination, guidance, assistance, and training. NHAs uniquely combine historic preservation, cultural and natural resource conservation, local and regional preservation planning, and heritage education and tourism. According to the NPS, NHAs leverage an average of \$5.50 for every \$1 of Federal investment to create jobs, generate local government revenue, and sustain local communities through revitalization tourism.

Bureau of Land Management: Cultural Resources Management. The Bureau of Land Management (BLM) oversees the largest, most diverse, and scientifically important collection of historic and cultural resources on our Nation's public lands, as well as the museum collections and data associated with them. The National Trust recommends \$25 million to bolster this program.

The cultural resources program also supports Section 106 review of land-use proposals, Section 110 inventory and protection of cultural resources, compliance with the Native American Graves Protection and Repatriation Act, and consultation with Tribes and Alaska Native Governments. Moving forward, we recommend \$1 million in dedicated funds for the agency to enhance its National Cultural Resources Information Management System (NCRIMS). This collaboration with state historic preservation offices is one of the Nation's most innovative programs to support predictive modeling and data analysis to enhance planning for large-scale, cross-jurisdictional land-use projects.

Bureau of Land Management: National Landscape Conservation System. The BLM's National Landscape Conservation System (National Conservation Lands) includes approximately 37 million acres of congressionally and presidentially designated lands, including National Monuments, National Conservation Areas, Wilderness, Wilderness Study Areas, National Scenic and Historic Trails, and Wild and Scenic Rivers.

We encourage the Committee to provide at least \$78 million to the base program for the National Landscape Conservation System. An increase in funding will allow for greater inventory and monitoring of cultural resources in this growing system, prevent damage to the resources found in these areas, ensure proper management, and provide for a quality visitor experience.

Independent Agencies: National Endowments for the Arts and for the Humanities. We urge the Committee to provide no less than \$211 million each for the National Endowment for the Arts (NEA) and National Endowment for the Humanities (NEH). NEA and NEH funding is critical to communities around the country and strengthens our Nation by promoting the 'lessons of history' to all Americans. This funding has also supported efforts by the National Trust's Historic Sites and others to tell a fuller American story and engage visitors in compelling ways.

Independent Agencies: Advisory Council on Historic Preservation. We recommend \$10.5 million for the Advisory Council on Historic Preservation (ACHP). This increase would enhance the ACHP's ability to perform its essential role in ensuring the Nation's historic and cultural resources are protected while also advancing timely delivery of major infrastructure projects and improving consultation with Indian Tribes. The increase would also support the ACHP's efforts to promote enhanced mapping and digitization of cultural resources.

We stand ready to assist the Committee in support of our recommendations.

[This statement was submitted by Shaw Sprague, Vice President of Government Relations, National Trust for Historic Preservation.]

PREPARED STATEMENT OF NATIONAL WILDLIFE REFUGE ASSOCIATION

This testimony is being submitted on behalf of the National Wildlife Refuge Association. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate at least \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS). However, to achieve a fully funded and effective Refuge System, an annual budget of at least \$2.2 billion is needed to provide for its basic needs, meet mandates and public demand, and ensure commensurate staffing of other similarly sized public lands systems. The President's budget request of \$602.3 million is an important step towards that goal and we urge Congress to make significant investments in these treasured public lands and waters.

The Refuge Association is a non-profit exclusively focused on protecting, promoting, and enhancing the National Wildlife Refuge System. As the Nation's only set of Federal lands dedicated to the conservation and management of America's native wildlife, it is the world's largest and most diverse network of conservation lands and waters, encompassing more than 850 million acres of unique habitats that our native wildlife species depend on. Our national wildlife refuges are essential for protecting biodiversity and climate-resilient habitats, providing community-driven conservation, and expanding wildlife-dependent recreational opportunities nationwide.

The Refuge System has been stymied by over a decade of a severe lack of funding and resources. Steadily increasing funding needs paired with insufficient budgets has led to a Refuge System that is quickly eroding in habitat management and an ability even to keep refuges open. Understanding these impacts is critical for Congress to begin addressing the significant challenges facing our native wildlife and ensure the health and integrity of the Refuge System well into the future.

USFWS' limited staffing capacity has several negative impacts on the ecological health of the Refuge System. For example, only 27% of the threatened and endangered populations occurring on refuges are monitored due to limited capacity. This leads to compromised adaptive management capability, inability to manage invasive species, the destruction of native habitat, and the potential loss of more species. With its current resources, USFWS can only successfully control 7% of the lands infested with non-native species, which has increased 30% since 2005. Planning is at the core of Refuge System management, but more than 60% of refuges have an outdated Comprehensive Conservation Plan or no plan at all. Limited capacity is hampering these efforts and severely limits landscape-level planning and adaptability to changing conditions.

Significant investments must be made today to begin working towards better outcomes for our native wildlife. USFWS has done excellent work to deploy creative solutions and new partnerships to manage the Refuge System as well as possible with their existing resources. But USFWS should not have to make hard decisions every year about how to operate under this longstanding funding crisis. The insufficient funding and capacity impacts are felt System-wide, impacting not just conservation planning and wildlife and habitat management, but also visitor services, law enforcement, and maintenance. Congress must provide adequate resources to effectively administer the Refuge System.

The \$503 million appropriated to the Refuge System in fiscal year (FY) 2010, when the Refuge System relatively saw its highest funding and staffing levels, is worth approximately \$765 million today. Yet current funding sits at \$527 million, or \$5.55 per land acre. Considering the level of inflation and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased, and USFWS has been forced to do more with less every single year. The failure to offset the impacts of inflation has resulted in a Refuge System that has long been strained under the weight of critically low staffing levels and lost capacity. Rising fixed costs are also eating into any increases in appropriations. It costs the Refuge System an estimated \$3 million for every one percent raise in payroll costs. Without base increases in the budget to cover these fixed costs, several much-needed positions are eliminated every year. This situation is completely unsustainable.

National wildlife refuges are important recreational and tourism destinations in communities across the United States, providing families and everyday Americans access to some of the Nation's best opportunities for wildlife observation, sustainable hunting and fishing, photography, and environmental education for people of all ages and backgrounds. Since 2010 the Refuge System has added 21 new refuge

units, hundreds of millions of acres of marine national monuments, opened 6 million acres for hunting and fishing, and visitation has grown to over 68 million annual visitors—an increase of 47 percent since FY2011. This generates over 41,000 jobs and provides more than \$3.2 billion in economic output each year. It has also added new services, such as the Urban Wildlife Conservation Program, which was launched in 2012 and seeks to address inequalities in recreational access and conservation participation. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at approximately 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. No refuges are fully staffed, and more than half of refuges have zero staff on site. While not all refuges need on-site staffing, many refuges and refuge complexes have been de-staffed or understaffed significantly. Multiple refuges are closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling over vast distances, hundreds of miles per day.

Visitor Services staff has decreased by 25% since FY10, yet the number of visits has steadily increased by an average of 3.8% annually. Sadly, nearly all of the Refuge System's 125 visitor facilities operate on limited hours, with some centers completely closed, and none would function without volunteers. However, many volunteer programs have been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure. In 2023, there were 48% fewer volunteers than in 2016.

A nationwide study conducted by the International Association of Chiefs of Police in 2005 indicated that the Refuge System only has 20% of the recommended 1,074 Federal Wildlife Officers (FWOs) needed to provide adequate public safety and resource protection. As of February 2024, the Refuge System has the lowest number of FWOs in over 10 years with 221 officers, while simultaneously seeing the highest visitation and crime rates in its history. Currently, seven States have no officers stationed within their boundaries (CT, DE, IA, MI, NH, OH, VT), and nine States have just one officer (GA, Guam, HI, IN, KY, PA, PR, RI, WY).

In 2022 alone, officers responded to a total of 10,854 criminal incidents on Refuge System lands. There have been 1,384 significant incidents in the last 4 years—an average of 1 per day. There have been 1,605 arson or vandalism cases since 2019. Since 2016, the USFWS has sustained \$1.7 million dollars in property loss due to theft or damage. However, USFWS does not currently have the authority to collect civil damages for repairs and restoration.

The Refuge System also has a large deferred maintenance backlog of \$2.65 billion, with most structures near or past the end of their maximum useful life spans, such as buildings, roads, bridges, and trails. Under current appropriations, supplemented by the Great American Outdoors Act (GAOA), deferred maintenance costs are projected to reach \$28 billion by FY2050. Additional funding is necessary to address this backlog, or assets will continue to degrade well beyond their recommended life spans. This could jeopardize visitor access, safety, climate resilience, and wildlife conservation efforts, as well as double or triple long-term maintenance costs over the next 20 years. We support the permanent authorization of GAOA and increasing the allocation of GAOA funds to USFWS from 5% to at least 15% so it can begin to address its deferred maintenance backlog.

Congress must recognize and understand the Refuge System's budget realities to begin addressing the significant challenges facing our native wildlife and habitats and ensure the health and integrity of the Refuge System for future generations. To achieve a healthy and adequately staffed Refuge System, the Refuge Association believes it needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602 million is an important step towards that goal.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of at least \$602.3 million for the National Wildlife Refuge System in FY2025. Please contact Libby Marking at lmarking@refugeassociation.org for more information

PREPARED STATEMENT OF NATIVE VILLAGE OF EYAK

Recommendations:

1. Provide full funding and advance appropriations for the Indian Health Service (IHS)
2. Reduce dependence on competitive grants for Indian Country
3. Permanently exempt the IHS from cuts, sequestrations, and rescissions
4. Ensure mandatory funding for Contract Support Costs (CSC) and section 105(l) leases.
5. Increase funding and accepted applications for the Joint Venture (JV) Program
6. Amend Indian Self-Determination and Education Assistance Act (ISDEAA) to clarify CSC provisions.
7. Fund Critical Infrastructure investments for the IHS.
8. Increase funding and extend self-governance to the Special Diabetes Program for Indians.
9. Increase funding for behavioral and mental health programs.

Introduction. Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our funding priorities for FY 2025. My name is Brooke Kwiik Mallory and I serve as the Chair of the Native Village of Eyak. The Native Village of Eyak is a federally recognized Tribal government located in Cordova, Alaska, on the southeast shores of Prince William Sound in the North Gulf Coast. The Tribe is a co-signer to the Alaska Tribal Health Compact with the IHS and operates a wide range of health care programs, including primary care services and behavioral health. We focus on self-determination and self-governance as a means of improving the lives and health of our Tribal citizens. We are not only responsible for providing quality, available health care services, but also for promoting opportunities and partnerships for our citizens, protecting our traditional land and natural resources, and for strengthening our culture.

We are grateful for the historic investments Congress has made in the Indian health system in recent years via the CARES Act, American Rescue Plan Act, and Bipartisan Infrastructure Law. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect the IHS from cuts during the 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust and treaty responsibility to provide for the health and wellbeing of Tribal Nations exists irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following recommendations for your consideration for FY 2025 appropriations for the IHS.

Provide Full Funding for the Indian Health Service: The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. Alaska Natives are disproportionately affected by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup.

The Workgroup has calculated it will take \$54 billion to fully-fund the IHS. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of the Indian health system. We support their full request and reiterate the following four priorities for program expansion as follows:

- 1) Hospitals and Clinics: \$13.6 billion
- 2) Mental Health: \$4.5 billion
- 3) Alcohol & Substance Abuse: \$4.9 billion
- 4) Dental Services: \$3.2 billion

Continued Support for Advance Appropriations for IHS: If full, mandatory appropriations cannot be achieved for FY 2025, we continue to support advance appropriations for the IHS in the short-term. This year's tumultuous appropriations cycle clearly demonstrates why advance appropriations are critical-IHS clinical services remained continuous throughout the volatile political process. We urge the subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction for FY 2026.

Reduce Dependence on Federal Grants: We also support moving away from competitive grants for Federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific needs of their own communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad based funding for Indian Country.

Permanently Exempt the IHS from Cuts, Sequestrations, and Rescissions: As demonstrated above, the Indian health system is chronically underfunded, with current appropriations sitting around one-seventh of need. Nevertheless, Congress routinely threatens and enacts additional budget cuts, sequestrations, and rescissions affecting the IHS. As recently as FY 2024, this Congress rescinded \$350 million marked for public health infrastructure from the IHS. Furthermore, the IHS is the only federally funded service providing direct patient care not exempt from sequestration.

We remind this subcommittee again that its trust and treaty obligations to Tribes exist regardless of any self-imposed budget control measures. In fact, the IHS budget remains so small in comparison to the National budget that cuts, rescissions, and sequestrations do not result in any meaningful savings in the National debt, but they do devastate Tribal Nations and their citizens. We urge Congress to ensure that any budget cuts, whether automatic or explicit, hold IHS and our people harmless.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the subcommittee's commitment to ensuring that CSC and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the IHS discretionary budget, thereby leaving little room to expand other services given the tight budget environment. We strongly agree with the subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory spending, but in this case, since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs."

Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas of the IHS budget are held harmless by these costs and true increases in critical services line items can move forward. This will enhance care for Tribal patients and reduce health disparities.

Support Expansion of the IHS Joint Venture Program. The IHS Joint Venture program provides Tribes with a critical opportunity to build new facilities and to enhance health services for their patients. Under this project, Tribes can build or acquire a facility with non-IHS funds, and the IHS commits to funding the additional staffing and operations costs associated with the new or expanded facility. The program has been very popular, with close to forty facilities built, acquired, or renovated since 1992. Yet, despite the remarkable success of this program, projects like ours remain unfunded by IHS. Recently, the Native Village of Eyak was on the top 10 list of projects, having received a high-score in the application. But we were not funded because the IHS only funds the top five projects. We request that the Committee direct IHS to fund all high-scoring applicants for JV construction projects.

Additionally, the JV Program currently leaves Tribal facilities without necessary maintenance and replacement funds. The Indian Health Care Improvement Act requires that the Tribe lease the facility to IHS for 20 years at no cost. The JV facility is eligible to receive a share of IHS's perennially insufficient Maintenance and Im-

provement (M&I) funding, but is not eligible for a lease under section 105(l) of the ISDEAA. This leads to the anomaly that non-JV facilities can be fully funded under 105(l), receiving either fair market rental or the cost elements set out in the regulations, while JV facilities are stuck with nothing but M&I. We request that Congress amend the Indian Health Care Improvement Act to correct this issue. We are happy to provide any technical assistance necessary.

Amend ISDEAA to Clarify CSC provisions. We also request that the committee consider amending the ISDEAA to clarify that when agency funding paid to a Tribe for program operations is insufficient for contract and compact administration, CSC will remain available to cover the difference. In the recent court decision *Cook Inlet Tribal Council, Inc. v. Dotomain*,¹ a Federal appeals court held that costs for activities normally carried out by IHS are ineligible for payment as CSC—even if IHS transfers insufficient, or even no, funding for these activities in the Secretarial amount. Under this new ruling, if facility costs are higher for a Tribe than for IHS, the Tribe is forced to cover the difference by diverting scarce program dollars. Recently, this serious misinterpretation of the ISDEAA that has been applied to one Tribal organization resulting in a 90% reduction of CSC reimbursement threatens Tribal self-governance and self-determination. Therefore, we call upon Congress to provide a legislative fix to clarify the intent of Congress for this matter, and ensure consistency with precedent.

Fully fund critical infrastructure investments: We were disappointed to see that this subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system's infrastructure is among the oldest and most dilapidated in the country. This is especially true in Alaska, where more than half of homes in thirty-one Alaska Native communities lack proper sanitation infrastructure. Additionally, we continue to experience significant challenges finding adequate housing for staffing for health professionals in our community. As you know, health staffing shortages across the Indian health system are dire, and providing adequate living spaces for professionals is directly linked with our ability to recruit and retain staff.

Therefore, we request that this subcommittee restore and fully-fund these accounts. To implement an interoperable Electronic Health Records and telehealth system, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans' Administration and Department of Defense move to modernize their systems. It is also critical that Congress make significant investments in Health Care Facilities Construction and Sanitation Facilities Construction. IHS and Tribal facilities are severely outdated, and we appreciate Congress' investment in IHS sanitation facilities through the Bipartisan Infrastructure Law. Yet, with a multi-billion-dollar backlog and growing inflation, funding to close out the list is not keeping pace with need. This creates situations where facilities are unfit and unsafe. Therefore, consistent with the Workgroup's request, we recommend \$2.8 billion for Health Care Facilities Construction and Equipment and \$2.2 billion for Sanitation Facilities Construction in FY 2025.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year. While we understand that SDPI is not under the jurisdiction of the subcommittee, we appreciate that Congress included a short-term extension of SDPI in FY 2024 appropriations at a \$160 million annualized rate. We recognize that this is the first increase for SDPI in two decades. Communities like ours across Indian Country rely on SDPI resources to address the alarming rates of diabetes and diabetes-related health complications among our people. SDPI's success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Consistent with this model, Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms under ISDEAA.

Additionally, SDPI has not had a meaningful increase in funding since FY 2004 despite its overwhelming success. Short term reauthorizations continue to destabilize this program and make staffing and program continuity difficult. For this reason, we recommend permanent reauthorization for SDPI at a minimum base of \$250 million per year with annual adjustments for inflationary increases. We urge you to work with your Congressional colleagues to enact this important priority.

Behavioral Health: Our community, like all of Indian Country, has been devastated by the ongoing fentanyl and opioid epidemic. Nevertheless, funds for these services are extremely limited. For example, in FY 2024, Congress only appropriated \$2 million to fund essential detoxification related services. That's less than \$1 per

¹ *Cook Inlet Tribal Council, Inc. v. Dotomain*, 10 F.4th 892 (D.C. Cir. 2021).

IHS patient. We urge the subcommittee to dedicate resources to detoxification and reemphasize the importance of fully-funding the following accounts: Health Care Facilities Construction, Alcohol & Substance Use, and Mental Health. We also fully support the President's Domestic Supplemental Request, which includes a \$250 million investment in the IHS to address the fentanyl and opioid epidemic. Recognizing that Indian Country cannot wait any longer, Congress should consider this request as soon as possible.

[This statement was submitted by Brooke Kwiik Mallory, Chair, Native Village of Eyak.]

PREPARED STATEMENT OF NATIVE VILLAGE OF KOTZEBUE

Recommendations:

1. Increase funding for Tribal Family Courts
2. Fully Fund the Bureau of Indian Affairs' Indian Child Welfare Act (ICWA) Account
3. Provide Direct Funding for Language Revitalization Activities
4. Provide full, mandatory funding for the Bureau of Indian Affairs (BIA)
5. Provide advance appropriations to the BIA
6. Reduce dependence on competitive grants for Indian Country
7. Permanently exempt the BIA from cuts, sequestrations, and rescissions
8. Enact mandatory funding for contract support costs (CSC) and section 105(l) leases

Introduction. Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee for the opportunity to share our funding priorities for FY 2025. My name is Qaiqpak Christina Hensley, and I am the Executive Director of the Native Village of Kotzebue. We are a Federally-recognized Tribal government representing the Qikiqtagrūṃmiut, the original inhabitants Qikiqtagruk (Kotzebue). Qikiqtagruk is located in northwest Alaska, thirty miles above the Arctic Circle on the Baldwin Peninsula. We operate a variety of programs such as realty, general assistance, child welfare, education, housing, and natural resource management. We are currently working on expanding our Tribal immersion school (Nikaichuat Illisagviat) and establishing a Tribal Family Courts Program.

We are grateful for the historic investments Congress has made in Indian Country in recent years via the CARES Act, American Rescue Plan Act, Bipartisan Infrastructure Law, and Inflation Reduction Act. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect Indian Country from cuts during the 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust and treaty responsibility to provide for the wellbeing of Tribal Nations exists irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following FY 2025 recommendations for your consideration.

Provide Increased, Sustained Funding for Tribal Family Courts. Our top priority is to increase funding to Tribal Family Courts. We recently received one-time funding to establish a Tribal Family Courts program for which we are very grateful. Its mission is the protect the health, safety, and welfare of the Kotzebue people and Tribe by addressing problems locally through the application of unwritten cultural traditions and written Tribal ordinances. However, we remain hesitant to launch the program without it being a part of our annual funding agreement. We therefore ask this subcommittee to increase funding to the BIA's Tribal Justice Support and Tribal Courts accounts in the amounts of \$45.7 million and \$1.2 billion, respectively. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of Tribal justice programs like the one we are standing up.

Fully Fund the BIA's ICWA Account. The Native Village of Kotzebue is currently engaged in multiple efforts to expand and improve our Tribal Family Services Department. However, we face challenges securing the funding necessary to provide the full scope of services that our families deserve, such as implementing our ICWA program. As you know, ICWA was a landmark law that has since greatly improved the outcomes of Alaska Native and American Indian children and families involved with the child welfare system. The BIA provides base funding to Tribes for their ICWA programs, but appropriations to this account have been woefully inadequate

for decades. We are asking you to fully fund the BIA's ICWA account at \$46.2 million.

Provide Direct Funding for Language Revitalization Activities. As previously mentioned, we have established an Inupiaq language immersion school called Nikaitchuat Illisagviat. Its mission is to instill within our citizens knowledge of the Inupiaq language, culture, and identity. However, there is no direct funding available for these activities—we must instead sustain our school on community contributions and grant funding. Not only is this inconsistent with the Federal Government's trust and treaty responsibilities to Tribal Nations, but it is also problematic because immersion schools require consistent, proper funding to be most effective. We thank Congress for its attention to language revitalization in recent years, but we urge you to do more by establishing a direct funding mechanism for these activities. Specifically, we request an increase in funding to the BIA's existing language programs and authorization for Tribes to receive this funding annually in self-governance agreements, rather than through a competitive grant model.

Provide Full Funding for the BIA. In addition to the accounts mentioned above, we urge the subcommittee to fully fund all Indian Country programs and move them to mandatory spending. The United States' trust and treaty responsibility to Tribes is obligatory and should be treated as such in the Federal budget. Discretionary appropriations have never, and will never, result in adequate funding for Indian Country. As it stands, Alaska Natives and American Indians are disproportionately affected by poverty, unemployment, crime, substance-use disorder, housing insecurity, poor educational outcomes, and involvement with the child welfare system. This is an affront to our dignity and sovereignty. We ask the subcommittee to rectify this by fully funding the Indian Affairs budget at \$23.7 billion, in line with the Tribal Interior Budget Council.

Support for Advance Appropriations for the BIA. If full, mandatory appropriations cannot be achieved for FY 2025, we support the provision of advance appropriations for the BIA in the short term. This year's tumultuous appropriations cycle clearly demonstrates why advance appropriations are so critical—BIA programs were regularly in a State of uncertainty due to Congress' reliance on continuing resolutions. The Federal Government's trust and treaty responsibilities should not be held hostage by unrelated political disputes in Washington, D.C. We urge the subcommittee to extend advance appropriations to all Indian Affairs accounts.

Reduce Dependence on Federal Grants: We support moving away from competitive grants for all Federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request widespread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific needs of their communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad-based funding for Indian Country.

Permanently Exempt the BIA from Cuts, Sequestrations, and Rescissions: As demonstrated above, the BIA is chronically underfunded, with current appropriations sitting around one-tenth of need. Nevertheless, Congress routinely threatens and enacts additional budget cuts, sequestrations, and rescissions affecting the BIA. We remind this subcommittee again that its trust and treaty obligations to Tribes exist regardless of any self-imposed budget control measures. In fact, the BIA budget remains so small in comparison to the National budget that cuts, rescissions, and sequestrations do not result in any meaningful savings in the National debt, but they do devastate Tribal Nations and their citizens. We urge Congress to ensure that any budget cuts, whether automatic or explicit, hold BIA and our people harmless.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the subcommittee's commitment to ensuring that CSC and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the BIA discretionary budget, thereby leaving little room to expand other services given the tight budget environment. We strongly agree with the subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory spending, but in this case, since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Ap-

appropriations bill, including other equally important Tribal programs.” Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas of the BIA budget are held harmless by these costs and true increases in critical services line items can move forward.

[This statement was submitted by Qaiqpak Christina Hensley, Executive Director, Native Village of Kotzebue.]

PREPARED STATEMENT OF THE NATURAL SCIENCE COLLECTIONS ALLIANCE

The Natural Science Collections Alliance appreciates the opportunity to provide testimony in support of fiscal year (FY) 2025 appropriations for the Smithsonian Institution and the Department of the Interior. We encourage Congress to make new investments that address agency backlogs and secure future efforts for the preservation, curation, growth and study of scientific and cultural collections within the Department of the Interior and the Smithsonian Institution. We request that Congress provide the National Museum of Natural History with at least \$60 million in FY 2025, with new funding to correct for a lack of adequate increases in recent years. Please provide the United States Geological Survey (USGS) with at least \$1.85 billion in FY 2025, with increased support for collections related activities.

The Natural Science Collections Alliance is a non-profit association that supports natural science collections, their human resources, the institutions that house them, and their research activities for the benefit of science and society. Our membership consists of institutions that are part of an international network of museums, botanical gardens, herbaria, universities, and other institutions that contain natural science collections and use them in research, exhibitions, academic and informal science education, and outreach activities.

Scientific collections, and the collections professionals and scientists who make, care for, and study these resources, are an important component of our Nation’s research infrastructure. These collections and their associated experts contribute to the expansion of our bioeconomy. Whether held at a museum, government managed laboratory or archive, or in a university science department, these scientific resources form a coordinated network of specimens, samples, and data (e.g. genetic, tissue, organism, and environmental) that are a unique and irreplaceable foundation from which scientists are studying and explaining past and present life on earth.

Preservation of specimens and the strategic growth of these collections are in the best interest of science and the best interest of taxpayers. Existing scientific collections that are properly cared for and accessible are a critical component of the US science infrastructure and are readily integrated into new research on significant questions. Specimens that were collected decades or centuries ago are now routinely used in research in diverse fields related to genomics, human health, biodiversity sciences, informatics, environmental quality, and agriculture.

According to the U.S. Interagency Working Group on Scientific Collections (IWGSC), “scientific collections are essential to supporting agency missions and are thus vital to supporting the global research enterprise.” A 2020 report by the IWGSC highlights the long-term benefits of scientific collections and presents a framework for estimating and documenting these benefits, both monetary and non-monetary, generated by Federal institutional collections. In 2023, the IWGSC released another report enumerating the many ways Federal scientific collections have served the Nation in diverse areas, including with the COVID-19 response and improving national health, climate change research and mitigation, ensuring the Nation’s food security, as well as environmental health and safety.

Additional recent reports have highlighted the value of mobilizing biodiversity specimens and data in spurring new scientific discoveries that grow our economy, improve our public health and wellbeing, and increase our National security. In 2019, the Biodiversity Collections Network (BCoN) issued a community informed call for the development of an Extended Specimen Network. The report, *Extending U.S. Biodiversity Collections to Promote Research and Education*, outlined a national agenda that leverages digital data in biodiversity collections for new uses. “Science and industry rely on physical specimens housed in U.S. biodiversity collections,” the report suggests. “Rapid advances in data generation and analysis have transformed understanding of biodiversity collections from singular physical specimens, to dynamic suites of interconnected resources enriched through study over time. The concept of the ‘extended specimen’ conveys the current perspective of the biodiversity specimen as extending beyond the singular physical object, to potentially limitless additional physical preparations and digital resources.” This endeavor requires robust investments in our Nation’s scientific collections, whether they

are owned by a Federal or state agency or are part of an educational institution or free-standing natural history museum or other types of research or educational centers.

A 2020 report by the National Academies of Science, Engineering and Medicine (NASEM), *Biological Collections: Ensuring Critical Research and Education for the 21st Century*, argued that collections are a critical part of our Nation's science and innovation infrastructure and a fundamental resource for understanding the natural world. The report's recommendations for establishing an action center for biological collections and requiring specimen management plans for research proposals generating new specimens underscore the importance of biodiversity specimen collections and have been supported by the CHIPS and Science Act.

A recently published white paper, "Envisioning a Natural History Collections Action Center," summarizes the features and functions of an action center and underscores the essential role that collections play in medical science, human health, food security, pathogen-borne disease, biosecurity, a strong bioeconomy, mitigating the effects of climate change, and conserving ecological services for human use and subsistence. Such a center will provide leadership, support, and coordination for federal, non-federal, and private collections and enable transformative research to address grand societal challenges. Many Federal agencies have a role in supporting the establishment of an action center for biological collections, including the Smithsonian Institution and the Department of the Interior and its bureaus.

All of the above reports articulate a common vision of the future of biological collections and emphasize the need to broaden and deepen these collections and associated data to realize the potential for biodiversity collections to inform 21st century science. Collections are a critical resource for advancing the knowledge needed to address current global challenges such as climate change, biodiversity loss, and pandemics. The COVID-19 crisis has demonstrated how humans are inextricably part of the natural world. Biological collections, their extended data, and the experts that build and study them are globally important for understanding where viruses such as SARS-CoV-2 exist in nature or when they cross from their current hosts to humans.

The Smithsonian Institution's National Museum of Natural History (NMNH) is the central Federal partner in the curation and research on scientific specimens. Scientists at the NMNH care for 148 million specimens and ensure that the institution remains a global leader in scientific research and public engagement. To increase the availability of these scientific resources to researchers, educators, other Federal agencies, and the public, NMNH is working on a multi-year effort to digitize its collections. Funding is required to ensure this work is completed.

The National Museum of Natural History is also working to strengthen curatorial and research staffing and to backfill positions left open by retirements and budget constraints. The current staffing level is insufficient to provide optimal care for the collections. Future curatorial and collections management staffing levels may be further jeopardized given insufficient funding increases in recent years. This lack of funding for collections care jeopardizes our bioeconomy at a time when critical investments are needed to leverage our network of collections to address the myriad issues facing the country.

Interior is an important caretaker of museum collections as well; the Department and its bureaus collectively manage an estimated 206 million museum specimens. Although many of the department's collections are located in bureau facilities, numerous artifacts and specimens are cared for in non-governmental facilities, such as museums and universities. The Interior Museum Program supports these collections by providing oversight, policy development, advocacy, technical assistance, training, and data management support.

In addition, the USGS furthers the preservation, inventory, and digitization of geological scientific collections, such as rock and ice cores, fossils, and samples of oil, gas, and water. The National Geological and Geophysical Data Preservation program helps States with collections management, improves accessibility of collections data, and expands digitization of specimens to ensure their broader use. One example of the returns from this program is the potash mineral deposit discovered in Michigan that is valued at an estimated \$65 billion. Rock samples from Michigan were entered into a national database, where private companies discovered the deposit's existence and potential for mining.

USGS supports the documentation and conservation of native pollinators through its Native Bee Inventory and Monitoring Lab (BIML). Pollinators, such as bees, are critical components of ecosystems and play an integral role in wildlife and habitat management and restoration. Three-fourths of the world's flowering plants and about 35 percent of the world's food crops rely on pollinators to reproduce. Given that pollinator populations are in decline globally, BIML's work in developing a na-

tionwide method to inventory and monitor bee population trends on public lands is crucial.

USGS has more than a million specimens of birds, mammals, amphibians, and reptiles that were housed at the Smithsonian's National Museum of Natural History. The Biological Survey Unit (BSU) consisted of USGS scientists stationed at the NMNH, where they conducted research on USGS-specimens of fish, reptiles, birds, and mammals that are curated at the NMNH. These specimens, data, and the research they enable have been critical for informing land and natural resource management decisions at the Department of the Interior, and have also supported decision-making by State and Tribal governments. This arrangement, dating back to 1889, was recently eliminated with the Smithsonian taking over care of these collections. The work that BSU supported and conducted at the NMNH was important and in the National interest. Adequate funding is required to ensure continued care for these valuable collections.

The Bureau of Land Management manages nearly 4 million museum objects and archives and has a large backlog of cultural resources to inventory on public lands. Currently, only about 11 percent of public lands have been assessed for heritage resources. Such assessments need to be conducted before unique resources are lost to looting, vandalism, fire, or environmental change.

The National Park Service must continue its investments in scientific collections in order to monitor the Nation's protected natural heritage, which means cataloging millions of museum objects and connecting the resulting databases to national and global data portals to monitor changes through time. The National Park Service curates a wide range of specimens and artifacts, from historical and cultural items to preserved tissues from protected species and living microorganisms collected in our National Parks. Several parks have made progress on addressing planning, environmental, storage, security, and fire protection deficiencies in museum collections, but much work remains, and present and future collections will be fundamental for effective management efforts.

CONCLUSION

Scientific collections are critical research infrastructure that help support the Nation's bioeconomy. Research specimens connect us to the past and are used to document and solve current problems. They allow us to predict threats to human health, find successful methods for ensuring food security, and address the impact of future environmental changes. Sustained investments in scientific collections are in our National interest.

The budget for NMNH has not seen adequate increases in recent years. We urge Congress to provide NMNH with at least \$60 million in FY 2025 to allow the museum to undertake critical collections care, make needed technology upgrades, and conduct cutting edge research. Please support adequate funding for programs within Interior bureaus that support the preservation and use of scientific collections—a truly irreplaceable resource. We urge Congress to provide the USGS with at least \$1.85 billion in FY 2025, with increased support for collections.

Thank you for your thoughtful consideration of this request.

[This statement was submitted by Gil Nelson, Ph.D., President, Natural Science Collections Alliance.]

PREPARED STATEMENT OF THE NATURE CONSERVANCY

Chair Merkley, Ranking Member Murkowski and members of the subcommittee, thank you for the opportunity to submit recommendations for fiscal year 2025 (FY25) appropriations. The Nature Conservancy (TNC) is a nonprofit conservation organization working around the world to protect ecologically important lands and waters for people and nature. Investments in our natural systems help bolster resiliency, respond to climate change and, if equitably implemented, aid socially and economically disadvantaged communities. Recent investments support but do not supplant the need for ongoing program funding through the appropriations process. A robust appropriations package is needed to ensure long-term success for critical programs under the subcommittee's jurisdiction.

Land and Water Conservation Fund (LWCF). We are grateful for the Committee's continued leadership and support for conservation and recreation needs through dedicated funding of LWCF. Project demand in every State and county continues to far outstrip the \$900 million a year of available funding for the program. TNC appreciates the continued support from Congress to improve the appraisal process and real estate policies of agencies delivering LWCF programs.

Forest Restoration and Fire. TNC recommends funding for U.S. Forest Service (USFS) and Department of the Interior (DOI) programs that address forest threats like catastrophic wildfires, disease outbreaks and pest impacts. TNC supports substantial reinvestments in programs that increase forest resilience, specifically those that are collaboratively developed, science-based, climate-informed and ecologically focused. These programs also create jobs, support local economies and reduce wildfire risk to communities, among other benefits.

An estimated 50 million acres are in critical need of wildfire resilience treatments across the United States. A 2021 TNC report recommends an investment surge of \$5–6 billion per year over the next 10 years to increase wildfire resilience and provide communities with much-needed resources for infrastructure and adaptation. In 2023, TNC released another report detailing 88 comprehensive wildfire policy recommendations backed by a diverse group of partners.

TNC recommends investing in the USFS Hazardous Fuels Program at \$207 million and DOI's Fuels Management Program at \$288 million. In addition, TNC supports fully funding the Collaborative Forest Landscape Restoration Program at \$34 million and the State Fire Assistance at a minimum of \$76 million. TNC also supports funding Burned Area Rehabilitation at a minimum of \$20 million in order to address the gap in post-fire restoration needs.

Investing in Ecosystem Restoration, Reforestation and Planting. TNC supports sufficient funding for programs that enhance water quality, biodiversity and forest health. TNC recommends funding the Urban and Community Forestry program at a minimum of \$40 million to support the increase in tree cover in urban landscapes to improve air quality, reduce electricity and help cities mitigate stormwater and floodwater. TNC also recommends budgeting \$20 million for the Landscape Scale Restoration (LSR) Program. LSR promotes science-based restoration of priority forest landscapes across multiple jurisdictions.

Additionally, Vegetation and Watershed Management promotes restoration and climate resilience of national forests through watershed treatment, invasive plant species control and reforestation. TNC supports a funding level for this program at or above \$33 million in FY25.

Research and Planning. TNC recommends sufficiently funding research programs to include the USFS Research and Development Program (with carve-outs for climate research and climate hubs), Forest Inventory and Analysis (FIA) and Joint Fire Science for USFS and DOI. Advances in FIA measuring and monitoring are critical for public and private forest carbon management. Investments in the Joint Fire Science programs would provide applied science solutions to improve land management and protect communities through interagency partnerships.

The Land Management, Assessment and Monitoring program provides foundational stewardship direction to USFS related to high-carbon, mature and old-growth forests on public lands. In FY25, TNC supports funding this program at \$32 million, \$10 million of which should go toward developing adaptive strategies for the conservation of old-growth forests and to assist USFS in creating a national old-growth monitoring network.

State, Private and Tribal Forestry. Forest health protection programs work to minimize the impacts caused by invasive pests and disease. The Federal Lands Forest Health Management and the Cooperative Lands Forest Health Management programs help maintain carbon stocks and reduce outbreaks that destroy iconic American trees. TNC supports funding levels for these programs at a minimum of \$17 million (federal) and \$33 million (cooperative).

Additionally, TNC supports reducing barriers for private landowners to reforest and improve management of their lands. The USFS Forest Stewardship Program supports landowners to sustainably manage their forests, with far-reaching cross-boundary benefits. TNC asks that this program be funded at \$22 million in FY25.

Endangered Species. TNC supports continuing funding of at least \$60 million for the Cooperative Endangered Species Conservation Fund. This funding supports critical matching grants to States and territories for conservation and species recovery efforts on non-federal lands. TNC requests the subcommittee's continued support for Habitat Conservation Plan (HCP) funding and HCP Land Acquisition Grants.

State and Tribal Wildlife Grants. Substantial Federal investments are essential to support strategic actions by State, Tribal and Federal agencies and the conservation community to protect wildlife and their habitats. TNC appreciates the continued support from members of this subcommittee to address these significant funding needs through ongoing work to enact the Recovering America's Wildlife Act.

Wildlife Conservation Programs. TNC urges the subcommittee to continue funding for North American Wetlands Conservation Act grants, the Neotropical Migratory Bird Conservation Fund, Migratory Bird Joint Ventures, U.S. Fish and Wildlife Service (FWS) Migratory Bird Management Programs and FWS Coastal Program at

no less than the FY24 funding levels. Likewise, TNC supports continued strong funding for the Partners for Fish and Wildlife Program, the Cooperative Landscape Conservation and Adaptive Science programs and the National Fish Habitat Initiative.

International Programs. Programs appropriated annually within DOI and USFS with a global focus include DOI's Office of International Affairs, FWS Multinational Species Conservation Funds, FWS Wildlife Without Borders regional and global programs, the National Park Service's International Program and the USFS International Program. TNC requests modest increases over FY24 funding levels for these accounts and supports implementation of the Lacey Act to manifest U.S. global leadership.

National Wildlife Refuge System. Found in every State and territory, national wildlife refuges conserve the diversity of America's environmentally sensitive and economically vital ecosystems, including oceans, coasts, wetlands, deserts, tundra, prairies and forests. TNC supports increased funding for the system's operations and maintenance accounts to meet the well-documented needs of the National wildlife refuge system. We support funding for the refuge system at the President's requested level of \$602 million in FY25.

Sage Grouse Conservation. TNC requests \$85 million to support the implementation of the Greater Sage-Grouse Conservation Strategy (BLM: \$75 million, FWS: \$5 million, U.S. Geological Survey (USGS): \$5 million). These resources are needed to implement on-the-ground projects and monitor habitat treatments, address rangeland fire and noxious and invasive grasses, fund suppression and restoration efforts and facilitate the partnership and science necessary for effective conservation in western States. TNC continues to request the removal of language that would bar FWS from proposing a rule to list the greater sage-grouse under the Endangered Species Act from the FY25 bill.

BLM Land Management and Renewable Energy Development. TNC supports ongoing work to expedite renewable energy development, including funding to operationalize the Renewable Energy Coordination Offices and regional clean energy plans. TNC recommends robust funding to support BLM's thoughtful planning and management of public lands. This includes the National Landscape Conservation System at \$65.8 million, the Resource Management Planning at \$71.6 million, the consolidated Wildlife and Aquatic Habitat Management budget line at \$153.359 million and the Renewable Energy Development program at \$53 million.

BLM's Aquatic Resources Program. Aquatic resources on BLM lands are among the most important, productive and diverse resources in the Nation. Overall, BLM stewards over 155,000 miles of streams and rivers, which provide drinking water to one in 10 Americans. Increasing support for BLM's aquatic resource management efforts is key to providing reliable water supplies, building long-term wildfire and drought resilience, and improving the ability of BLM to conserve the economic and resource values of public lands. BLM's Aquatic Resources Program also works to prevent the establishment and spread of aquatic invasive species and sustain public access to quality hunting, fishing and outdoor recreation opportunities. TNC requests \$65 million for the BLM Aquatic Resources Program in FY25.

U.S. Environmental Protection Agency's (EPA) Geographic Programs. TNC urges the subcommittee to continue robust funding for EPA's geographic programs, including the Great Lakes Restoration Initiative and the Chesapeake Bay, Puget Sound, Long Island Sound and Gulf of Mexico programs. These programs make significant contributions to protecting habitat, improving water quality and enhancing resilience in the large landscapes they encompass.

Colorado River Basin Recovery Programs. The Upper Colorado River Endangered Fish Recovery Program and San Juan River Basin Recovery Implementation Program take a balanced approach to the recovery of four threatened and endangered fish species in the upper Colorado River basin. The FWS budget includes \$1.64 million to support these programs as well as fish hatchery needs associated with the recovery plans. TNC supports the budget request for these programs in FY25.

Restoring Rivers and Streams. Removing problematic dams and upgrading culverts can improve public safety and provide environmental, economic and social benefits. TNC recommends \$30 million for the FWS National Fish Passage Program and funding increases for USFS barrier removal efforts including the Legacy Roads and Trails program; State, Private, and Tribal Forestry programs; and National Forest System programs such as Vegetation and Watershed Management. Even with enhanced spending levels under the 2021 Infrastructure Investment and Jobs Act, demand for aquatic connectivity funds far exceeds the amount of funding available.

Federal Priority Streamgage (FPS) Network. USGS operates the FPS Network to provide continuous streamflow information at over 8,400 locations nationwide. TNC supports \$33 million for the FPS Network to maintain existing gages. TNC also re-

quests \$68 million in Cooperative Matching Funds (CMF) for streamgaging and protecting the approximately 5,275 CMF-supported streamgages already in place and functioning nationwide. Lastly, TNC supports \$35 million for the Next Generation Water Observation System to expand this program and allow USGS to modernize water data delivery systems across the United States.

3D Elevation Program (3DEP): 3DEP sponsors satellite topographical mapping, a critical resource that provides communities with high-quality elevation mapping. This information is vital for assessing and developing strategies to combat challenges such as flood risk, drought and erosion. It also informs investments in infrastructure, water resource management and protection and much more. The program also equips USGS and other Federal agencies with the best scientific information to prepare for threats from natural hazards. Understanding these threats can help prevent communities from developing in unsafe areas and can allow risk mitigation in developed areas. TNC supports continued funding of \$42.9 million in FY25 for 3DEP.

Thank you for the opportunity to submit TNC's recommendations for the FY25 Interior, Environment and Related Agencies Appropriations Bill.

[This statement was submitted by Brent Keith, Federal Lands Policy Team Lead, The Nature Conservancy.]

PREPARED STATEMENT OF THE NEZ PERCE TRIBE

Thank you for the opportunity to provide this testimony on behalf of the Nez Perce Tribe (Tribe) as the Committee evaluates and prioritizes FY 2025 appropriations. This testimony covers funding for the needs of Tribal Nations regarding the Bureau of Indian Affairs (BIA), Indian Health Service (IHS), Environmental Protection Agency (EPA), U.S. Forest Service, and the U.S. Fish and Wildlife Service (USFWS).

The Nimiipuu (Nez Perce People) want to acknowledge and thank this Committee for your efforts, on a longstanding, bipartisan basis, to understand the needs of Indian Country and advocate for increased appropriations to the many programs in your jurisdiction that benefit our citizens, our Tribal governments, and all members of our communities. We are deeply grateful that the many funding increases to Tribal programs in the final FY 2024 Consolidated Appropriations Act build on the increases Congress provided in FY 2023.

Like any government, the Tribe performs a wide array of work and provides a multitude of services to its Tribal membership as well as the community at large. The Tribe has a health care clinic; a Tribal police force; a Social Services Department; and a comprehensive Natural Resources program that does work related to forestry, wildlife management, land services and land management, habitat restoration, air quality and smoke management, water quality, and sewer service. The Tribe also operates one of the largest fisheries departments of any Tribe in the Nation working on the recovery of listed species under the Endangered Species Act. Each of these programs is necessary and vital for the Tribe as a sovereign nation that preserves and protects the Treaty rights of the Nez Perce People and provides day-to-day governmental services to our members and surrounding communities.

The Tribe has long been a proponent of self-determination for Tribes and believes our primary obligation is to protect the Treaty-reserved rights of the Tribe and our members. All the Tribe's work is guided by this principle. The Tribe works extensively with many Federal agencies and proper funding for those agencies and their work with, for, and through Tribes is of vital importance. To accomplish this work, as members of this Committee frequently note, the United States must affirm its trust responsibility to Indian Tribes by properly funding programs. Overall, for FY 2025, the Tribe supports an increase of three percent over FY 2024.

BUREAU OF INDIAN AFFAIRS

The Tribe requests that overall funding for the BIA and Bureau of Indian Education be maintained at FY 2024 levels or increased as recommended below for FY 2025. The Tribe also supports the indefinite appropriation, recommended in the President's budget request, for contract support costs at \$426 million for BIA in FY 2025. The Tribe also recommends that these costs be reclassified from discretionary to mandatory.

In relation to the BIA Public Safety and Justice account, the Tribe supports a \$75.5 million increase to funding for law enforcement over what was enacted for that account in FY 2024. The Nez Perce Reservation spans 1,200 square miles, covering five counties, and has a mixture of Tribal and non-Tribal residents. The Tribe

provides a full-service Law and Justice program and recently completed construction of a detention facility. The Tribe has a fully trained and staffed police force, a fully staffed Tribal court, a prosecutor, a public defender, and other personnel that perform related administrative functions. Currently, the Tribe contributes \$3,785,480 to cover the shortfall in BIA funding for the Tribe's law enforcement/prison boarding and corrections, \$743,997 for judicial services/probation, \$480,040 for prosecutorial services, and \$318,057 for public defender services. This supplemental funding is derived from Tribal taxes on goods and fuel and Tribal gaming revenues that would otherwise be used for Tribal governmental services. For the Tribe to fulfill its law enforcement services obligation to the Reservation, an overall increase of \$1,623,554 is needed. Funding for these programs, including operational costs for the new jail facility needs to be maintained and ultimately increased to account for shortfalls in funding the Tribe must absorb to continue the operation of these important services on the Reservation.

The Tribe also relies on the BIA for funding for our work related to endangered species and protection of the Tribe's Treaty resources, including Chinook and steelhead salmon. The funding is used to supplement research efforts of the Tribe relative to other sensitive species. The Tribe recommends a \$1 million increase for the BIA Endangered Species Program. This account provides the Tribe with technical and financial assistance to protect endangered species on trust lands. Also, the Tribe recommends an increase of \$2.8 million for BIA Natural Resource Tribal Priority Allocations which will help increase Tribal land and management capabilities.

In addition, the funding provided under the BIA Rights Protection Implementation account is critical to support the exercise of treaty-reserved, off-reservation hunting and fishing for Tribes and items such as the Pacific Salmon Treaty. The Tribe supports the \$6.9 million in funding proposed for FY 2025 for the Pacific Salmon Treaty. These funds provide the foundation for core program administration and treaty rights protection activities, such as harvest monitoring. These efforts are central to the Tribe's fisheries management responsibilities as established by the Nez Perce Treaties of 1855 and 1863 and further delineated in court decisions regarding implementation of hunting and fishing Treaty rights. It is also important to understand that this funding is used for job creation.

The Tribe supports maintaining the FY 2024 funding level in FY 2025 for the BIA Fish, Wildlife and Parks account. The Tribe, through our fisheries programs, has invested a significant amount of personnel and resources into the restoration of salmon. The States of Oregon, Washington, and Idaho, as well as sports fisheries, directly benefit from this work. These programs have been successful with funding under the Tribal Management and Development Program which is critical for the Tribe's management of fish and wildlife. We recommend a \$4 million increase over FY 2024 funding for the Tribal Management and Development Program.

The Tribe recommends continued funding for the Columbia River In-Lieu Treaty Sites by providing at least the total of \$4.6 million requested for FY 2025 to implement the Columbia River In-Lieu and Treaty Fishing Access Sites Improvement Act.

The Tribe supports the proposal of \$2.8 billion in permanent funding over 10 years for the Indian Water Rights Settlement Completion Fund to support the work of Tribes such as our work on the Palouse River Basin Adjudication.

INDIAN HEALTH SERVICE

The Tribe operates Nimiipuu Health, a health care clinic on the Nez Perce Reservation in Lapwai, Idaho, and its satellite facility located 65 miles away in Kamiah, Idaho. Nimiipuu Health provides services to approximately 4,000 patients each year. Annually, this computes to at least 40,000 medical/dental provider visits which does not include pharmacy or laboratory visits.

The Tribe applauds the \$12.2 billion provided for IHS in FY 2024, which included \$5.2 billion in advanced appropriations. We recommend maintaining these levels going forward, but it must be noted that this funding must be appropriated to keep pace with medical and non-medical inflation and with population growth. Recommendations of substantially increasing this funding have been supported by the Tribe.

The Tribe also supports a substantial increase in funding for Purchased/Referred Care (P/RC) from the FY 2024 enacted level of \$996.8 to continue to meet the P/RC spending needs of Tribal health facilities caused by medical inflation.

The Tribe supports funding for contract support costs for FY 2025 at \$979 million, a \$10 million increase, as contained in the President's budget request. However, this change in funding should not be accomplished or be offset by reducing other funding for these agencies that would adversely affect services or programs. This funding should not be reduced by excessive set-asides for administration either.

The Tribe recommends permanent, mandatory funding of the Special Diabetes Program for Indians, as proposed in the President's budget, recognizing that the proposed increase to \$260 million is an important step forward. In that regard, similar levels of funding are recommended for mental health and substance abuse treatment. The current annual allocation for mental health and substance abuse, while very important, falls well below the financial needs to provide adequate care and treatment on reservations.

Finally, the Tribe would like to express our support for the President's budget recommendation for 105(l) lease costs and to make the funding mandatory beginning in FY 2026.

U.S. FISH AND WILDLIFE SERVICE

Additional resources are needed to implement beneficial actions across the Columbia River Basin, including salmon propagation at national fish hatcheries, studies on conditions impacting fish, and habitat restoration efforts. The Tribe supports the President's Budget Request of \$3 million for the U.S. Fish and Wildlife Service's (USFWS) National Fish Hatchery Operations Program—Columbia River Basin Sub-Activity in FY 2025. These funds are important for the operations of Kooskia National Fish Hatchery. The Tribe manages the hatchery pursuant to the terms of the Snake River Water Rights Act of 2004. The hatchery is in dire need of a new water supply system to reduce the extraordinary amount of sediment that accumulates in the current water at the facility so the Tribe can continue to meet its production goals.

Second, the USFWS-administered State and Tribal Wildlife Grants program is an important and cost-effective expenditure for the Federal Government and is one of the few sources of funds Tribes can tap into for wildlife research. Over the last several years, the Tribe has received grants funding for work on diverse issues such as rare plant conservation and Condor habitat research. Continued funding for the State and Tribal Wildlife Grants program will allow recipient Tribes to build capacity and maintain involvement in key conservation issues. The Tribe strongly urges this Committee to not reduce, but instead increase, funding for these competitive grants to \$75 million for formula grants and increase the Tribal share to \$6.5 million.

ENVIRONMENTAL PROTECTION AGENCY

The Tribe works closely with EPA on many programs that are essential to the health and safety of the 18,000 Tribal and non-Tribal citizens residing within the Nez Perce Reservation. These programs also protect the Treaty-reserved resources of the Tribe that the United States has a trust obligation to preserve. These programs include the Clean Water Act 106 Program, the Clean Water Act 319 Nonpoint Source (NPS) Pollution Prevention Program, the Indian General Assistance Program, the Tribal Brownfields Response Program, the Underground Storage Tank Program, the Delegation of Nez Perce Federal Implementation Plan, the Clean Air Act 103 Grant-Nez Perce Tribe Air Quality Project, and the EPA Region 10 Pesticide Circuit Rider Program.

The Tribe recommends that the Indian General Assistance Program be funded at \$75 million, the Tribal allocation under the Clean Water Act 106 program be increased by 20 percent, Tribal Air Quality Management be maintained at \$16.3 million, the Brownfields Program be funded at \$100 million, and a funding amount be specifically allocated in lieu of the percent cap on Tribal funding for NPS pollution control.

The Tribe requests that, within Geographic Programs, the Columbia River Basin Restoration Program, authorized under the Water Infrastructure Improvements for the Nation Act of 2016, be funded at no less than the \$3 million that was previously enacted, but recommends that number be substantially increased.

U.S. FOREST SERVICE

The Tribe does a tremendous amount of work with the U.S. Forest Service, including landscape restoration and resource management. The Tribe entered into a Good Neighbor Authority agreement with the U.S. Forest Service in 2022 that will allow more collaboration on work that will help protect Treaty-reserved resources on forest system land. Receiving stable and consistent funding is important for this work to continue. In fact, we would recommend expansion of Good Neighbor Authority and stewardship contracting authority to include USFWS and the U.S. National Park Service as proposed in the FY 2025 budget request. Thank you.

[This statement was submitted by the Nez Perce Tribe.]

PREPARED STATEMENT OF THE NORTH AMERICAN LAKE MANAGEMENT SOCIETY

The North American Lake Management Society (NALMS), a professional society working to foster the management and protection of lakes and reservoirs in the U.S., writes to request \$71 million in annual funding for the Nonpoint Source Pollution Management Program (Section 319) be directed specifically for monitoring lakes, restoration of degraded lakes and protection of high quality lakes in the Environmental Protection Agency (EPA) budget for the fiscal year 2025 Interior, Environment, and Related Agencies Appropriations Act. We recommend the language below for inclusion in the related Explanatory Statement.

"The Committee recognizes our Nation's lakes as the economic engine for surrounding communities and for the highly valued ecosystem services they provide including drinking water supplies, recreational and commercial fisheries, habitat for freshwater species, and nature-based recreation, particularly for underserved communities. The Committee recognizes the significant potential to build resilience for communities and fish and wildlife through lake-focused protection and restoration. The Committee supports \$71 million for EPA's Nonpoint Source Pollution Management Program (Section 319) specifically for monitoring and restoration of degraded lakes, ponds, and reservoirs and protection of high quality lakes, including lake restoration and protection activities previously funded under the section 314 Clean Lakes Program."

The primary focus of the EPA's water quality programs since 1994 has been to restore impaired waters and reduce pollutant levels in waterways through the Nonpoint Source Management Program (Section 319). The EPA, state, Tribal and other partners have made, and continue to make, considerable progress in understanding and addressing the many sources of pollution to our Nation's waters. There is no doubt that they must continue to do so, and appropriations to Section 319 should continue to be a priority.

Nevertheless, existing funding strategies are insufficient to reverse the declining water quality trends in U.S. lakes. From 1976 to 1995, EPA's Clean Lakes Program (Section 314), was a highly successful mechanism for funding to States, to clean up individual, publicly owned lakes but it has not been funded since the 1990s. In the last 30 years, water quality in lakes throughout the U.S. has significantly declined.

Today, Section 319 is the funding mechanism used to address the nutrient pollution that impacts lakes from runoff from the surrounding lands that drain into them, called their watershed. States and Tribes must compete for very limited funding to address lake water quality. Despite roughly 20% of the total 319 funding going to lake, reservoir, or pond projects, the US EPA National Lakes Assessments have shown that the percentage of lakes with the highest nutrient pollution (called eutrophic and hypereutrophic lakes) just keeps growing. Section 319 funding is typically focused on reducing pollution at the watershed-level, but recent proposed guidance from EPA will allow for in-lake interventions when the watershed reductions are insufficient alone. In-lake interventions have been demonstrated to be successful on lakes with historic nutrient pollution loadings, but they are costly. Meanwhile, protection of the remaining high quality, low-nutrient polluted lakes is urgently needed to ensure future generations can experience crystal clear lakes that support cold water fisheries and unparalleled recreational and aesthetic experiences. States and Tribes will need access to more funding to not only protect the best of the remaining healthy lakes, but to restore the overwhelming majority of the Nation's lakes that suffer from excessive nutrient pollution.

Successful lake management requires 1) lake monitoring and assessment, 2) diagnostic/feasibility studies to determine cause of poor water quality trends or status, 3) restoration and protection and, importantly, 4) funding for evaluation to determine if restoration has been successful. Because restoration is so costly, much of the 319 funding goes to implementing restoration efforts at the expense of monitoring, protection, diagnostic studies and post-restoration evaluation. Significant additional appropriations are necessary to provide dedicated resources for the full suite of lake management strategies that are needed to meet the goals of the Clean Water Act for the Nation's lakes and reservoirs.

The quality of lakes is expected to worsen as the frequency of extreme weather events increases and intensifies. Invasive species, nutrient loading, and harmful algal blooms will increasingly impair and degrade lakes, exacerbate the release of greenhouse gases, threaten human health, limit recreational opportunities, and decrease the economic value of lakes. Section 319 does not currently provide funding necessary to address these critical threats to water quality in lakes, ponds, and reservoirs. Americans value their remaining high quality freshwater lakes and the fish and wildlife they support, but very few resources are currently available to protect and preserve them. Doubling the amount of funding for lake projects from approxi-

mately \$35 million to \$71 million in annual appropriations will certainly not meet the full need, but it will help to stabilize declining lake water quality.

By prioritizing funding for lakes, you will support healthy and resilient waters, fish and wildlife, and communities. We appreciate your consideration of this request and look forward to working with you to ensure our Nation's lakes continue to provide a myriad of important benefits across the country.

[This statement was submitted by Kellie Merrell, President, North American Lake Management Society.]

PREPARED STATEMENT OF NORTHWEST INDIAN FISHERIES COMMISSION

Chair Merkley, Ranking Member Murkowski, and Honorable Members of the subcommittee, for the record my name is Ed Johnstone, and I am Chair of the Northwest Indian Fisheries Commission (NWIFC). The NWIFC is composed of the 20 Tribes in western Washington that are party to *United States v. Washington*, which upheld the Tribes' treaty-reserved right to harvest and manage natural resources on and off-reservation, including salmon and shellfish. On behalf of the NWIFC, we are providing written testimony on our natural resource management and environmental program funding requests for the Bureau of Indian Affairs (BIA), Fish & Wildlife Service (FWS) and Environmental Protection Agency (EPA) Fiscal Year 2025 appropriations. These programs support Tribes to carry out their natural resource management responsibilities including the management of Pacific salmon fisheries, which contribute to a robust natural resource-based economy and the exercise of our treaty rights.

SUMMARY OF FISCAL YEAR 2025 (FY25) APPROPRIATIONS REQUESTS

Bureau of Indian Affairs

- Provide \$66.0 million for Rights Protection Implementation (collective request)
- Provide \$17.146 million for Western Washington Fisheries Management
- Provide \$3.771 million for Washington State Timber-Fish-Wildlife
- Provide \$7.82 million for U.S./Canada Pacific Salmon Treaty
- Provide \$2.4 million for Salmon Marking
- Provide \$15.0 million for Fish, Wildlife & Parks Projects (non-TPA)
- Provide \$1.109 million for the Salmon and Steelhead Habitat Inventory and Assessment Program within the Tribal Management/Development Program Subactivity
- Fully Fund Contract Support Costs
- Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management
- Provide \$60.991 million for Tribal Climate Resilience

Fish & Wildlife Service

- Provide \$8.0 million for Tribal Wildlife Grants

Environmental Protection Agency

- Provide \$96.4 million for General Assistance Program
- Provide \$57.0 million for Puget Sound Geographic Program

JUSTIFICATION OF REQUESTS

Bureau of Indian Affairs

- Provide \$66.0 million for BIA Rights Protection Implementation Subactivity

The 41 Tribes in the Great Lakes and Pacific Northwest with similar treaty-reserved rights have collectively identified that no less than \$66.0 million for the Rights Protection Implementation (RPI) subactivity is necessary to support essential Tribal treaty-reserved resource management. This request is a \$16.8 million increase over the FY24 enacted level of \$49.2 million. The large disparity between our collective request and the enacted level demonstrates that the basic natural resource management functions of the treaty Tribes continue to be underfunded. Faced with the difficult combination of increasing natural resource scarcity and cumulative environmental stressors, Tribal natural resource management has become more complex and resource intensive. Considering this challenge, additional capacity is needed to manage treaty-reserved resources and protect Tribal rights. Unfor-

tunately, most of the programs under RPI, such as Western Washington Fisheries Management, have not received a meaningful increase since FY18. A summary of the subaccounts of importance to us within RPI are identified below.

—Provide \$17.146 million for BIA Western Washington Fisheries Management

We respectfully request \$17.146 million, an increase of \$5.543 million over the FY24 enacted level of \$11.603 million. Funding for this program supports the Tribes to co-manage their treaty-reserved resources with the state of Washington, and to continue to meet court mandates and legal responsibilities. For example, funding supports harvest planning, population assessments, data gathering for finfish, shellfish and groundfish, and other natural resource management needs. This funding is critical to support the day-to-day operations of essential fishery management. Reduced abundance and increased regulatory scrutiny of fisheries, coupled with ongoing salmon habitat loss, increased recreational pressures and climate change are greatly increasing the difficulty (and cost) of co-managing salmon and other resources.

—Provide \$3.771 million for BIA Washington State Timber-Fish-Wildlife (TFW)

We respectfully request \$3.771 million, an increase of \$51,000 above the FY24 enacted level of \$3.720 million and level with the FY25 President's Budget Request. Funding for this program is provided to improve forest practices on state and private lands, while providing protection for fish, wildlife and water quality. This funding supports the Tribes' participation in the TFW Agreement—a collaborative inter-governmental and stakeholder process between the state, industry and Tribes.

—Provide \$7.820 million for BIA U.S./Canada Pacific Salmon Treaty

We respectfully request \$7.820 million, an increase of \$1.028 million above the FY24 enacted level of \$6.792 million. This request is consistent with that of the Pacific Salmon Commission and is necessary to implement the Annex chapters of the Pacific Salmon Treaty (PST). Tribes assist the U.S. government in meeting its obligations to implement the treaty by participating in fisheries management exercises, cooperative research and data gathering activities. This funding also supports participation in the PST process.

—Provide \$2.4 million for BIA Salmon Marking

We respectfully request \$2.4 million, an increase of \$948,000 over the FY24 enacted level of \$1.452 million. This request would support ongoing coded wire tagging and adipose fin clipping (marking) operations at Tribal hatcheries. Marking is used to differentiate hatchery-origin salmon from natural spawning ones. Since 2003, Congress has required that all salmon released from federally funded hatcheries are marked for conservation management purposes. Coded wire tags are used to provide a unique identifier to a particular hatchery stock, which is then used in salmonid abundance assessments and catch rates. The NWIFC uses automated trailers to provide efficient centralized tagging and marking services to our 20-member Tribes. This state-of-the-art equipment is very complex and requires expert technicians to operate and maintain. The operations and maintenance of the trailers, coupled with an increasing demand for these important services, continue to increase our costs to carry out this Federal directive.

—Provide \$15.0 million for BIA Fish, Wildlife & Parks Projects (Non-TPA) for Hatchery Operations and Maintenance

We respectfully request \$15.0 million for Hatchery Operations and Maintenance within the Fish, Wildlife and Parks Projects account, an increase of \$2.032 million over the FY24 enacted level of \$12.968 million. More specifically, we request \$8.0 million for Hatchery Operations and \$7.0 million for Hatchery Maintenance. This funding is provided to Tribal hatcheries to support the rearing and releasing of salmon and steelhead for harvest by Indian and non-Indian fisheries in the U.S. and Canada. Without hatcheries, Tribes would lose their most basic ceremonial and subsistence fisheries that are central to our Tribal culture. We currently estimate that more than 80% of the salmon harvested are hatchery-origin fish. Yet despite the central importance of these facilities, Tribes face millions of dollars in deferred maintenance costs and significant funding shortfalls in operations.

—Provide \$1.109 million for BIA Salmon and Steelhead Habitat Inventory and Assessment Program (SSHAP) (within the Tribal Management/Development Program)

We respectfully request \$1.109 million for SSHAP within the Tribal Management/Development Program, an increase of \$202,000 above the FY24 enacted level,

of \$907,000. SSHIAP is vital to the western Washington Tribes because it provides essential environmental data management, analysis, sharing and reporting to support Tribal natural resource management. It also supports our Tribes' ability to adequately participate in watershed resource assessments and salmon recovery work.

—Fully Fund BIA Contract Support Costs

We respectfully request that Congress fully fund Contract Support Costs (CSC) and reclassify CSC as mandatory. Funding for CSC ensures Tribes and Tribal organizations have the capacity to manage Federal programs under self-determination contracts and self-governance compacts.

—Provide \$2.0 million for Western Washington Treaty Tribes' Wildlife Management

We respectfully request \$2.0 million for western Washington treaty Tribes' wildlife management programs from an account within the Bureau of Indian Affairs Trust—Natural Resources Management Activity. The member Tribes of the NWIFC reserved the right to fish, hunt and gather natural resources throughout their ceded territories. Part and parcel with the Tribes' reserved right to hunt and gather outside of their reservation boundaries is the need to co-manage wildlife resources with the State of Washington. Requested funding will provide capacity to participate in state-Tribal co-management forums, develop wildlife management plans, develop and enhance Tribal hunting codes, and design and implement applied research projects. These capabilities are fundamental to the protection of our Tribes' treaty rights and there is currently no dedicated account or funding to directly support this critical work.

—Provide \$60.991 million for BIA Tribal Climate Resilience

We respectfully request \$60.991 million for Tribal Climate Resilience, an increase of \$26.0 million over the FY24 enacted level of \$34.291 million. Climate change is one of the largest threats to Tribal rights and resources. Funding from this competitive grant program will support Tribal participation in critical issues that impact treaty-reserved resources and promote climate resiliency.

FISH & WILDLIFE SERVICE

—Provide \$8.0 million for FWS Tribal Wildlife Grants

We respectfully request \$8.0 million for the Nationwide Tribal Wildlife Grants program, an increase of \$1.8 million over the FY24 enacted level of \$6.2 million. Funding from this competitive grant program supports the conservation of wildlife and their habitat, including species that are culturally or traditionally important to Tribes. FWS is using Traditional Ecological Knowledge to build partnerships and relationships between conservation biologists and Tribes.

ENVIRONMENTAL PROTECTION AGENCY

—Provide \$96.4 million for EPA General Assistance Program (GAP)

We respectfully request \$96.4 million for the Nationwide GAP, an increase of \$24.20 million over the FY24 enacted level of \$72.2 million. We also respectfully request bill or report language that would improve flexibility in the GAP to ensure individual Tribal priorities and implementation activities would be eligible and that allocations will not result in a decreased proportion of funds for EPA Region 10 Tribes and consortia. The GAP builds essential Tribal program capacity to address environmental issues that impact Tribes' health, safety and treaty-reserved resources. The GAP also provides critical funding to Tribal consortia to support inter-Tribal coordination on environmental issues.

—Provide \$57.0 million for EPA Puget Sound Geographic Program

We respectfully request \$57.0 million for Puget Sound, an increase of \$3.0 million over the FY24 enacted level. This Geographic Program provides essential funding that will help protect and restore Puget Sound—an estuary of national significance. Funding for this program supports Tribal participation in a broad range of collaborative Puget Sound recovery work, including scientific research, resource recovery planning and policy discussions that affect our treaty rights.

CONCLUSION

We respectfully request the subcommittee's support for these requests. We greatly appreciate your attention to these matters and thank you for your continued commitment to the Tribes.

[This statement was submitted by Ed Johnstone, Chair of the Northwest Indian Fisheries Commission.]

PREPARED STATEMENT OF THE NORTHWEST PORTLAND AREA INDIAN HEALTH BOARD

Greetings Chairman Merkley and Ranking Member Murkowski, and Members of the subcommittee. My name is Nickolaus Lewis, and I serve as a Council Member on the Lummi Indian Business Council, the elected governing body of the Lummi Nation, and as Chair of the Northwest Portland Area Indian Health Board (NPAIHB or Board). I thank the subcommittee for the opportunity to provide testimony on the fiscal year (FY) 2025 Indian Health Service (IHS) budget.

NPAIHB was established in 1972 and is a Tribal organization under the Indian Self-Determination and Education Assistance Act (ISDEAA), Public Law 93-638, that advocates on behalf of the 43 federally-recognized Indian Tribes in Idaho, Oregon, and Washington on specific health care issues. The Board's mission is to eliminate health disparities and improve the quality of life for American Indians and Alaska Natives (AI/AN) by supporting Northwest Tribes in the delivery of culturally-appropriate, high-quality health care. "Wellness for the seventh generation" is the Board's vision. This subcommittee is critical to making this a reality. We thank the subcommittee for continuing to support increased funding for IHS every year.

In August 2023, the NPAIHB organized a National Tribal Opioid Summit that convened over 1,000 Tribal leaders, providers, community members, including Federal and State officials, to discuss opioid prevention, care and treatment, data, and law and justice policy priorities in Tribal communities.

Based on the Summit, we make the following IHS funding recommendations related to opioids and substance use:

Increase Funding for Substance Use, including Prevention Services. Portland Area Tribes have long recognized how deeply opioid and substance use disorders impact their Tribal communities and the healing that can occur when our relatives receive effective treatment and support on their recovery journeys. IHS and Tribally operated programs must support an integrated behavioral health approach to collaboratively reduce the incidence of substance use disorders in AI/AN communities. IHS substance use funding is used to provide a comprehensive array of preventive, educational, and treatment services that are community-driven and culturally competent. These collaborative activities strive to integrate substance use treatment into primary care. Additional funding focusing on harm reduction and peer support is desperately needed. For FY 2025, the IHS Tribal Budget Formulation Workgroup recommends \$4.86 billion for the Substance Use subaccount.

Increase facilities funding, including for medical facility construction, dual-diagnosis facilities, and medically supervised withdrawal/detoxification for adults and youth. The need for new healthcare facility construction at IHS was estimated to be \$23 billion in 2021 (up 59% from 2016). There is an additional \$1.5 billion backlog in maintenance to existing IHS facilities. IHS facilities are often not appropriate, or available, to meet the current needs of the patient population when it comes to opioid use disorder (OUD) and substance use disorder (SUD). In FY 2025, this subcommittee should allocate \$5 billion for Health Care Facilities Construction specific to OUD/SUD services such as detox facilities.

Increase funding for Tribal data analytics at Tribes and TECs. Many Tribes do not have sufficient funding to employ health data analysts, biostatisticians, or epidemiologists. The priority is the provision of clinical services rather than data analysis. In FY 2025, more funding is needed for Tribes to hire analysts to evaluate data and drive community-based recommendations using Tribal specific data. In addition to funding staff at Tribes to do this work, each Tribal Epidemiology Center would benefit from stable ongoing funding to support substance use disorder and behavioral health analytics.

For FY 2025, we also make the following ongoing recommendations from Portland Area Tribes:

Provide Mandatory, Full Funding for IHS. Advance appropriations will resolve some of the challenges presented by annual discretionary funding but will not address the issue of funding adequacy. At the core of Indian health policy are the Federal Government's trust responsibility and treaty obligations. To address unfulfilled trust and treaty obligations towards Tribes and end unacceptable health disparities of AI/AN people, the IHS needs full and mandatory funding. Determining a figure for full funding that meets the true level of need deserves a thoughtful, measured,

and tribally-driven approach that keeps pace with population growth and both medical and non-medical inflation. The National Tribal Budget Formulation Workgroup recommended, and our Area supported, the request of \$53.85 billion to fully fund the IHS in FY 2025.¹ Looking ahead to FY 2026, the National Tribal Budget Formulation Workgroup met in February 2024 and recommended \$63 billion to fully fund the IHS in FY 2026.

Provide Mandatory Appropriation for ISDEAA Section 105(l) Leases and Contract Support Costs (CSC). Although we are appreciative of the subcommittee's support in securing an indefinite appropriation for 105(l) lease agreements and CSC, we request that this subcommittee commit to moving 105(l) leases and CSC to mandatory appropriations accounts to ensure that these appropriations are funded year after year without impacting programmatic increases to IHS and Tribal health facilities. Portland Area Tribes are experiencing decreases in funding annually due to the rising annual cost of 105(l) leases and CSC.

Increase Funding for Purchased and Referred Care (PRC). Portland Area Tribes have to purchase all specialty and inpatient care because there is no IHS hospital in the Portland IHS Area. The PRC program makes up over one-third of the Portland IHS Area budget. When there is no increase or consideration of population growth and medical inflation, Portland Area Tribes are forced to cut health services. Areas with IHS hospitals can absorb these costs more easily because of their infrastructure and large staffing packages. Substantial PRC funding is a top priority for us. As long as the PRC program remains severely underfunded, the ability for AI/ANs to access specialty and inpatient health care will be threatened. Every year PRC is the second rated funding priority of the National Tribal Budget Formulation Workgroup—a top priority of Portland Area Tribes. The PRC subaccount receives only a nominal annual increase (i.e., average of 1%) and FY 2024 had no increase. In FY 2025, we request that this subcommittee honor the request of the National Tribal Budget Formulation Workgroup and fund PRC at \$9.14 billion.

Fund Expansion of Community Health Aide Program. NPaiHB has successfully established a Community Health Aide Program (CHAP) in the Portland IHS Area, working closely with Tribes to set up the Portland Area CHAP Certification Board and to build education programs. Students are attending our Dental Health Aide Therapists (DHAT) and Behavioral Health Aides (BHA) education programs, and Community Health Aide education program is in development. Stable funding is necessary to ensure that the programs are accessible to our students and can best meet the health care needs of the Tribes they will serve. For FY 2025, we request \$60 million for continuation of the National expansion with \$10 million for Portland Area to continue to expand CHAP.

Increase Funding for Mental Health. In our Area and nationwide, there are high rates of depression and anxiety in our communities. Portland Area Tribes need funding to address mental health provider shortages and expand services. NPaiHB is particularly concerned about our AI/AN youth. Suicide is the second leading cause of death for AI/AN adolescents and young adults. AI/AN suicide mortality in this age group (10–29) is 2–3 times greater, and in some communities 10 times greater, than that for non-Hispanic whites. For FY 2025, the IHS Tribal Budget Formulation Workgroup recommends \$4.46 billion for Mental Health subaccount.

Fund Youth Regional Treatment Center Construction. Portland Area Tribes have prioritized the need for Youth Regional Treatment Centers (YRTC) to address the ongoing issues of substance abuse and co-occurring mental health issues among AI/AN youth through the provision of clinical services, post-treatment follow-up services, and transitional living. While there are two Tribal facilities providing enhanced behavioral health services to youth and families in the Portland IHS Area, the Healing Lodge of the Seven Nations and Native American Rehabilitation Association of the Northwest, more facilities are needed. In FY 2025, this subcommittee must fund an expansion of YRTC facilities across Indian country.

Increase Small Ambulatory Program and Joint Venture Construction Program Funding. Portland Area Tribes do not support funding for new facilities construction under the current IHS Healthcare Facilities Construction Priority System because the structure of the existing system does not benefit Portland Area Tribes nor equitably benefit Areas nationally. For FY 2025, the National Tribal Budget Formulation Workgroup recommended a continuation of vital resources for the Small Ambulatory Program (SAP) with funding at \$50 million and also recommended expansion of the Joint Venture Construction Program (JVCP) with funding for staffing and equipment. NPaiHB requests that the subcommittee provide future increases accordingly.

¹National Tribal Budget Formulation Workgroup Recommendation, Indian Health Service Fiscal Year 2025 Budget, FINAL_FY2025 Budget (nihb) (last visited Apr. 12, 2024).

Create New Source of Funding for Health Care Facilities Construction at \$14.5 billion. In its recommendations for FY 2025, the National Tribal Budget Formulation Workgroup recommended at least \$14.5 billion in facilities construction funding be made available outside of the current IHS Healthcare Facilities Construction Priority System (HFCPS) as a new, equitable source of funding that will provide access to construction funds and demonstration projects under the Indian Health Care Improvement Act at 25 U.S.C. § 1637. The Portland Area Facilities Advisory Committee (PAFAC) completed a pilot study in 2009 to evaluate the feasibility of regional referral centers in the IHS system, and determined the Portland IHS Area needed three regional specialty referral centers. The U.S. Department of Health and Human Services partnered with IHS to identify funds to construct the first facility in Puyallup (Washington State). This innovative facility will provide services such as medical and surgical specialty care, specialty dental care, audiology, physical and occupational therapy, as well as advanced imaging and outpatient surgery. Some Tribes in our area request that the facility include inpatient mental health/substance use treatment. It is anticipated that this facility will provide services for approximately 50,000 users within the regional service area as well as an additional 20,000 in telemedicine consults. For FY 2025, funding to complete the first facility is needed in the amount of approximately \$150 million. In addition, we request funding for the two remaining regional specialty referral centers to ensure these services can be accessed by IHS beneficiaries throughout the Portland IHS Area.

Make Health IT Modernization Project Funding Available to Tribes. The IHS Health Information Technology (IT) Modernization Program is a multi-year effort to modernize health IT systems for IHS, Tribal, and Urban Indian health care programs into the 21st century. The software currently supported by IHS was implemented 38 years ago. Northwest Tribes are in a double bind—we want the IHS Health IT Modernization program to be fully funded, and the new EHR implemented because Northwest Tribes receiving services directly from IHS need health IT systems that support 21st century care for our people. Conversely, many Tribes in the Northwest have made significant investments of time, talent, and cash to modernize their health IT systems because their leadership exercised their rights under self-governance and realized we cannot afford to wait when the health of our people is at stake. Tribes must be reimbursed by IHS for the funds they have spent to purchase Health IT systems, and all Tribes must have access to 21st century technology in their health care delivery systems. For FY 2025, we request that this subcommittee hold the IHS accountable, through report language, for the prudent use of appropriated funds, and ensure funding be made available to both implement the IHS Health Technology Modernization Program as rapidly as possible and also direct IHS to reimburse and provide ongoing financial support for Tribal health facilities that have already purchased and implemented commercial off-the-shelf EHR systems.

Increase Funding for HIV and HCV Initiatives. From 2013 through 2017, rates of new diagnoses of HIV for AI/AN people increased to 7.8 per 100,000—although rates decreased or stayed stable for all other racial and ethnic groups. Chronic Hepatitis C Virus (HCV) is the leading cause of cirrhosis, liver cancer, and liver transplants in the United States. AI/ANs have more than double the National rate of HCV-related mortality, and the highest rate of acute HCV infection. Current funding levels for HIV and Hep C initiatives will not end these epidemics in Indian Country and must be increased in FY 2025 to \$25 million.

Thank you for this opportunity to provide recommendations on the IHS budget. I invite you to visit IHS, Tribal health programs, and urban Indian organizations in the Northwest to learn more about the utilization of IHS funding and the health care needs in our Area. I look forward to working with the subcommittee on our requests.²

[This statement was submitted by Nickolaus Lewis, The Northwest Portland Area Indian Health Board.]

PREPARED STATEMENT OF THE NORTON SOUND HEALTH CORPORATION

The requests of the Norton Sound Health Corporation (NSHC) for the FY 2025 Budget include:

²For more information, please contact Laura Platero, NPAIHB, at lplatero@npaihb.org or (503) 416-3277.

INDIAN HEALTH SERVICE

- Recognize Alaska Native communities of 10,000 or less to be treated as entire Native communities in the IHS Sanitation Deficiency System (SDS), thus eliminating the notion of pro rata contribution for incidental benefits ineligible costs for sanitation projects.
- Recommend IHS fund an operation and maintenance (O&M) program to support and maintain sanitation infrastructure.
- Request appropriations in the FY2025 Budget for the operation and maintenance of sanitation facilities and make funding available through ISDEAA self-governance agreements.
- Fund construction of employee housing quarters and prioritize healthcare facilities without current facilities.
- Support funding opportunities for Tribal Health to construct daycare facilities.

Department of Transportation (DOT):

- Increase the number of funded DOT Essential Air Service trips by helicopter for passengers to Diomede, Alaska.
- Support funding for 14 villages in Bering Strait Region, eligible for Essential Air Services, to increase daily flight capacity by existing airline.

Federal Aviation Administration (FAA):

- Revise the mandatory requirement that only FAA personnel can reset Automated Weather Observing Systems (AWOS) when they go down in rural Alaska.

Headquartered in Nome, Alaska, Norton Sound Health Corporation is owned and managed by the 20 federally recognized Tribes of the Bering Strait region. Our Tribal system includes a regional hospital, nursing home, and 15 village-based clinics, which we operate under an Indian Self-Determination and Education Assistance Act (ISDEAA) agreement.¹ Our rural and remote Arctic region remains unconnected by roads, and we are 500 air miles from Alaska's economic hub of Anchorage. Our service area encompasses 44,000 square miles.

Funding for Water & Sewer Projects and Operation and Maintenance:

- Recognize Alaska Native communities of 10,000 or less to be treated as entire Native communities in the IHS Sanitation Deficiency System (SDS), eliminating the notion of pro rata contribution for incidental benefits ineligible costs for sanitation projects.

We face a \$261 million sanitation need in the Bering Strait region. Five communities in our area, Diomede, Wales, Shishmaref, Stebbins, and Teller, still lack any connection for running water and sewer. The community of Gambell is 70% served, with 43 homes in the village remaining unconnected to water and sewer. Ongoing sewer and water upgrades and maintenance backlogs remain concerns in seven communities. An estimated 520 homes in the Bering Strait region have no running water or flush toilets, which research correlates with increased healthcare expenditures and lower overall quality of health.

In the authorizing statute (Indian Health Care Improvement Act) for the IHS, Congress reaffirmed the Indian Health Service as the agency with “primary responsibility and authority to provide necessary sanitation facilities,” and furthermore, “it is in the interest of the United States and it is the policy of the United States, that all Indian communities and Indian homes, new and existing, be provided with safe and adequate water supply systems and sanitary sewage waste disposal systems as soon as possible” (25 USC 1632). These services to Norton Sound communities cannot come soon enough. Basic human needs that most Americans take for granted do not exist in many of our communities.

We are opposed to the decision of the IHS to implement in the FY2018 Sanitation Facilities Construction appropriation using a methodology to serve Alaska Native homes. The error in this methodology is the premise that our Alaska Native villages are ‘non-Indian.’ Our unserved communities are primarily (over 90%) Alaska Native. The SDS policy places Indian communities in the same category as “non-Indian” communities, requiring that Tribes find contributions for ineligible buildings such as public schools, clinics, Tribal buildings, and teacher housing. All community buildings benefit the Native community, including schools, which often serve as the

¹We serve the communities of: Brevig Mission, Council, Diomede, Elim, Gambell, Golovin, King Island, Koyuk, Mary's Igloo, Nome, St. Michael, Savoonga, Shaktolik, Shishmaref, Solomon, Stebbins, Teller, Unalakleet, Wales, and White Mountain

community's evacuation center and primary gathering place for healthy community activities. Schools and teachers' homes are often the only facilities connected to sewer and water, creating significant sanitation inequities in a community.

—Recommend IHS fund an operation and maintenance (O&M) program to support and maintain sanitation infrastructure and request \$200M in appropriations in the FY2025 Budget and make funding available through ISDEAA self-governance agreements.

The National Congress of American Indians passed Resolution ANC-22-041, which recommends that IHS fund sanitation infrastructure operation and maintenance (O&M) as authorized in 25 USC 1632 (b). The FY 2024 Tribal Budget Recommendations include a request for O&M funding by the National Tribal Budget Formulation Workgroup. In addition, Congress's unprecedented amount of financing for the construction and repair of sanitation facilities through the IIJA underscores the need to protect the Federal investment and ensure the maximum life cycle and sustainable operation of these sanitation systems for as long as possible. O&M costs should also be used for existing systems to keep projects that are already complete off the SDS list in the future. Congress has provided IHS funding to train operators but not a designated O&M fund. IHS must request appropriations in the FY 2025 budget for the operation and maintenance of sanitation facilities systems, and further such funding should be made available through the ISDEAA self-governance agreement.

Funding for employee housing quarters.

Since NSHC opened its new hospital facility in 2013, the workforce in Nome and the villages has increased by 12 percent and 23 percent, respectively. Unfortunately, the construction project did not include housing quarters when the facility was built.

NSHC owns 29 apartment units in Nome but still leases over 70 apartment units from various landlords to meet the needs for adequate housing for new hires, locum physicians, nurses, clinicians, health aides in training, and students. NSHC's usage of such a large portion of currently available Nome housing has created a significant housing shortage for Nome.

This housing shortage has prevented NSHC from filling critical healthcare positions and created further impediments to hiring a permanent local workforce. Typhoon Merbok exasperated the already limited housing situation in Nome when the flood destroyed housing units, and the subsequent fire destroyed a local hotel, which was housing homeless individuals and families.

The approved Port Project for the City of Nome will result in an influx of people to the community while vacant housing is currently nonexistent. NSHC proposes constructing four 20-unit apartment buildings to meet its growing Nome workforce needs adequately. By owning its housing, NSHC could release 70 apartment units, which would be available to Nome Port Project laborers, teachers, and homeless individuals and families. The total cost to build four 20-unit apartment buildings is anticipated to be 73.25 M. The NSHC Board funded the \$250,000 design and \$13 M for the foundation, furniture, fixtures, and equipment (FF &E). The site work will begin in the summer of 2024. NSHC will dedicate \$3M received through the FY23 Omnibus bill, which leaves a \$57M Legislative and Federal Ask.

In the surrounding villages, the ability to recruit and retain a permanent provider to work at the local clinic and live in the community is contingent on housing. There is also a need for more housing for local employees. While NSHC has received some funding to construct housing in some of its villages, other communities still face challenges with inadequate housing: Gambell, Stebbins, Teller, White Mountain, Brevig Mission, Shaktoolik, and Elim. NSHC will be building two duplexes in Gambell this summer, 2024. The total cost of the project is 6.25M. The NSHC Board has funded the design at \$250,000; the foundation work at \$1.75M, and the FF&E at \$500,000, which leaves a vertical construction Legislative and Federal Ask of \$3.75M.

Funding for Tribal Health to construct daycare facilities.

The Bering Strait region needs childcare providers. Childcare is a basic need that hinders recruitment, retention, and family financial sustainability. NSHC aims to address its workforce childcare needs through a Nome-based facility currently in the conceptual design phase for a 7,460-square-foot building. The facility would be available to employees and patients for drop-in appointments and village-based health aides during training sessions. The project, estimated at \$10.35 M, received \$2.2M from the FY23 Omnibus Bill.

Funding for additional air transportation to Diomed and other 14 villages in Bering Strait Region.

—Increase the number of funded DOT Essential Air Service trips by helicopter for passengers to Diomed, Alaska.

Diomed's residents and critical personnel, such as medical staff, rely heavily on the 52 trips funded annually by DOT EAS. However, the demand for seats on the 8-passenger helicopter is high, with four weekly seats utilized for healthcare needs. Patients use three of these seats, while critical healthcare workers use one. NSHC's new health clinic, which opened in October 2020, requires ongoing maintenance, and the village's clean water and sanitation program needs frequent staff visits to provide for the island's needs. While an on-site medical provider has increased the level of service available in Diomed, patients must still travel for needed imaging, procedures, and specialist visits. Flight cancellations due to inclement weather conditions can displace community members for extended periods when there are no vacant seats on the next available flights. This situation has caused residents to hesitate to attend much-needed medical care outside of Diomed, fearing displacement. Despite these changing needs, the level of EAS has remained stagnant since its establishment. NSHC calls on DOT EAS to increase the seats available to community members by funding one additional monthly trip at an annual cost of \$174,000/year.

—Support funding for 14 villages in Bering Strait Region, eligible for Essential Air Services, to increase daily flight capacity by existing airline.

Another critical concern is the need for more access to small airline travel in the region. Twenty years ago, the area had three small airline carriers, providing many options and opportunities to travel from rural villages to the hub of Nome and Anchorage. Over the past 5 years, the number of small airlines has reduced to one, with only two available flights per day to each community. Limited flights impact medical travel, especially for last-minute needs due to urgent situations requiring patients to see a physician in the hub of Nome. These communities are EAS eligible and this may be the only way to expand service for the region. NSHC urges DOT to provide funding to expand EAS for each of the 14 villages in the Bering Strait Region.

Revise the mandatory requirement that only FAA personnel can reset Automated Weather Observing Systems (AWOS) when they go down in rural Alaska.

NSHC requests that the FAA prioritize keeping rural airports in Alaska operational. Unavailable AWOS readings due to inoperable weather equipment are the number one reason why airplanes cannot fly into villages. Patient travel is already severely limited since the region has only one airline. Our emergency medevac flights experience the same restrictions. Due to heightened airport security, the FAA requires only FAA personnel to reset AWOS systems when the electrical power goes out. In rural Alaska, power outages are common due to the inclement weather and dated equipment. Each local airport has direct-hire DOT personnel. Recommend the FAA partner with DOT to provide the necessary security clearance to these individuals to allow them to reset the local airport AWOS systems when they go down. NSHC urges the FAA to consider this request to empower local direct-hire DOT personnel to reset AWOS Systems.

We appreciate your consideration of the concerns and requests of the Norton Sound Health Corporation.

[This statement was submitted by Angela Gorn, President/CEO, Norton Sound Health Corporation.]

PREPARED STATEMENT OF OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

OSMRE is failing to comply with adequate funding of Title V State and Tribal regulatory programs. Therefore, an increase of \$13.9 million, or 21.4%, is requested over the \$65.0 million included in the FY 2025 budget of the Department of Interior—Office of Surface Mining Reclamation and Enforcement (OSMRE) for State and Tribal regulatory grants under Title V of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). This increase to \$78.9 million equals the funding requested by State and Tribal programs for FY 2024.

My testimony is to bring attention to the significant risk OSMRE's is taking by underfunding State and Tribal regulatory programs, these programs are responsible for the prevention or mitigation of adverse environmental effects of present and future surface coal mining operations. Enacted under Title V of SMCRA are rules and regulations designed to prevent a repeat of pre- 1977 abandoned and unreclaimed mine sites, now costing our Nation billions annually.

Using my state as an example, for FY 2024, Alabama requested \$1.94 million 50% matching funds as provided under SMCRA. This amount was reviewed and recommended for approval by the OSMRE field and regional offices to the OSMRE DC office. Yet, Alabama's distribution was set at only \$1.31 million, a critical shortfall of \$648,797 or 32.4%. The \$1.31 million allocation does not even cover the 50% Federal share of payroll much less any other required operating expenses. Alabama must somehow cross this gap by elimination or deferral of necessary costs. And Alabama is not the only program experiencing the pressures of inadequate funding.

For FY 2024, all Title V State and Tribal programs requested \$78.9 million, an amount that was reviewed and approved for recommendation by OSMRE field offices. However, the OSMRE DC offices decided otherwise and submitted a budget request of only \$65.0 million, later cut of \$62.4 million as included in the Consolidated Appropriations Act, 2024 dated March 9, 2024. This represents a \$16.5 million, or 20.9% shortfall across all State and Tribal programs. Also, all regulatory programs are personnel heavy, not overstaffed, but with personnel needed in multiple sciences. On average, 80% of program costs are personnel related. Therefore, \$63.12 million, or 80%, of the \$78.9 million requested is personnel costs. The appropriation of \$62.4 million falls short of even covering payroll.

These facts beg the question of how the OSMRE FY 2025 budget request amount was determined in the face of valid program needs. Apparently, the regulatory programs, those who have boots on the ground experience and knowledge of active coal mining and reclamation and recommendations of experienced OSMRE field personnel were not considered. Only the opinions of executive level OSMRE DC personnel, who probably have never been to a mine site, were considered. Exhibited on page 4, is a listing of individual State and Regulatory program requests and grant distributions for FY 2024. Underfunding is quite evident as not a single program was granted its request, with shortfalls ranging from -32.5% in Kentucky to -6.5% in Utah.

Additionally, below is the history of OSMRE Grants as Compared to Budgets from 2019 to 2024.

The current year distribution since FY 2019 decreased \$6.19 million, or 9%. Over the same period the regulatory request increased \$6.84 million, or 9.5%. A swing of \$13.3 million. When costs go up due to significant inflation, funding cannot be decreased. The result is a hollowing out of the necessary funding to accomplish the mission of protecting the environment as was intended by the 95th Congress. The regulatory programs cannot continue without a significant increase in funding, otherwise, programs may not be able to meet established Title V performance standards. The consequences of which are Federal Government takeover.

One additional point for consideration, on May 9, 2024, the updated OSMRE Ten Day notice rule took effect. The effect of this rule is OSMRE overstepping its authority as outlined in SMCRA. This new rule is an updated version of the 2020 Ten Day notice rule that all participants, State, Tribe and OSMRE, worked together to agree upon. Yet, 2 1/2 years later, OSMRE decides the 2020 rule is insufficient. OSMRE's preamble reports that it is proposing "non-substantive" changes and changes to "improve" readability. However, there are hidden consequences which cannot go unrecognized. Without going into detail, this rule fundamentally alters the nature of state primacy under SMCRA whereby States are given exclusive rights over its regulatory program. Instead, the rule provides OSMRE with unjust "powers" over regulation of State programs not envisioned under SMCRA. Yet to be determined, is what circumstances precipitated OSMRE to make such significant changes to a rule that was working as designed.

In conclusion, for Alabama as well as other States and Tribes, the funding of Title V programs must be increased to provide adequate support. Without a significant increase the intent of SMCRA Title V cannot be accomplished to prevent or mitigate adverse environmental effects of present and future surface coal mining operations. Congress is urged to approve an increase of \$13.9 million for State and Tribal Title V regulatory programs in FY 2025 to \$78.9. A small price to pay for enjoying environmental protections and preventing unreclaimed properties.

Thank you for the opportunity to submit my statement on this matter. I would be happy to answer any questions.

[This statement was submitted by Kathy H. Love, Director Alabama Surface Mining Commission.]

PREPARED STATEMENT OF ONCOLOGY ADVOCATES UNITED FOR CLIMATE AND HEALTH
INTERNATIONAL

Thank you for the opportunity to provide written testimony to highlight the funding priorities of Oncology Advocates United for Climate and Health International (OUCH) within the Environmental Protection Agency (EPA) for fiscal year 2025 (FY25).

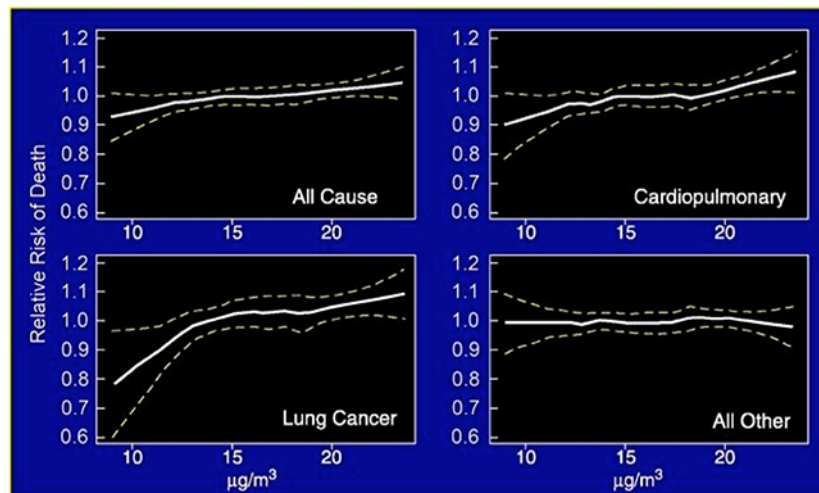
OUCH is a group of oncology-focused health professionals whose mission is to advance awareness, actions and policies that mitigate the effects of climate change on human health, cancer incidence and outcomes, and health equity. We advocate for urgent action by educating oncologists, policymakers, professional societies, the public, and other stakeholders about the relationships between climate change and cancer incidence and outcomes, and to call for actions that eliminate reliance on fossil fuels to protect public health. Since our founding in 2020, we have authored more than 37 manuscripts, op-eds, abstracts, etc., testified or supported more than 14 initiatives; and presented at 24 local, national, and international meetings. Our members include oncology health care professionals who are interested in mitigating the effects of climate change on cancer. Our members represent 27 States and 23 different countries, including six oncology professional societies.

In 2021, the World Health Organization called climate change the single biggest health threat facing humanity. 230 medical journals, including the New England Journal of Medicine, jointly published an editorial describing the health effects of climate change as catastrophic. Yet, climate change is often perceived by the majority of the public as an environmental threat or a political problem. Largely overlooked is that climate change impacts health, including cancer incidence, care delivery and outcomes.

Air pollution and climate change are two sides of the same coin; they both come from the burning of fossil fuels, whether these stem from combustion engines or from natural sources, such as wildfires. Air pollution contains “fine” particulate matter 2.5 microns thick (PM_{2.5}). Air pollution and PM_{2.5} particles have been categorized as a Group 1 carcinogen by the International Agency for Research and Cancer.

How do we know that lung cancer is related to air pollution? Numerous epidemiological studies have shown that people living in highly polluted areas are more likely to die of lung cancer than those who live in less polluted areas.

A study published in the Journal of the American Medical Association (JAMA), shows that long-term exposure to combustion-related fine particulate air pollution is an important environmental risk factor for cardiopulmonary and lung cancer mortality. This study indicates that the increase in risk of lung cancer from long-term exposure to PM_{2.5} in a polluted city was of roughly the same size as the increase in lung cancer risk of a non-smoker who breathes passive smoke while living with a smoker, or about a 20% increase in lung cancer risk (see Pope et al., 2002). The study concluded: “Long-term exposure to combustion-related fine particulate air pollution is an important environmental risk factor for cardiopulmonary and lung cancer mortality.”



Cardiovascular and Lung Cancer Mortality Risks Increase with Exposure to Fine Particulate Matter (PM_{2.5}) (Adapted from Pope, et al 2002)

At least six meta-analyses concluded that the relative risk of death from lung cancer ranges from 1.07–1.16. Additionally, 10%–20% cases of lung cancer worldwide occur in people who have never smoked. One meta-analysis reported that the estimated hazard ratio for death, adjusted for age, sex, and smoking status, was 1.13 (95% CI 1.06–1.20) per 10 µg/m³ elevation in PM_{2.5}.

We urge the Committee to support \$12 billion in funding for the Environmental Protection Agency.

Investments in EPA programs are critical to protecting public health. On behalf of OUCH, I thank you for your consideration of these requests.

[This statement was submitted by Joan H Schiller, MD, Chair, Steering Committee, Oncology Advocates United for Climate and Health International.]

PREPARED STATEMENT OF THE OREGON WATER RESOURCES CONGRESS

The Oregon Water Resources Congress (OWRC) is writing to express its strong support for the U.S. Fish and Wildlife Service's (USFWS) Fisheries Restoration Irrigation Mitigation Act (FRIMA) program and is requesting \$15 million in FY2025, which is the previously authorized amount. The FRIMA program is an essential cost-share funding program that helps water users and fishery agencies better protect sensitive, threatened, and endangered fish species while ensuring water supply delivery to farms and communities.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly one-third of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, fish screens and fish passage, and hydropower facilities.

FY2025 APPROPRIATIONS

The FRIMA program meets a critical need in fishery protection and restoration, complimenting other programs through USFWS. Fish passage and fish screen installations are a vital component to fishery protection with several benefits:

- Keep sensitive, threatened and endangered fish out of canals and water delivery systems
- Allow fish to be safely bypassed around reservoirs and other infrastructure
- Reduce water quality risks to fish species

There are over one hundred irrigation districts and other special districts in Oregon that provide water supplies to over one million acres of irrigated cropland in the state. Almost all these districts are affected by either State or Federal Endangered Species Act listings of salmon, steelhead, bull trout or other sensitive, threatened or endangered species. The design and installation of fish screens and fish passage facilities to protect the myriad of fish species is often cost-prohibitive for individual districts to implement without outside funding sources.

The cost of addressing fish screening and fish passage needs in Oregon far outweighs current appropriations or the program authorization as a whole. Oregon irrigation districts anticipate at least \$25 million in funding is needed to meet current fish passage and fish screen needs in our state alone. Limited cost-share funds are available from the Oregon Watershed Enhanced Board (OWEB), but the primary cost-share for fish screen and fish passage projects has been provided by the districts and their water users. Projects include construction of new fish screens and fish passage facilities as well as significant upgrades of existing facilities to meet new requirements (new species or science) from the National Oceanic and Atmospheric Administration (NOAA) Fisheries Service and the USFWS. Upgrades are often needed to modernize facilities with new technologies that provide better protection for fish species as well as reduced maintenance and increased lifespan for the operator.

BACKGROUND OF THE FISHERIES RESTORATION IRRIGATION MITIGATION ACT (FRIMA) PROGRAM

FRIMA, originally enacted in November 2000, created a Federal partnership program incentivizing voluntary fish screen and fish passage improvements for water withdrawal projects in Idaho, Oregon, Washington and western Montana. The funding went to local governments for construction of fish screens and fish passage facilities and is matched with non-federal funding. Irrigation districts and other local governments that divert water for irrigation accessed the funding directly, while individual irrigators accessed funding through their local Soil and Water Conservation District (SWCD), which are local governments affiliated with USDA's Natural Resources Conservation Service (NRCS).

The original legislation in 2000 (PL 106-502) was supported and requested by the Pacific Northwest Partnership, a coalition of local governmental entities in the four Northwest States, including OWRC. The FRIMA legislation authorized \$25 million annually, to be divided equally among the four States from 2001 to 2012, which was when the original authorization expired. The actual funding appropriated to the FRIMA program (through Congressional write-ins) ranged from \$1 million to \$8 million, well short of the \$25 million originally authorized and far short of what is needed to address fish passage and screening needs across the region. However, that small amount of funding was used to leverage other funds and assisted the region in making measurable progress towards installing fish screens and fish passage critical to protecting and restoring populations of sensitive, threatened, and endangered fish species.

FRIMA funding was channeled through USFWS to state fishery agencies in the four States and distributed using an application and approval process based on a ranking system implemented uniformly among the States, including the following criteria: Fish restoration benefits, cost effectiveness, and feasibility of planned structure. All projects provided improved fish passage or fish protection at water diversion structures and benefitted native fish species in the area, including several state or federally listed species. Projects were also subject to applicable State and Federal requirements for project construction and operation.

FRIMA was reauthorized as part of the Water Infrastructure Improvements for the Nation Act (WIIN) of 2016. However, a fifth state, California, was also added as an eligible FRIMA cost-share recipient and the program was only reauthorized for \$15 million, well short of the estimated \$500 million in fish screening and passage needs in the Pacific Northwest alone. Now that the program has been reauthorized, it is imperative the program receive appropriations so all five States can better leverage State and local funding to meet their fish passage and screening needs.

PROGRAM BENEFITS

FRIMA projects provide immediate protection for fish and fills a large unmet need in the Western United States for cost-share assistance with fish screening and fish passage installation and improvements. Compared to other recovery strategies, installation of fish screens and fish passage has the highest assurance for increasing populations of sensitive, threatened, and endangered fish species in the Pacific

Northwest. Furthermore, the construction of these facilities have minimal impact on water delivery operations, and projects are done cooperatively using methods well accepted by landowners and rural communities.

Funding of the FRIMA program has catalyzed cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. This program is also a wise investment, with past projects contributing more than the required match and leveraging on average over one dollar for each Federal dollar invested. FRIMA provides for a maximum Federal cost-share of 65%, with the applicant's cost-share at 35% along with on-going maintenance and support of the structure for passage or screening purposes. Applicants operate the facilities and State agencies review and monitor the projects.

OREGON PROJECTS & BENEFITS

Twenty-six fish screen or fish passage projects in Oregon were previously funded using FRIMA for part of the project financing. These projects have led to:

- Installation of screens at 17 diversions or irrigation pumps
- Removal or modification of 12 fish passage barriers
- Three-hundred sixty-five miles of surface waters re-opened to safe fish passage

In addition, the Oregon Department of Fish and Wildlife (ODFW) has used some of the FRIMA funding to develop an inventory of needed fish screens and passages in the state. Grants ranged from just under \$6,000 to \$400,000 in size with a local match averaging 64% of the project costs, well over the amount required under the act (35%). In other words, each Federal dollar invested in the FRIMA program generates a local investment of just over one dollar for the protection of fish species in the Pacific Northwest.

The following are examples of how Oregon has effectively utilized FRIMA money.

Santiam Water Control District: Fish screen project on a large 1050 cubic feet per second (cfs) multipurpose water diversion project on the Santiam River (Willamette Basin) near Stayton, Oregon. Partners are the Santiam Water Control District, ODFW, Marion Soil and Water Conservation District, and the City of Stayton. Approved FRIMA funding of \$400,000 leveraged a \$1,200,000 total project cost. Species benefited included winter steelhead, spring Chinook, rainbow trout, and cutthroat trout.

South Fork Little Butte Creek: Fish screen and fish passage project on a sixty-five cfs irrigation water diversion in the Rogue River Basin near Medford, Oregon. Partners are the Medford Irrigation District and ODFW. Approved FRIMA funding of \$372,000 leveraged a \$580,000 total project cost. Species benefited included listed summer and winter steelhead, Coho salmon, and cutthroat trout.

Running Y (Geary Diversion): Fish screen project on a sixty cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Wocus Drainage District, ODFW, and Jeld-Wen Ranches. Approved FRIMA funding of \$44,727 leveraged a total project cost of \$149,000. Species benefited included listed red-band trout and short-nosed sucker.

Lakeshore Gardens: Fish screen project on a two cfs irrigation water diversion in the upper Klamath Basin near Klamath Falls, Oregon. Partners are the Lakeshore Gardens Drainage District and ODFW. Approved FRIMA funding of \$5,691 leveraged a total project cost of \$18,970. Species benefited included red-band trout, short-nosed sucker and Lost River sucker.

CONCLUSION

Providing funding for the FRIMA program fills a vital funding gap for fish screens and fish passage projects that are needed to protect and restore sensitive, threatened, and endangered fish species, which in turn benefits the economy, local communities, and the environment. Eligible FRIMA funded projects are ready for construction and will provide immediate habitat benefits for fish as well as jobs and economic revitalization for local communities. Dollar-for-dollar, providing screening and fish passage at diversions is one of the most cost-effective uses of restoration dollars, creating fishery protection at relatively low cost, with minimal risk and significant benefits.

The return of a robustly funded FRIMA program will once again catalyze cooperative partnerships and innovative projects that provide immediate and long-term benefits to irrigators, fishery agencies, and local communities throughout the Pacific Northwest. We respectfully request an appropriation of \$15 million for U.S. Fish and Wildlife Service's Fisheries Restoration Irrigation Mitigation Act program for FY2025.

[This statement was submitted by April Snell, Executive Director, Oregon Water Resources Congress.]

PREPARED STATEMENT OF THE OREGON WATER RESOURCES CONGRESS

The Oregon Water Resources Congress (OWRC) is highly supportive of the U.S. Environmental Protection Agency's (EPA) Clean Water State Revolving Fund Loan Program (CWSRF). OWRC respectfully requests FY2025 appropriations for this program be increased to at least \$3 billion, an increase from the \$2.77 billion appropriated in FY2023 and FY2024 for the Clean Water and Drinking Water SRF programs. The CWSRF is an effective loan program that addresses critical water infrastructure needs while benefiting the environment, local communities, and the economy. As an existing and proven program, it is a perfect fit for increased investment during a time of need for climate and environmentally friendly infrastructure.

OWRC was established in 1912 as a trade association to support the protection of water rights and promote the wise stewardship of water resources statewide. OWRC members are local governmental entities, which include irrigation districts, water control districts, drainage districts, water improvement districts, and other agricultural water suppliers that deliver water to roughly one-third of all irrigated land in Oregon. These water stewards operate complex water management systems, including water supply reservoirs, canals, pipelines, fish screens and fish passage, and hydropower production facilities.

FY2025 APPROPRIATIONS

We recognize our country must make strategic investments with scarce resources. The CWSRF is a perfect example of the type of program that should have funding increased because it creates jobs while benefiting the environment and is an efficient return on taxpayer investment. CWSRF projects provide much needed construction and professional services jobs, particularly in rural areas facing economic hardship. Moreover, as a loan program, it is a wise investment that allows local communities to leverage their limited resources and address critical infrastructure needs that would otherwise be unmet.

In Oregon, the CWSRF is administered by the Oregon Department of Environmental Quality (DEQ), which has updated its rules implementing the program to reflect new criteria enacted under the BIL. DEQ responsibly maintains the program through repaid loans, interest, fees, and available Federal capitalization grants. According to EPA, for every \$1 of Federal capitalization funding, \$3 worth of assistance is provided, leveraging available funds to maximize benefits for local communities, the environment, and the economy. Unfortunately, available funding for water infrastructure projects continues to be woefully insufficient to meet the growing water infrastructure funding needs in Oregon and nationwide. Appropriations for the CWSRF needs to be increased in FY2025, as authorized in the BIL, to support water infrastructure projects that are addressing these critical needs.

BACKGROUND OF CWSRF USAGE BY OREGON IRRIGATION DISTRICTS

During the program's thirty-plus year history in Oregon, numerous OWRC member districts have successfully used CWSRF for projects that improve water quality and water conservation associated with water delivery diversions, canals, and pipelines throughout the state. OWRC and its members are highly supportive of the CWSRF, including promoting the program to our members, hosting workshops with agency staff, and annually submitting Federal appropriations testimony in support of increased funding for the CWSRF. We believe it is an important funding tool for irrigation districts and other water suppliers that are using it for innovative piping projects that provide multiple environmental and economic benefits.

Numerous irrigation districts and other water suppliers need to pipe currently open canals, which significantly reduces sediment, improves water temperature, and provides other water quality benefits to rivers and streams. Piping immediately improves the efficiency of the water delivery system and helps increase available water supplies for aquatic life and irrigators alike. These projects also decrease energy consumption (from reduced pumping), and have opportunities for generating renewable energy, primarily through in-conduit hydropower. CWSRF is often an integral part of an overall package of local, State, and Federal funding sources necessitating a higher level of Federal loan funding availability for planned water infrastructure projects. Reductions in CWSRF appropriations could lead to loss of matching grant funding and delay or derail beneficial projects irrigation districts have been developing for years.

The success Oregon districts have experienced using the loan program to design and implement multi-beneficial projects has led to increased applications to the CWSRF. Irrigation districts are once again eligible for a key funding element, principal forgiveness, up to 50% and capped at \$500,000 for projects in a distressed community or eligible for the Green Project Reserve designation. As a result, we expect to see even more interest in the program. OWRC is hopeful there will be enough funding available to complete projects that will not only benefit the environment and the patrons served by the water delivery system, but also benefit the rural economy.

CWSRF NEEDS IN OREGON

The appropriations for the CWSRF program prior to the BIL had fallen far short of what is needed to address critical water infrastructure needs in Oregon and across the Nation. This has led to fewer water infrastructure projects, and therefore a reduction in improvements to water quality and water conservation. However, OWRC is pleased with the 5-year commitment to increased funding authorized in the BIL. This Federal commitment is important as infrastructure needs have become more expensive and even more time critical.

The most recent Oregon Intended Use Plan (IUP), updated on December 20, 2023, includes forty-eight loan applications totaling \$228,168,903 in requested CWSRF funding. Currently, the Oregon CWSRF loan program has \$209,476,794 net available to lend for state FY2024. DEQ can award a maximum individual loan amount of \$31,421,519.

The following irrigation district projects are included in the current FY2024 IUP. Increased funding will help catalyze many more projects like the ones below in Oregon and throughout the Nation.

OREGON PROJECTS IN FY24 IUP

ARNOLD IRRIGATION DISTRICT (DESCHUTES COUNTY)—\$8,699,900 (RANKED #5 IN FY24 IUP)

Design and Construction, Infrastructure Resiliency and Modernization Project. The Arnold Irrigation District Infrastructure Resiliency and Modernization Project will enclose 11.9 miles (62,868 length-feet) of open porous canal into leak-free piping resulting in the conservation of 11,083 acre-feet (AF) of water per year. Piping the canals has two immediate outcomes: (1) a substantial reduction in water quantity diverted; and (2) substantial increase of water quantity remaining instream. These outcomes have an immediate benefit to improving streamflow that will result in improvements to water quality, habitat, and habitat availability in the Deschutes River downstream from Wickiup Reservoir.

EAST FORK IRRIGATION DISTRICT (HOOD RIVER COUNTY)—\$4,000,000 (RANKED #1 IN FY24 IUP)

Design and Construction, EFID Canal and Pipe Improvements. The proposed loan will support several water quality/water conservation projects that have been identified as high priority actions in recent East Fork Irrigation District planning studies. The primary projects will replace open canals or non-pressure rated pipe with pressure-rated pipe and pressure reducing stations; additional potential projects would reduce warm water return flows, reduce sediment and chemical inputs to the Hood River, reduce water loss and remove sediment from the system, reduce operation and maintenance costs, improve fish screening and increase instream flow. The proposed projects will meet multiple water quality improvement objectives including: 1) Decrease stream temperatures in the East Fork and mainstem Hood River; both reaches are covered by the Columbia-Hood River TMDL. 2) Reduce sediment, pesticide, fertilizer, and other chemical inputs to the East Fork Hood River, Neal Creek, and the mainstem Hood River, all of which have water quality 303(d) listings. This project is eligible for \$2,000,000 in principle forgiveness under the Bipartisan Infrastructure Bill.

MEDFORD IRRIGATION DISTRICT (JACKSON COUNTY)—\$2,443,000 (RANKED #15 IN FY24 IUP)

Construction, Community Floating Solar. Medford Irrigation District is developing a floating community solar project to provide low-cost, locally produced, renewable energy to irrigators and area residents. The project will be installed on a reregulation reservoir owned by MID and located adjacent to MID's offices. It will be Oregon's first floating solar installation. The 0.9 MW project will generate an estimated 2 million kWh of electricity each year. Under Oregon's Community Solar Program, 40% of the energy produced by the project will be offered to local businesses,

and 60% to Jackson County residents and at least 30% to low-income community members. The floating solar panels will have water quantity and water quality benefits for MID and its patrons. The panels will reduce evaporation from the reservoir, improving water supply reliability for agriculture. By shading the reservoir, the solar panels will also reduce water temperature in the summer, reducing the growth of algae and aquatic weeds and improving the quality of irrigation water delivered to farms and other users. Once complete, the project will achieve the following objectives: generate an estimated 2 million kWh of renewable energy annually; reduce electric utility bills for local businesses, irrigators and 100 low-income households by up to 50%; reduce evaporation from the reservoir, conserving water for irrigation supplies; reduce algae growth in the reservoir, improving water quality for agriculture; create approximately \$46,000 in annual revenue for MID to support District operations and future modernization projects.

OWYHEE IRRIGATION DISTRICT (MALHEUR COUNTY)—\$500,000 (RANKED #14 IN THE FY24 IUD)

Construction—Kingman Lateral First Mile Piping Project. Owyhee Irrigation District will construct 5,800 feet of piping of the Kingman Lateral canal to address embankment instability caused by seepage. The piping will prevent sediment loading and other water quality issues in the Owyhee River basin caused by seepage and/or catastrophic failure of this canal section. The project includes installation of pipe between the lateral headgate and a tunnel at the end of the worst problem section.

EXAMPLES OF GREEN PROJECT RESERVES IN OREGON

Oregon irrigation districts and other water suppliers are on the forefront of innovative piping projects that provide and leverage multiple benefits, including “green” infrastructure projects. Otherwise known as Green Project Reserve (GPR), DEQ is required to use at least 10 percent of annual Federal capitalization grants on projects that promote water and energy efficiency, are environmentally innovative, or include green infrastructure. Of the projects listed above, Arnold Irrigation District, East Fork Irrigation District, and Medford Irrigation District have qualifying GPR projects.

Providing increased appropriations for the CWSRF program will help implement additional innovative and multi-benefit projects like these in Oregon and across the Nation.

CONCLUSION

In conclusion, OWRC is strongly supportive of increased appropriations to the CWSRF program, allowing Oregon’s DEQ to continue making targeted loans that address Clean Water Act issues and improve water quality while incentivizing innovative water management solutions that benefit local communities, agricultural economies, and the environment. This voluntary approach creates and promotes co-operation and collaborative solutions to complex water resources challenges. We respectfully request an appropriation of at least \$3 billion for the U.S. Environmental Protection Agency’s Clean and Drinking Water State Revolving Loan Funds for FY2025.

[This statement was submitted by April Snell, Executive Director, Oregon Water Resources Congress.]

PREPARED STATEMENT OF OUTDOOR ALLIANCE

Summary of Recommendations

Agency	Program Funding Recommendations
Department of Agriculture Forest Service ¹	—Recreation, Heritage, and Wilderness: \$70M —Land Mgmt. Planning, Assessment, and Monitoring: \$21.75M. —Cap. Improvements & Maintenance, Trails: \$30M, including \$15M for National Scenic and Historic Trails. —Cap. Improvements & Maintenance, Roads: \$109.5M —Legacy Roads and Trails: \$100M —Forest and Rangeland Research: \$375M.

Summary of Recommendations—Continued

Agency	Program Funding Recommendations
Department of Interior Bureau of Land Management	—Recreation Resources Management: \$100M
	—Resource Management Planning: \$102M
	—National Conservation Lands: \$78M
	—Wilderness Management: \$27.67M
	—National Trails System: \$15M.
Department of Interior National Park Service	—National Recreation and Preservation: \$136.85M, including \$15M for Rivers, Trails and Conservation Assistance.
	—Park Service Operations for the National Trails System: \$20.964M.
Environmental Protection Agency	—BEACH Act Grant Program: \$15M
	—U.S./Mexico Border Water Infrastructure Grant Program: \$100M.
Other Priorities	—Land and Water Conservation Fund: \$1.35B, including \$125M for Outdoor Recreation Legacy Partnership..

¹ All Forest Service appropriations should be accompanied by a commensurate increase to Salaries & Expenses.

Outdoor Alliance is a coalition of 10 member-based organizations representing the human powered outdoor recreation community. The coalition includes Access Fund, American Canoe Association, American Whitewater, International Mountain Bicycling Association, Winter Wildlands Alliance, The Mountaineers, the American Alpine Club, the Mazamas, Colorado Mountain Club, and Surfrider Foundation and represents the interests of the millions of Americans who climb, paddle, mountain bike, backcountry ski and snowshoe, and enjoy coastal recreation on our Nation's public lands, waters, and snowscapes.

Federal public lands and waters provide outstanding opportunities for outdoor recreation, including at some of the world's most iconic recreation destinations. These recreation opportunities, as well as the irreplaceable cultural, ecological, and scenic values found across public lands, in turn support the growing outdoor recreation economy, which accounted for \$1.1 trillion in gross economic output, 2.2 percent of U.S. GDP, and 5 million jobs in 2022.²

Due to decades of underinvestment, Federal land management agencies face staffing and resource challenges that have left them unable to meet modern needs related to recreation access, conservation, and sustainability. This trend of underfunding directly impacts the visitor experience on America's public lands and waters. Maintenance issues like trash, pollution, fire starts, and erosion have become more common, sometimes in a way that creates a public safety issue. In some cases, partner-led efforts to complete recreation infrastructure projects, such as trail systems, are delayed for years due to lack of capacity by agency staff to complete project planning. Moreover, the cost-of-living in many gateway communities has increased dramatically in recent years, and some land managers have been unable to fill recreation-related positions due to inadequate pay rates and cost-of-living concerns, particularly around housing. Investing in recreation and conservation programs will help fill this capacity gap, improve the visitor experience, and enable partner organizations to better invest in public lands and waters.

Over the past decade, Federal public lands have benefited from historic investments from Congress through the Great American Outdoors Act, the Infrastructure Investment and Jobs Act, and the Inflation Reduction Act. Land managers are currently in the process of putting these funds to good use through a wide range of beneficial projects. While significant, these funds are not a substitute for adequate discretionary funding to support staffing and other basic needs of the agencies. Investing in Federal land management agencies will help ensure that mandatory dollars are expeditiously put into action to benefit the American public.

USDA FOREST SERVICE

Recreation, Heritage, and Wilderness: \$70M. The Recreation, Heritage, and Wilderness budget line item is the foundation of the USFS's recreation program. An

² U.S. Bureau of Econ. Analysis, BEA 23–54, Outdoor Recreation Satellite Account, U.S. and States, 2022 (2023).

increase is necessary to address inflation and cost-of-living for USFS employees and to account for a significant increase in recreational visits to USFS lands over the past decade. Between 2010 and 2020, funding for Recreation, Heritage, and Wilderness decreased 23% accounting for inflation, while recreational visits increased 17%.³ Funding this program at \$70M would allow the agency to rebuild its recreation workforce, provide high-quality visitor experiences, and implement its new national recreation strategy: Reimagine Recreation.

Land Management Planning/Assessment/Monitoring: \$21.750M. Forest plans form the foundation for sustainable recreation opportunities and restoration activities across our National Forests, but a majority of plans are outdated. An increase in funding will help the USFS increase the pace and scale of forest plan revisions and launch the Planning Service Organization—a new national organization to make forest planning more efficient and responsive to stakeholder input.

Capital Improvements and Maintenance, Trails: \$30M, including \$15M for National Scenic & Historic Trails. The Forest Service manages more than 160,000 miles of trails, which provide access to extraordinary scenic, cultural, and ecological resources. Increasing trails funding will help the agency maintain and expand its trail system and strengthen trails partnerships.

Capital Improvements and Maintenance, Roads: \$109.5M. Forest Service roads, bridges, and parking lots are critical access points for outdoor recreationists. Significantly increased resources are needed to help the agency improve recreation access and increase the resilience of the extensive USFS road system to high use levels and extreme weather events.

Legacy Roads and Trails: \$100M. Outdoor Alliance supports the WA Watershed Restoration Initiative's request for Legacy Roads and Trails. Although Congress permanently authorized this program in the IIJA at \$50M per year, this does not meet the need for road and trail repair, road decommissioning, and other needs. IIJA investments should be augmented with an additional \$100M to prevent adverse impacts to water quality, habitat, and recreation from USFS roads.

Forest and Rangeland Research: \$375M. Forest Service research is critical to understanding our natural world. Increasing research funding will help address pressing ecological questions and develop new techniques for forest and rangeland management.

BUREAU OF LAND MANAGEMENT

Recreation Resources Management: \$100M. The Recreation Resources Management subactivity is the BLM's primary account for providing sustainable recreation opportunities. Despite overseeing more lands than any other Federal land manager, BLM's recreation funding has historically lagged considerably behind other agencies. Since 2006, BLM has seen a 25% reduction in real appropriations for Recreation Resources Management.⁴ Meanwhile, visitation to BLM lands has increased 46%, and the number of full-time equivalents under Recreation Resources Management has decreased by 25%.⁵ \$100M will restore historic funding levels, enabling the agency to rebuild its workforce and implement its new national recreation strategy.⁶

Resource Protection and Maintenance-Resource Management Planning: \$102M. BLM planning ensures the best use of BLM lands, including balancing recreation with other multiple use values. Approximately 134 of the BLM's 169 Resource Management Plans are outdated, and additional plans need to be completed for new National Monuments.

National Conservation Lands: \$78M. The National Conservation Lands system includes some of our country's marquee destinations for outdoor recreation. Investing in these lands is critical for their long-term protection and their ability to deliver economic benefits to local communities. Increased funding is needed to account for the increase in acres protected over the last 20 years, and to address the backlog of management plans for recently protected areas.

Wilderness Management: \$27.67M. BLM Wilderness lands, which include a network of 263 Wilderness areas and 487 Wilderness Study Areas totaling more than 21 million acres, provide some of the Nation's best opportunities for backcountry recreation. Funding will maintain these areas' Wilderness character, while sustaining irreplaceable ecological and cultural resources.

³Data are derived from agency budget justifications and NVUM 5-year visitation estimates.

⁴Historic funding data are derived from BLM budget justifications.

⁵Data are derived from BLM Public Lands Statistics reports and agency budget justifications.

⁶See, U.S. Department of Interior, Bureau of Land Management, Bureau of Recreation and Visitor Services, The Bureau of Land Management's Blueprint for 21st Century Outdoor Recreation, Washington, DC (2023).

NATIONAL PARK SERVICE

National Recreation and Preservation: \$136.85M, including \$15M for the Rivers, Trails, and Conservation Assistance program. NPS requires additional resources to meet the challenges of increased visitation, climate, and other stressors. Additionally, RTCA is a critically important program for helping local communities realize their visions for improved recreation resources.

ENVIRONMENTAL PROTECTION AGENCY

BEACH Act Grant Program: \$15M. The BEACH Act grant program provides funding to coastal States to run their beach water quality monitoring and public notification programs. This funding is critical for protecting public health in areas valued for coastal recreation.

U.S./Mexico Border Water Infrastructure Grant Program: \$100M. This funding is needed to address a significant public health concern caused by sewage pollution from the Tijuana River affecting coastal recreation in southern California and Mexico. Funding will advance the EPA Comprehensive Infrastructure Solution to upgrade treatment facilities at the U.S./Mexico Border.

OTHER APPROPRIATIONS PRIORITIES

Land and Water Conservation Fund (LWCF): \$1.35B, including \$125M for the Outdoor Recreation Legacy Partnership. Congress guaranteed permanent dedicated funding of \$900M per year to the LWCF through the GAOA. While significant, this funding is intended as a baseline for LWCF, and the number of time-sensitive projects seeking funding far surpasses \$900M.

National Trails System: We support an increase in appropriations for the National Trails System across agencies, including \$20.964M at NPS, \$15M at BLM, and \$15M at USFS. This funding will ensure that Federal agencies and stewardship partners can keep these iconic trails accessible, maintained, and sustainable.

[This statement was submitted by Louis Geltman, VP for Policy & Government Relations, Outdoor Alliance.]

PREPARED STATEMENT OF THE PACIFIC SALMON COMMISSION

Mister Chair, and Honorable Members of the Committee, in March 1985 the United States and Canada agreed to cooperate in the management, research and enhancement of Pacific salmon stocks of mutual concern by ratifying the Pacific Salmon Treaty (PST). I am Ron Allen, the Tribal Commissioner and Chair of the Finance and Administration Committee for the U.S. Section of the Pacific Salmon Commission (PSC). The U.S. Section prepares an annual budget for implementation of the Pacific Salmon Treaty. The United States and Canada completed revisions of five of the Annex Chapters to the PST in 2019. The Annex Chapters contain the details for operations of fisheries under the Treaty for 10 years, through 2029. The U.S. and Canada are entering negotiations to revise the Annex Chapters for another 10 years, through 2039.

Funding to implement the PST comes from the Departments of Interior, Commerce, and State. The integrated budget details program needs and costs for Tribal, Federal, and State agencies involved in the Treaty. Tribal participation in the Treaty process is funded within the Bureau of Indian Affairs (BIA) budget as a line item within Rights Protection Implementation. Our recommendations are as follows:

In order to meet the increased obligations under the Pacific Salmon Treaty Agreement, the 25 affected Tribes identified costs at \$7,420,000 for Tribal research and monitoring projects and participation in the U.S.-Canada Pacific Salmon Treaty process. This represents a 9.3% increase from FY 2023 levels and the FY 2024 CR. The funding for Tribal participation in the Pacific Salmon Treaty is a line item in the BIA's budget under Rights Protection Implementation.

Under U.S. Fish and Wildlife Service programs, the U.S. Section identified funding needs as follows:

USFWS participation in the Treaty process is currently funded at \$372,362. In addition, the Pacific States Marine Fisheries Commission (PSMFC) Regional Mark Center receives support from the USFWS to provide data services to the PSC process at \$236,189 annually. The U.S. Section recommends increasing the funding for PSMFC by \$150,000. The recommended total for the two programs for FY 2025 is \$758,551. The USFWS received \$4,700,000 for Pacific Salmon Treaty Implementation in the Hatchery Operations account starting in FY 2020. The USFWS uses these funds to work with State agencies and Tribes to implement projects on anad-

romous salmonids subject to the PST including producing hatchery salmon to offset Treaty fisheries impacts Southern Resident Killer Whales as required under the ESA. For FY 2025 the USFWS plans to transfer \$400,000 of the additional funds to the BIA to support Tribal implementation of the PST. The U.S. Section recommends maintaining that level of funding for FY 2025.

The base funding for the USFWS supports critically important on-going work and participation in the process. The funding for Pacific States Marine Fisheries Commission's Regional Mark Processing Center is utilized to meet Treaty requirements concerning data exchange with Canada. These program recommendations are integrated with those of participating State and Federal agencies to avoid duplication of effort and provide for the most efficient expenditure of limited funds.

The U.S. Section of the PSC and the Treaty Tribes appreciate the increases in funding in recent years for the Tribes to implement the revised chapters of the Pacific Salmon Treaty. Tribal programs are essential for the United States to meet its international obligations. Tribal programs have taken on additional management responsibilities over time. All participating agencies need to be adequately supported to achieve a comprehensive U.S. effort to implement the Treaty. The U.S. Section of the PSC recommends the proposed increase in funding to support the work carried out by the twenty-five Treaty Tribes' participating in implementation of the Treaty. Programs carried out by the Tribes are closely coordinated with those of participating State and Federal agencies.

The USFWS activities are essential, so the U.S. can maintain the coded wire tag database necessary to implement the Treaty. The work of the Regional Mark Processing Center includes maintaining and updating a coastwide computerized information management system for salmon harvest data as required by the Treaty. This work has become even more important to monitor the success of management actions aimed at reducing impacts on ESA-listed salmon populations. Canada has a counterpart database. The U.S. database will continue to be housed at the Pacific States Marine Fisheries Commission. The U.S. Section appreciates the \$4,700,000 in the Hatchery Operations account of the USFWS budget to work with State agencies and Tribes on Treaty implementation. The U.S. Section recommends maintaining that funding for FY 2025.

Funding to support activities under the Pacific Salmon Commission comes from the Departments of Interior, State, and Commerce. The U.S. Section can provide a cross-cut budget summary to the Committee. Adequate funding from all three Departments is necessary for the U.S. to meet its Treaty obligations. All the funds are needed for critical data collection and research activities directly related to the implementation and are used in cooperative programs involving Federal, State, and Tribal fishery agencies and the Department of Fisheries and Oceans in Canada. The commitment of the United States is matched by the commitment of the Government of Canada.

Mister Chair, the United States and Canada established the Pacific Salmon Commission, under the Pacific Salmon Treaty of 1985, to conserve salmon stocks, provide for optimum production of salmon, and to control salmon interceptions. After thirty-eight years, the work of the Pacific Salmon Commission continues to be essential for the wise management of salmon in the Pacific Northwest, British Columbia, and Alaska. For example, upriver bright fall Chinook salmon from the Hanford Reach of the Columbia River are caught in large numbers in Alaskan and Canadian waters. Tribal and non-Tribal fishers harvest sockeye salmon from Canada's Fraser River in the Strait of Juan de Fuca and in Puget Sound. Canadian trollers off the west coast of Vancouver Island catch Washington coastal Coho salmon and Puget Sound Chinook salmon. In the Northern Boundary area between Canada and Alaska, fish from both countries are intercepted by the other country in large numbers.

The Pacific Salmon Commission provides a forum to ensure cooperative management of salmon populations. The United States and Canada reached agreements for revised Annex Chapters for management of Chinook, Coho, Chum, Fraser River Sockeye and Pink, and transboundary salmon populations for the next 10 years. It is critically important to have adequate resources for U.S. participants to implement the revised agreements and protect our Tribal Treaty resources.

Before the Pacific Salmon Treaty, fish wars often erupted with one or both countries overharvesting fish that were returning to the other country, to the detriment of the resource. At the time the Treaty was signed, Chinook salmon were in a severely depressed state because of overharvest in the ocean as well as environmental degradation in the spawning rivers. Under the Treaty, both countries committed to rebuild the depressed runs of Chinook stocks and recommitted to that goal in 1999 when adopting a coastwide abundance-based approach to harvest management. Under this approach, harvest management has complemented habitat conservation and restoration activities undertaken by the States, Tribes, and other stakeholders

in the Pacific Northwest to address the needs of salmon listed for protection under the Endangered Species Act. The updated Annex Chapters continue these commitments. The combination of these efforts is integral to achieving success in rebuilding and restoring healthy, sustainable salmon populations.

Finally, you should consider that the value of the commercial harvest of salmon subject to the Treaty, managed at productive levels under the Treaty, supports the infrastructure of many coastal and inland communities. The value of the commercial, recreational fisheries, and the economic diversity they provide for local economies throughout the Pacific Northwest and Alaska, is immense. The Commission funded an economic study of fisheries and determined that this resource creates thousands of jobs and is a multi-billion-dollar industry. The value of these fish to the twenty-four Treaty Tribes in Washington, Oregon, and Idaho goes far beyond their monetary value, to the cultural and religious lives of American Indian people.

The Commission funded a study to capture the socioeconomic value of the fisheries to U.S. Tribes and Canadian First Nations. A significant monetary investment is focused on salmon due to the listings of Pacific Northwest salmon populations under the Endangered Species Act. Given these resources, we continue to utilize the Pacific Salmon Commission to develop recommendations that help with the development and implementation of solutions to minimize impacts on listed stocks. We continue to work towards the true intent of the Treaty, and with your support, we will manage this shared resource for mutual enhancements and benefits.

Mister Chair, that concludes my written testimony submitted for consideration by the Committee. I want to thank the Committee for the support that it has given the U.S. Section in the past. Please feel free to contact me, or other members of the U.S. Section to answer any questions you or Committee members may have regarding the U.S. Section of the Pacific Salmon Commission budget.

[This statement was submitted by W. Ron Allen, Tribal Commissioner and Chair of the Finance and Administration.]

PREPARED STATEMENT OF THE PARTNERSHIP FOR THE NATIONAL TRAILS SYSTEM

Thank you for the opportunity to submit testimony on behalf of the Partnership for the National Trails System (PNTS). Use of the 32 Congressionally designated National Scenic and Historic Trails (NSHTs) has grown substantially since the onset of the pandemic and is expected to continue to grow, making increased investment in National Trails System (NTS) critical to meet public demand. PNTS requests the following Fiscal Year (FY) 2025 funding for NSHT and the wider trails system on Federal lands:

- Bureau of Land Management (BLM): \$14 million for NSHT operations, as well as a minimum of \$3.15 million for Historic Trail 145 Interpretive Centers and \$78.145 million for the wider National Conservation Lands.
- National Park Service (NPS): \$20.964 million for NSHT operations plus \$15 million for the Rivers, Trails and Conservation Assistance (RTCA) program, at least \$8 million for Volunteers in Parks, a minimum of \$10.95 million for Visitor Services sub-activity Youth Partnership Programs and \$125 million for the Outdoor Recreation Legacy Partnership.
- U.S. Forest Service (USFS): \$30 million for Trails with \$15 million for NSHTs in the Capital Improvement and Maintenance (CMTL) account plus \$70 million for Recreation, Heritage and Wilderness and \$100 million for Legacy Roads and Trails.

PNTS supports robust funding for the Land and Water Conservation Fund (LWCF) with up to \$20 million set aside from the Federal land acquisition programs of the BLM, the NPS and the USFS for projects that complete NSHTs and protect side or connecting trails and viewsheds. Finally, we ask that Congress fully fund agency requests for deferred maintenance projects on NSHTs.

Authorized through the 1968 National Trails System Act, the NTS includes 10 National Scenic Trails (NSTs) and 22 National Historic Trails (NHTs) that will eventually preserve over 62,000 miles of public trails, traversing all 50 States and the District of Columbia, connecting 84 national parks, 89 national forests, 70 national wildlife refuges, over 100 BLM public land areas and 179 national wilderness areas. The NTS continues to grow with new trails in the pipeline to be considered by Congress in 2025 and beyond. NSHTs represent a broad spectrum of our Nation's iconic landscapes and its natural and cultural heritage. From the Southern Appalachian Mountains to the wildest reaches of Alaska, the San Francisco Bay and the breathtaking coast of the "Big Island" of Hawaii, they feature diverse ecosystems

and shine a light on the stories of the lands, the people and the United States as a nation such as the struggles for independence and equal rights, the forced relocation of Native Americans, the trails blazed by indigenous peoples, immigrants and pioneers and more.

NSHTs are collaboratively managed with volunteer-based, private nonprofit partners and Federal administrators. In 2023 alone, nonprofit partners leveraged Federal funds to raise and invest over \$56.5 million in private funding and volunteer hours on NSHTs. PNTS is the only national nonprofit focused on NSHTs. Our trail organization members are the primary partners working with the Federal agencies to cooperatively manage, construct, maintain, protect, and promote the NTS.

PNTS is grateful for support for NSHTs, and all trails administered by the land management agencies that Congress has provided, in the FY2024 House Interior and Related Agencies Appropriations bill. It will have an incredible impact on the general public and on local economies. We also thank you for the 2020 passage of the Great American Outdoors Act and urge the reauthorization of the Legacy Restoration Fund to continue to address the backlog of deferred maintenance to the Nation's trail system that is the result of inadequate ongoing regular funding and the impact of climate change reflected to increasing levels of wildfire and storms.

Adequate annual funding is essential to achieving Congressional intent to provide high quality outdoor recreation opportunities for urban and rural communities on National Trails. It is up to Congress to ensure that adequate annual trail funding needs are met so the agencies and their nonprofit partners have sufficient resources to complete and maintain NSHTs to the necessary, expected and deserved standard. Public access to public lands is at stake.

LAND MANAGEMENT AGENCY STAFFING AND ASSESSMENT NEEDS

The impact of funding increases for trail development and maintenance over the last several years cannot be fully realized without adequate agency staffing. For instance, the commitment to fund deferred maintenance through GAOA has been critically needed yet, without additional staff resources, the backlog continues to grow even as specific deferred maintenance is addressed.

The administrative and field staff at Federal land agencies have been severely reduced over the past 20 years, leading to fewer 'boots on the ground' and less oversight. For example, many USFS positions were vacated over the last decade due to "fire borrowing." While Congress fixed that budgetary issue years ago, the results linger, and agency staff has not been restored to its previous strength.

Federal agency NSHT staff work collaboratively with nonprofit trail partners, providing crucial administration, oversight, skills, and expertise. Their guidance is key to the success of nonprofit partners as they fulfill their co-management responsibilities, and as they recruit, train and marshal tens of thousands of volunteers in public service. Staffing must be substantially increased to sustain the current NTS, and to increase its capacity should Congress choose to designate more NSHTs.

As the Committee prepares the FY 2025 budget, PNTS requests increased funding for Federal staffing at land management agencies as noted below, including at least one dedicated superintendent or administrator per NSHT, with related direction for the agencies. PNTS requests report language to audit the centralized agency hiring practices, which have been identified as a roadblock to filling thousands of crucial vacancies. Centralizing hiring prevents land managers from quickly filling vacancies from local talent pools. The cumbersome process slows hiring so much that vacancies often go unfilled. This is especially true for short term or seasonal positions.

Great disparities in the levels of funding appropriated to operate each NSHT exist, further exacerbating the staff limitations on these trails. For greater clarity and transparency and to ensure fiscally sound management of the NTS, PNTS requests the Committee direct agencies administering NSHT to conduct an assessment to examine the actual needs and costs of operating NSTs and NHTs to establish a baseline level of funding needed to operate and staff trails.

BUREAU OF LAND MANAGEMENT (BLM)

The BLM administers and manages NSHTs as part of its National Conservation Lands. BLM protects nearly 6,000 miles of 18 designated trails in 15 States, in addition to thousands of miles of trails under study for potential designation. It administers the Iditarod NHT and co-administers the Old Spanish and El Camino Real de Tierra Adentro NHT with the NPS.

We are grateful that Congress included language in the FY 2022 bill to encourage BLM to restructure its budget and for noting a dedicated National Trails System budget line item as an example. Moving forward, we request Congress continue to its support of adding transparency to agency budgeting by instructing BLM to re-

tain and effectively manage its line items for trails and for each NSHT in its budget. At a minimum, like the guidance the subcommittee provided to the USFS in FY 2020, we ask that the FY 2025 bill direct BLM to include unit-level allocations within major sub-activities for each of the NSHTs as BLM has done for individual national monuments, wilderness areas, and conservation areas.

PNTS requests including at least \$14 million for NSHTs to administer, manage, maintain and improve the Trails under BLM jurisdiction on public lands and add or improve amenities for trails. This should include for interpretive planning and resource inventory work on the Iditarod NHT.

PNTS also respectfully requests \$78.154 million for overall management of the National Conservation Lands. This level of funding is needed to properly administer the system's expansion by 18 million acres since 2000, and will permit increased inventory, monitoring, and protection of cultural resources, enhance proper management of all resources and provide a quality visitor experience.

NATIONAL PARK SERVICE (NPS)

The NPS administers 26 NSHTs established by Congress. Funding at \$20.964 million within the Park Service Operations account for the NSHTs is essential for keeping these popular trails that connect people to iconic landscapes and the quintessential stories of the U.S., both past and present, accessible for all. This request will help the work of NPS and its nonprofit trail organization partners as they build, maintain, and interpret the trails.

PNTS requests additional fund totaling for construction projects on the Ice Age NST (\$55,000), the Overmountain Victory trail (\$1 Million), and for signage along the Washington Rochambeau Revolutionary Route in the run up to the event's 250th Anniversary (\$150,000), and to fund the completion of the long overdue, Congressionally required Comprehensive Plan for the Potomac Heritage Trail.

In addition, continued support for the RTCA program will provide NPS expertise in trail and other recreation access projects to communities across the country. When a community asks for assistance with a trail or other project, NPS staff provide critical tools for success, on-location facilitation, and planning expertise, which draw from project experiences across the country and adapt best practices to a community's specific needs. Funding at \$15 million will ensure these trail planning services are available to communities in all regions of the Nation.

U.S. FOREST SERVICE (USFS)

The USFS is the administering Federal agency for five NSTs (Arizona, Florida, Pacific Northwest, Continental Divide and Pacific Crest), one NHT (Nez Perce) and manages 16 NSHTs in part where they are on USFS managed lands.

Funding for the USFS administered and managed portions of the NSHT comes from the CMTL account. In FY25, PNTS respectfully requests an appropriation of \$30 million USFS managed trails, with \$15 million specifically allocated to the NSHT. This funding will allow the USFS to meet its administering agency responsibilities such as trail-wide coordination, guidance, technical assistance, and consultation with National Trail managers. Congressionally designated NSHT are special places and have specific legislative requirements that are broader than typical trail construction and maintenance activities on National Forest System trails. These legislative requirements, particularly the requirement for volunteer engagement and partnerships with volunteer organizations, are unique to NSHT programs and form a core component of their administration. Funding the USFS NSHT at \$15 million will assist the Service meet its management responsibilities. An additional \$888,000 for new trail construction for priority reroute projects on the Arizona NST.

As part of its ongoing 'budget modernization' project the USFS removed the salaries and travel expenses from the CMTL line. This makes it impossible for trail partner nonprofits to track staff time dedicated to national trails. Already, we've seen the loss of a dedicated trail administrator position in favor of a much broader, regional trail administrator position and consolidation of their duties. Such a trend would further overwhelm over-extended staff in a manner that threatens the quality and integrity of the NSHT. We respectfully ask that the subcommittee include language in its FY25 appropriations bill that compels USFS to calculate and provide staff and travel expenses in addition to CMTL for the National Trails System trails or otherwise delineate those expenses for each NSHT in its budget.

We request report language that encourages the Forest Service to prioritize funding for their private partners who can often leverage Federal funds with private dollars and volunteer labor to extend the impact of the Nation's investment in these trails

LAND AND WATER CONSERVATION FUND (LWCF)

We appreciate and look forward to a minimum of \$900 million in annual LWCF appropriations being utilized to protect public lands. Given the healthy pipeline of forthcoming land preservation projects on National Trails, PNTS respectfully requests Congress increase funding to a minimum of \$20 million per year for the next 3 years for NSHT. The funding provides an important opportunity for agencies to prioritize voluntary trail land protection projects on Congressionally designated NSHTs. Dedicated funding would empower NSHT public and private partners to more actively pursue NHST projects to complete NSHTs.

PNTS stands ready to work with you to secure critically important programs that help fund, maintain and protect the NTS across the Nation. The examples provided in the testimony of how the funding will be used represent only a small proportion of the work being done and funding needs of the NTS. PNTS would be happy to provide additional detailed information as needed. Thank you for the opportunity to provide this testimony and your consideration of our request for greater investment in our National Trails System.

[This statement was submitted by Courtney Lyons Garcia, Executive Director, Partnership for the National Trails System.]

PREPARED STATEMENT OF PATOKA RIVER NATIONAL WILDLIFE REFUGE

This testimony is being submitted on behalf of the Friends of Patoka River National Wildlife Refuge, which was formed in 1994 to support the Patoka River National Wildlife Refuge. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

Established in 1994, as the 502nd national wildlife refuge in the country, the Patoka River National Wildlife Refuge and Management Area is located in rural southwestern Indiana, in Pike and Gibson counties. The refuge is 30 miles north of the city of Evansville, Indiana by way of State Road 57 and adjacent to the small towns of Oakland City along State Road 64 and Winslow on State Road 61.

As of 2021 the Refuge was a mosaic of 10,295 acres of non-contiguous parcels, and the Refuge continues to grow. Acquisitions obtained each year from willing sellers move the Refuge closer to the completion of its authorized 22,472-acre boundary. This boundary stretches for 20 miles as the crow flies in an east-west direction along the lower third reach of the 162-mile-long Patoka River. It includes 30 miles of Patoka River channel, 19 miles of cut-off river oxbows, three miles of the South Fork Patoka River, and 12,700 acres of existing bottomland wetland habitat. Shaped by the last retreating glacier 10,000 years ago, the Patoka River meanders through the sand, gravel, and silt deposits from the glacial outwash.

Lying within the Southern Bottomlands and Southwestern Lowlands Natural Regions, the principle natural habitat in the Patoka River Refuge is bottomland forested wetland. These wetlands provide some of the most productive wood duck nesting and brood-rearing habitat in the State. They also support several nesting colonies of great blue herons. A few select areas of old growth forest maintain a healthy population of nesting cerulean warblers. These and other species of neotropical migratory songbirds thrive in this rich ecosystem which lies within the historically important north-south flyway of the Wabash River Basin.

Two outlying wildlife management areas (WMAs) are also managed out of the Patoka River Refuge headquarters. The 463-acre Cane Ridge WMA lies 24 miles to the west of Oakland City. This Wabash River bottoms property lies off the southwest corner of the 3,000-acre Gibson Lake. The 219-acre White River Bottoms WMA lies nine miles to the north of Oakland City, just to the northwest of Petersburg on the south side of the White River.

The mission of the National Wildlife Refuge System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

For more information, visit the Refuge website at: www.fws.gov/refuge/patoka_river/

The refuge provides an area for the community to get out and enjoy nature by hiking, fishing hunting, bird watching, painting, photography etc.. The refuge also protects Over 380 species of wildlife, including nesting bald eagles, the Federally endangered Indiana bat and the threatened northern copperbelly watersnake that reside upon the Refuge. At least 20 plant species and 63 animal species considered

as threatened, endangered or of special concern by the State of Indiana live within this river valley. The friends group works on projects such as building trails, surveying wildlife and eradicating invasive species. In addition to this they offer programs and activities, and educating the public about this special place and what it has to offer. This year programs had included: In February a "Species Spotlight" on the Whooping Crane. In the not-so-distant past, Whooping Cranes faced near extinction throughout North America. Thanks to the widespread conservation efforts, their population is slowly growing. A few can frequently be seen at the Patoka River National Wildlife Refuge. March was "An Evening with the Woodcocks" a unique birding experience for the whole family. April was Wabash and Erie Canal Walk/Talk. Where there are places the canal can still be recognized to this day on the Patoka River National Wildlife Refuge. Also in April the Friends Group gave away 1000 trees to members of the community in support of conservation efforts and in celebration of Earth Day. May the 18th at 10 AM Central Time is a program on Dragonflies and Damselflies. Additional programs are being planned for the remainder of the year.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors-an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)-already a fraction of the other comparable Federal land agencies at 2,500 FTEs-has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

****Anything further you want to say.**

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Nancy Gehlhausen, President of the Friends of Patoka River National Wildlife Refuge, at naturegirl.gehlhausen@gmail.com, Phone: 812-457-4859, Address: 510 and One Half West Morton Street, Oakland City, IN 47660

[This statement was submitted by Lisa Clark, Board Member, Patoka River National Wildlife Refuge.]

PREPARED STATEMENT OF PHYSICIANS FOR SOCIAL RESPONSIBILITY

Thank you for the opportunity to provide written testimony to highlight the funding priorities of Physicians for Social Responsibility (PSR) within the Environmental Protection Agency (EPA) for fiscal year 2025 (FY25). PSR is a national non-profit organization that works to protect human life from the gravest threats to health and survival, namely climate change and nuclear war. Our 24,000 members and e-activists and over 20 chapters nationwide contribute a health perspective to energy, environmental health, and nuclear weapons policy at all levels of government. On behalf of our membership, we urge the Committee to support \$12 billion in funding for the Environmental Protection Agency in fiscal year 2025.

While the Nation, with EPA's leadership, has made great progress in cleaning up air pollution thanks to the directives of the Clean Air Act, poor air quality contributed to by a range of pollution sources continues to threaten health across the country. Exposure to emissions like particulate matter, ozone, nitrogen oxides and sulfur dioxides can trigger asthma attacks, worsen lung conditions, lead to developmental and reproductive harm and even cause premature death. In addition to these severe impacts, climate change caused by carbon pollution is also a health emergency. Communities across the country are experiencing adverse health and mental health impacts due to changing climate conditions, such as increasingly frequent and severe natural disasters, record high temperatures, and stress on existing infrastructure, water systems and food production. Moving forward, we can avoid worsening some of the catastrophic impacts we're seeing now while also delivering immediate health benefits. EPA's work to protect public health from pollution and climate change is imperative and deserves robust, dedicated funding.

EPA is also responsible for administering funds to States, localities, Tribes and communities to improve air quality and build resilience. Funding spurred by the Inflation Reduction Act is leading to additional improvements across the country and PSR supports its continued implementation. However, that funding does not replace the need for necessary and predictable funding of the agency's core programmatic work. Below, we have highlighted several key areas that are need of strong appropriations for FY25:

Provide \$915.5 million for EPA's Clean Air program. Robust funding for EPA's clean air work is necessary to meet the agency's responsibility under the Clean Air Act to protect health. This funding allows EPA to assist States, localities and Tribes with meeting Federal clean air standards by providing technical assistance, resources and expertise on how to clean up the sectors that contribute to air quality challenges. Please provide \$694.6 million for Environmental Programs and Management and \$220.9 million for Science and Technology.

Provide \$500 million for State and Local Air Quality Monitoring Grants and \$57.4 million for Tribal Air Quality Monitoring Grants. State, local and Tribal air agencies receive grants from EPA to help maintain their air monitoring networks. Air agencies are operating under constrained budgets, impairing their ability to adequately maintain and improve air monitors. This funding is crucial to help inform the public about local air quality risks to their health and in identifying areas that are most in need of pollution cleanup.

Provide at least \$369.1 million for environmental justice efforts. Far too many communities are still waiting on the promise of clean air and a healthy environment. Targeted funding dedicated to improving air quality in disadvantaged communities and to advance the protection of those overburdened by pollution is necessary to close the gaps of health and environmental inequities.

Provide \$5 million for coal ash remediation. Coal ash constitutes the second-largest industrial waste stream in the U.S., second only to mining wastes. For decades, power plants disposed of coal ash by dumping it in unlined ponds, landfills, and mines where the toxic pollution could leak into the air, waterways, and groundwater. Coal ash routinely contains the neurotoxin mercury, cancer-causing elements such as cadmium, chromium and arsenic, and other dangerous substances. Exposure to coal ash can have negative impacts on all bodily systems and can contribute to mortality through cancer, heart disease, respiratory illnesses and birth defects. With new finalized regulations from EPA addressing coal ash remediation, proper funding must be ensured.

Provide \$150 million for the Diesel Emissions Reduction Act and Support the Clean School Bus Program. The Diesel Emissions Reduction (DERA) Grant program continues to be a successful program that enjoys bipartisan support. According to EPA's 2022 report to Congress, the health benefits of diesel emissions reduction projects are cost-effective, with monetized health benefits estimated to exceed Federal funding by a factor of 10 to 1. However, there are still millions of dirty diesel engines that are polluting communities—particularly low-income areas and communities of color. We also urge the Committee to support the popular Clean School Bus Program. The program has already led to the replacement of dirty diesel school buses with cleaner zero-emission versions; PSR supports even greater adoption of zero-emission school buses.

Provide \$100 million for the Office of Air and Radiation/Indoor Environments Division and \$10 million to EPA's Office of Children's Health Protection. Exposure to indoor air pollution can decrease school attendance, negatively impact test scores and worsen asthma symptoms, among other negative health impacts. PSR strongly supports the prioritization of indoor air quality through building decarbonization, promotion of energy efficiency, and decreasing the use of fossil fuels in homes. Outside of the home, educators and school personnel need education, training and re-

sources to implement effective prevention measures. A 2020 GAO report found that 41% of school districts were in need of HVAC repairs in at least half of their schools. Additionally, the Office of Children's Health Protection plays a critical role in researching children's risks and exposures in school and childcare facilities.

Provide \$15 million for wildfire smoke preparedness. Wildfire smoke is an urgent and increasing threat to public health, and it is not confined to western areas of the country. In 2023, wildfires in Canada and the Northeast set off unprecedented air quality alerts down the East Coast, increasing emergency department visits for asthma-related conditions. EPA plays a vital role in forecasting and communicating the impacts of wildfire smoke.

Oppose all policy riders. Lastly, PSR strongly opposes the inclusion of policy riders that would weaken clean air or other environmental protections, particularly those that would undermine the Clean Air Act and its benefits to public health. We urge the Committee to reject policy riders in appropriations bills.

Investments in EPA programs are critical to protecting public health and our shared climate. On behalf of Physicians for Social Responsibility, I thank you for your consideration of these requests.

[This statement was submitted by Brian Campbell, PhD, Executive Director, Physicians for Social Responsibility.]

PREPARED STATEMENT OF PRAIRIE WETLANDS LEARNING CENTER

I am submitting this testimony as a retired U.S. Fish and Wildlife Service employee and current volunteer at the Prairie Wetlands Learning Center, part of the Fergus Falls Wetland Management District in Fergus Falls, Minnesota and part of the National Wildlife Refuge System. I was employed there for 18 years ending last summer. Thank you for the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. I request Congress to allocate \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

PRAIRIE WETLANDS LEARNING CENTER

The award-winning Prairie Wetlands Learning Center (PWLC) sets an example to all of the USFWS in visitor services, especially innovation and effectiveness in environmental education. However, the USFWS fails to prioritize and adequately staff the facility to serve the public due to chronic inadequate funding from Congress. The visitor center has only been open one day per week to walk-in visitors for the last 2 years due to declining staffing. The only USFWS employee currently working there is a maintenance professional.

Visitor services have been significantly reduced for its former 70,000 annual walk-in visitors, preschool through college classes, youth, and families. The PWLC no longer offers USFWS staff-led educational programming for preschool through college-level classes visiting the center with the exception of two visits per year with Fergus Falls Public Schools 3rd graders. Since most teachers prefer staff-led visits, the Prairie is void of the delighted voices of thousands of children from over 30 communities who visited up to 3 times per year for the past 15 years. The PWLC no longer offers preschool through 6th grade summer nature programs, residential educational experiences for 5th grade and older, the Jr. Friends of the PWLC for youth, numerous special events for the public, and much more. Monarch tagging has been severely reduced at a critical time for this vanishing species. The PWLC has been tagging monarchs with students and the public longer than any other site in the National Wildlife Refuge System.

The USFWS has recently invested large sums of Federal funds in building and parking lot renovations (which I applaud) but cannot staff the facilities to keep the doors open. The epitome of government waste. This is what flatlining agency budgets looks like on the ground. Who are the Fergus Falls Public Schools supposed to partner with for the new school they propose to build across Highway 210 from the PWLC entrance?

This past winter, a former Friends of the PWLC president and I alerted the public to this staffing crisis. As a result of the public response, USFWS regional director Will Meeks committed to filling two of the four vacant positions by fall. Filling two vacancies sets us in the right direction, and at a minimum, we need the other two filled for a fully staffed and fully operational facility. It is past time for Congress to do its part to reverse this trend for the PWLC as well as for hundreds of sites in the National Wildlife Refuge System across the country.

FRIENDS OF THE PWLC

The Friends of the PWLC are contributing to resolving this chronic and urgent matter by securing grant funds to temporarily hire a few seasonal naturalists (myself included) to keep the few remaining services afloat. However, it is not the role of Friends groups to permanently fix this ongoing crisis. It is Congress' job to provide Federal funding to fill Federal positions. I urge Congress to prevent frustrating and morale busting emergencies like this from happening again and to fully and sustainably fund and staff the internationally recognized PWLC so it can return to full staff capacity and full operations serving the public.

The Friends of the PWLC:

- Promote conservation and understanding of the prairie pothole region
- Support activities of the Prairie Wetlands Learning Center
- Creatively generate funds and foster volunteer involvement at the PWLC.
- Solicit community, regional, Statewide and Federal support.

More specifically, the Friends own and operate the Bluestem Store, welcome visitors, help staff events, provide funding for an education intern, help administer the annual Summer Explorers Biology Camp and concurrent Teaching in the Outdoor Classroom Workshop, publish a quarterly newsletter and The Compass to Nature booklet, sponsor a narrow photography contest, and donate thousands of hours of volunteer time to the PWLC. They have raised funds for construction of a teaching greenhouse and continue to fund a naturalist position.

PWLC AND WESTERN MINNESOTA

The PWLC is so vital to western Minnesota that the city of Fergus Falls unanimously passed a resolution in support of fully funding, staffing and operating the facility. The city of Fergus Falls is the first Prairie City USA, has been a signatory to the Mayors Monarch Pledge for 5 years, has established numerous pockets of prairie in city parks and sites, and is a Fergus Falls Wetland Management District Partner of the Year. In large part, these achievements have occurred because of outreach efforts of PWLC staff into the community over more than 25 years.

The city and USFWS have worked in close partnership since 1998 through a Memorandum of Understanding. The city owns the PWLC buildings, while the USFWS owns the remaining acreage as Townsend Waterfowl Production Area and provides staff and most maintenance. The USFWS also works in close partnership with Fergus Falls Public Schools through another MOU for housing and operating the Prairie Science Class since 2003, where the same 200, 4th and 5th graders spend half of every school day over 9 months at the Prairie, taught mainly by school district teachers, indoors and outside daily.

These two most vital partnerships are the resulting legacy started in the 1970s by dedicated, visionary, passionate, local conservation heroes. They flourished among many other partnerships not only in Fergus Falls but beyond in western Minnesota that thrived with a fully staffed and fully operational PWLC.

The PWLC is our best connection to prairie wetlands ecology and conservation in the vast Prairie Pothole Region creating and supporting a citizenry that is literate and active in land stewardship. People of all ages, abilities and backgrounds CAN once again engage with USFWS professional conservation educators outdoors in meaningful ways that leads to respect for and a positive relationship with the natural world that sustains us all.

AMERICA'S REFUGE SYSTEM

The staffing crisis at the PWLC is symptomatic of a larger, long-term problem in the U.S. Fish and Wildlife Service which can be fixed by Congress providing funding that keeps up with costs instead of flatlining the agency's budget for the past 10 years. Hundreds of sites across the country in the National Wildlife Refuge System, including the PWLC, are hurting for funds for staffing and suffering from a lack of professionals to keep visitor services in operation and to conserve wildlife and the habitats they need to survive.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

I urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering my request of \$602.3 million for the National Wildlife Refuge System in FY2025. Thank you for your effective attention to this matter.

Please feel free to contact me at msprairiefairie@gmail.com or cell 218-770-7291.

[This statement was submitted by Molly Stoddard.]

PREPARED STATEMENT OF PRESERVATION ACTION

Chair Merkley, Ranking Member Murkowski and Members of the subcommittee, on behalf of Preservation Action's thousands of members and supporters—representing nearly every State—we appreciate the opportunity to present written testimony on the Department of Interior's FY 2025 Appropriations for the National Park Service and its historic preservation programs. Founded in 1974, Preservation Action is a 501(c)4 nonprofit created to serve as the National grassroots advocacy organization for historic preservation. We represent an active and engaged grassroots constituency from across the country, and this testimony reflects their priorities.

Preservation Action's mission is to demonstrate that historic preservation is a national priority. For 50 years we've advocated for sound preservation policy, including two of the most important Federal tools for historic preservation: the Historic Preservation Fund (HPF) and the Federal Historic Rehabilitation Tax Credit (HTC).

First, we would like to thank the subcommittee for their continued support of historic preservation programs and priorities—especially for including language to reauthorize the Historic Preservation Fund for 1 year in your FY24 Interior Appropriations bill. No doubt the Committee's support was instrumental in HPF authorization being included in the final bill. Thanks to your support, all Americans continue to benefit from programs that have a proven track record of saving places Americans value, revitalizing communities, combating climate change, promoting heritage tourism, and creating jobs. In Fiscal Year 2024 the HPF was funded at \$188.66 million, a nearly \$16 million cut below 2023 enacted levels. While we recognize the challenging budget, these cuts undermine the critical preservation work carried out by the program.

NATIONAL PARK SERVICE: HISTORIC PRESERVATION FUND (HPF)

The HPF is the principal source of funding to implement the Nation's historic preservation programs. Since 1976 the HPF has helped to recognize, save, revitalize, and protect America's historic resources.

HPF funding is critical to ensure State and Tribal Historic Preservation Offices (SHPOs/THPOs), whose job it is to administer Federal historic preservation programs, have the staffing capacity needed for the timely review of infrastructure, renewable energy, and other Federal projects, per requirements under the National Historic Preservation Act. In FY 2022 SHPOs reviewed and consulted on 177,400

Federal undertakings (a 42.7% increase over FY 2021), provided 83,200 National Register eligibility opinions and surveyed over 5.3 million acres for cultural resources.

HPF's competitive grant programs preserve, document, and exhibit diverse histories. These programs address a wide variety of preservation needs across the country and fund various types of work. In 2019, the Oregon Parks and Recreation Department was awarded a \$665,000 Paul Bruhn Historic Revitalization grant to implement a grant program for the preservation of historic theaters in rural communities. Eight theaters received between \$80,000-\$90,000 to repair and preserve their venues. In 2023, the Chilkoot Indian Association received a Save America's Treasures grant for the stabilization and rehabilitation of the Noow Hit Tribal house. Noow Hit is the last surviving example of Lingít vernacular architecture in Haines, Alaska and this \$744,507 grant preserves the knowledge of traditional construction techniques.

Preservation Action appreciates the support this Committee has shown for the HPF, but more is needed. The bipartisan Infrastructure Investment and Jobs Act has added significantly to the workload of SHPOs and THPOs and cuts to HPF grant programs, like the ones mentioned above, undermine preservation efforts and the economic development these programs produce.

- Preservation Action recommends this subcommittee support historic preservation by appropriating \$225 million in funding for the Historic Preservation Fund in FY25's Department of Interior budget, including funding at the following levels:
- \$70 million for State Historic Preservation Officers (SHPOs). SHPOs carry out the primary functions of the National Historic Preservation Act: finding and documenting America's historic places, nominating places to the National Register, aiding rehabilitation tax credit projects, reviewing impacts of Federal projects, working with local governments, and conducting preservation education and planning. Due to 2023 changes to SHPO apportionments, 23 States did not receive an increase in funding from 2022 to 2023.
- \$40 million for Save America's Treasures Program. The Save America's Treasures grants program helps preserve nationally significant historic properties and collections that convey our Nation's rich heritage to future generations of Americans.
- \$34 million for Tribal Historic Preservation Officers (THPOs). THPOs are designated by federally recognized Tribal governments and assume the Federal compliance role of the SHPO on Tribal lands. Tribal historic preservation plans are based on traditional knowledge and cultural values, and often involve projects to improve Indian schools, roads, health clinics and housing. THPOs are chronically underfunded. Funding levels have not kept pace with the growing number of Indian Tribes with THPO programs, resulting in a lower average apportionments per tribe.
- \$28 million for the African American Civil Rights Initiative Grants. A competitive grant program to preserve the sites and stories of the African American struggle to gain equal rights.
- \$13 million for Historically Black Colleges and Universities (HBCUs). Funding provides grants to HBCUs to preserve and repair historic buildings on their campuses.
- \$17 million for Paul Bruhn Historic Revitalization Subgrants. Supports the rehabilitation of historic properties and fosters economic development of rural communities through subgrants.
- \$11 million for the Semiquincentennial Grants. Competitive grant program that preserves publicly-owned historic sites commemorating the 250th anniversary of the founding of the U.S.
- \$7 million for the History of Equal Rights Grant Program. A competitive grant program to preserve sites and stories related to the struggle of all Americans to achieve equal rights.
- \$5 million for the Under-Represented Communities Grant Program. Competitive grants that support the survey and nomination of properties to the National Register of Historic Places associated with under-represented communities.

TOTAL FY 2025 HISTORIC PRESERVATION FUND REQUEST: \$225 MILLION

Additionally, we are grateful to Congress for reauthorizing the HPF for 1-year as part of the FY24 Appropriations bill and urge support for a longer-term authoriza-

tion. Preservation Action supports the bipartisan Historic Preservation Fund Reauthorization Act (H.R. 3350), which would reauthorize the HPF for 10 years and increase the authorized level to \$250 million annually. This would provide much-needed certainty to the States, Tribes, and local communities that rely on this funding to carry out their critical preservation work.

- Preservation Action encourages inclusion of language to reauthorize the Historic Preservation Fund and increase the authorized level. The HPF's authorization has not been increased since the program's inception in 1976 and the program's current authorization is set to expire in September of this year.

NATIONAL PARK SERVICE: FEDERAL HISTORIC REHABILITATION TAX CREDIT (HTC)

The HTC, administered by SHPOs, THPOs, and the National Park Service is the most significant Federal investment in historic preservation. The HTC supports historic rehabilitation projects across the country, like the recent rehabilitation of the Patton Home in Portland, OR. The Patton Home was built in 1890 to provide shelter and social services to those in need and is now continuing that tradition by providing affordable housing to Portland's neediest residents. The HTC has been a catalyst for development and job creation, and is responsible for:

- Rehabilitating more than 49,000 historic buildings across the Nation.
- Leveraging over \$235 billion in private investment.
- Creating more than 3.2 million jobs since its inception.
- Producing over 199,000 affordable housing units.
- Rehabilitating buildings and revitalizing communities in all 50 States.
- Returning more to the Treasury than the cost of the program.

Preservation Action supports the bipartisan Historic Tax Credit Growth and Opportunity Act (H.R. 1785, S. 639), which would increase the value of the HTC, improve access to the credit, and make the credit more appealing for smaller projects.

- Preservation Action urges the Committee to support the HTC by sufficiently funding SHPOs, THPOs and the National Park Service who administer the program.

NATIONAL PARK SERVICE: AFRICAN-AMERICAN BURIAL GROUNDS PRESERVATION PROGRAM

The African American Burial Grounds Preservation Program was established by Congress in 2023 and was included in the President's budget request. This program will identify, document, preserve, research, and interpret these historic and sacred burial sites whose protection and documentation has too often been neglected or forgotten.

- Preservation Action supports \$3 million in funding for the newly authorized, African-American Burial Grounds Preservation Program.

NATIONAL PARK SERVICE: NATIONAL HERITAGE AREAS

Designated by Congress, National Heritage Areas (NHAs) are community-driven sites that weave cultural, natural, and historic resources together to tell nationally significant stories. NHAs rely on public-private funding where every Federal dollar allocated is matched with an average of \$5.50 in public and private funds.

- We express our support for \$34 million for the Heritage Partnership Program, which supports National Heritage Areas nationwide. This funding level keeps individual NHAs at their existing funding levels while providing funding for newly authorized NHAs.

INDEPENDENT AGENCY: ADVISORY COUNCIL ON HISTORIC PRESERVATION

The Advisory Council on Historic Preservation (ACHP) is an independent Federal agency that promotes the preservation, enhancement, and sustainable use of the Nation's diverse historic resources, and advises the President and Congress on national historic preservation policy. We appreciate the continued support of this important agency.

- Preservation Action recommends the Committee support \$10.5 million for the ACHP. This will enhance the critical functions of the agency: ensuring the Nation's historic and cultural resources are protected, advancing Tribal consulta-

tion, and finding efficiencies to deliver timely Federal review of major infrastructure projects.

CONCLUSION

Preservation Action appreciates the opportunity to provide our views on the FY25 Department of Interior budget. We work closely with a broad cross-section of preservation professionals from the State and local level and are pleased to add their perspective through our testimony. We value the dedicated work of National Park Service employees, partnership with the Advisory Council on Historic Preservation, and the instrumental work of SHPOs and THPOs in preserving our cultural heritage.

Thank you for valuing the input of the preservation community as you consider the FY25 funding levels and your past support of vital historic preservation programs. We look forward to working with the committee and are happy to answer any questions.

[This statement was submitted by Russ Carnahan, President, Preservation Action.]

PREPARED STATEMENT OF THE PUBLIC LANDS FOUNDATION

We thank you for this opportunity to present the subcommittee with our views regarding the Bureau of Land Management's (BLM) budget for FY 2025. As a national, non-profit organization with more than 600 members, comprised principally of retired BLM employees, the Public Lands Foundation (PLF) has a unique body of experience, expertise, and knowledge of public land management. As retirees, we believe we offer an objective and non-bureaucratic view of what is currently happening on the public lands managed by the BLM. The PLF supports the BLM and its programs, but we are independent in our views and requests. We strive to improve the effectiveness of the BLM by: 1) encouraging professionalism of its employees; 2) increasing the public's understanding of and support for the proper management of the public lands; and 3) promoting scientific management of lands administered by the BLM. The PLF supports a proposed FY 2025 budget of \$1.6 billion for the BLM. The PLF also identifies additional funding needs in this written testimony.

BUREAU OF LAND MANAGEMENT OVERVIEW

The BLM manages the most diverse landscapes in the Nation's portfolio; providing stewardship to approximately 245 million acres of land and 700 million acres of mineral estate from the north slope of Alaska to Jupiter Inlet in Florida, and from tundra to old growth forests to desert landscapes. These lands consist of many attributes, habitat for thousands of species of plants and animals, clean water, cultural resources, scenic beauty, solitude, and special places. They also provide the Nation with wealth from its many resources including oil and gas, coal, renewable energy, non-energy minerals, all types of recreation, livestock grazing, timber, and wild horses and burros. The economic value of these lands to the American people is immense; according to the BLM: A Sound Investment for America 2022 report, during Fiscal Year 2021 these lands supported \$201 billion in economic output and nearly 783,000 jobs. These lands are important economically to all taxpayers and are especially vital to the many rural communities throughout the West that are intermixed with these lands and whose citizens work and recreate on the lands. The BLM manages for a balance between energy development and other programs, such as wildlife, livestock grazing, forest management, and recreation to provide for the diversity of uses and maintenance of healthy, resilient landscapes.

WORKFORCE CAPACITY AND ORGANIZATION HEALTH

Three years ago Secretary Haaland made the decision to move the BLM Headquarters back to Washington, D.C. The PLF strongly supports that decision. This decision places the leadership of the BLM where it can better work with the Department, other agencies, OMB, Congress and National constituencies, while maintaining its western presence through its State and Field Office organizations. The reorganization in 2019 and 2020 resulted in the loss of a large part of the senior level staff of the agency through reassignments to other agencies or retirements. This reorganization, along with the Covid-19 pandemic, resulted in a huge number of vacancies across the Bureau, estimated to be 25 percent of the full-time positions in 2023. BLM has reduced that number to a vacancy rate of around 19 percent, but more effort in FY 2025 is required. These vacancies affect the Bureau at all levels of the organization. The loss of capacity is impacting the BLM in efficiently meeting

its multiple use and sustained yield mission, along with the additional workload that goes with implementing new initiatives such as the Infrastructure Investment and Jobs Act (IIJA). This lack of capacity is PLF's greatest concern for FY 2025. We request that Congress appropriate additional funding to cover workforce planning, hiring, and training as well as establishing more efficient hiring mechanisms. A 19 percent vacancy rate is significant and unacceptable.

GREATER SAGE-GROUSE

An area of great interest to the PLF is the management of habitat for species across the diverse landscapes the BLM manages. Habitat for the greater sage-grouse is one species of particular concern because its management affects vast areas of the West. As the West has become urbanized over the last 100 years, large areas of sagebrush have been impacted and the bird has suffered population declines. Although it is a State-managed species, the BLM manages large areas of the habitat across the western States and must be in lock step with management strategies of the western States. The PLF fully supports the \$71 million funding for the BLM to coordinate activities on the public lands with State agencies, stakeholders, and partners to improve and restore habitat that has been damaged by wildfire, weed invasions, and development. Conserving and restoring habitat for sage-grouse will also enhance populations of elk, mule deer, golden eagles, and hundreds of other species. Healthy sagebrush habitats also sustain vibrant ranching communities dependent on these habitats and a thriving outdoor recreation economy.

WILD HORSE AND BURROS

Wild horse and burro populations continue to be an issue. Our assessment of the May 2020 Report to Congress is that it presented a conservative estimate of what it would take to achieve a sustainable wild horse and burro program. Unfortunately, entering FY 2024, the program is \$50 million behind in needed cumulative funding and over \$70 million behind what was needed for Program Year 4. This has resulted in a disconnect between ability to gather excess animals, apply fertility control and regather for continued application of fertility drugs, and cover the cost of caring for animals removed from the range. Inadequate numbers are being gathered and inadequate numbers are being treated with fertility control drugs as priority is necessarily given to caring for animals that have already been removed. It will only be a matter of years before the populations on the range return to the 2020 levels. We urge the Congress to revisit the May 2020 Report and fund the Program Year 3 level of \$185 million in an effort to get back on track to a sustainable, although delayed, basis.

WILDLAND FIRE/RANGELAND AND FOREST HEALTH

Several Administrations and Congresses have recognized that catastrophic wildland fires continue to be a serious issue across all land ownerships. These fires are the result of several conditions across the landscape including climate change, deteriorating forest and rangeland health, increased recreational use, and increased development within the wildland-urban interface. Providing adequate funding for wildfire preparedness and suppression is critical and we appreciate the past funding made available. Equally important is the need to reduce wildland fuel loads and improve forest and rangeland health and resiliency through active management. The land management agencies have been working to reduce wildland fire risks over the past few decades; however, there has not been adequate funding for the agencies to address the problem at the pace and scale needed. We appreciate Congress recognizing this need and providing funding through the Bipartisan Infrastructure Law and the Inflation Reduction Act. This additional funding will allow the agencies to increase the pace and scale of this important work. The PLF fully supports the recommendations of the Wildland Fire Mitigation and Management Commission and encourages the Congress to provide the funding necessary to start implementation of the consensus-based recommendations, particularly those related to providing for workforce capacity. The PLF requests that the BLM and other land management agencies be fully funded for wildland fire suppression and landscape health and resiliency projects.

An increasingly growing need confronting BLM's forest management program is post-disturbance reforestation. Large wildfires over the last several years are creating a backlog that funding and appropriations in this program cannot keep up with the reforestation need. The BLM is faced with the need to procure seedlings, complete site preparation and planting of damaged areas, and conduct treatments to assure planted seedlings survive. One very successful tool the BLM has to help fund forest restoration projects is the Forest Ecosystem Health and Recovery Fund

(FEHRF). In 1992, Congress established the FEHRF (Public Law 102-381) to authorize the BLM to recover dead and dying timber rapidly and restore the forested area quickly. This Fund was later broadened to include forest health treatments. The Fund provided that the Federal share of monies received from the disposal of the timber from these treatments would remain available, without further appropriation, for the BLM to conduct similar treatments. Since that time, the BLM has successfully treated tens of thousands of acres using this authority. It has been an important source of funds on the O&C lands, but in particular on the Public Domain forestlands to restore the health of forests. Authority for this fund had sunset; however, it was reauthorized for 1 year through the Consolidated Appropriations Act for 2023 and again in the 2024 Appropriation. We appreciate the Committee including this important authority; however year-by-year reauthorization makes it very difficult to conduct treatments that may take multiple years to complete. We strongly encourage the Congress to restore authority for this important funding tool permanently, or in the alternative, for a period of not less than 10 years.

RANGELAND MANAGEMENT

The BLM administers approximately 18,000 grazing permits on nearly 22,000 grazing allotments. Grazing permits are generally renewed every 10 years. A proper renewal requires an appropriate level of NEPA analysis to ensure healthy rangelands and conserve and protect lands and other important resources. There is a backlog of approximately 10,845 permit renewals as of November 2023 with 1,445 expiring in the next year. A priority needs to be placed on the funding for the analysis and review of those permits impacting riparian areas and those permits not meeting rangeland health standards. Some reports have indicated that 54 million acres, or half of the 108 million acres of BLM grazing leases, do not meet rangeland health standards. If the BLM is unable to conduct the reviews and analyses necessary to administer these permit renewals, it will not only affect the range management program but also all other programs. This backlog of permit renewals exposes the agency to litigation that will consume more manpower and financial resources. The PLF strongly urges Congress to appropriate an additional \$8 million specifically for the analyses and administration of grazing permit renewals for each of the next 3 years, starting in FY 2025. At the proposed funding level, the BLM is only committing to renewing 1,000 permits in FY2025, a losing battle.

RECREATION

The BLM has seen a dramatic increase in the recreational use of the public lands. Western communities are growing and recent national trends toward more remote work have allowed more employees to locate nearer public lands. One of the attractions of the public land is the broad spectrum of recreation activities that the public lands support, both dispersed recreation and developed recreation sites. In 1993, the BLM recreation program budget was \$47 million. Adjusted for inflation, the FY 2025 appropriation should be \$98 million just to break even with the much reduced workload of 30 years ago. The 2025 budget only proposes \$61.5 million, a shortfall of \$36 million. Without adequate and sustained increases, the adverse impacts on the public lands from ever-increasing recreation use will continue to be significant and the recreational visitor will have less than positive experiences. In FY 2023, the BLM counted 85 million recreation visits, a 35 percent increase just since 2015, with most of the increase occurring in the last 3 years.

FOUNDATION FOR AMERICA'S PUBLIC LANDS

The current administration recently established the Foundation for America's Public Lands, which was authorized by Congress in 2017. This Foundation is being tasked with providing supplemental resources and support to the BLM which will benefit all Americans who value and use BLM-administered public lands. Congress needs to provide sufficient funding in FY 2025 to allow the Foundation to become fully functional and begin its work on behalf of the BLM.

A GOOD INVESTMENT FOR THE PUBLIC

The public lands managed by the BLM are a good investment that can provide positive returns to the Treasury as well as many amenities that contribute to the wellbeing of the American people. These lands are the lifeblood of many communities that provide economic development in commodities, recreation, cultural identity, and many other benefits.

Thank you for the opportunity to share the PLF's priorities for the BLM FY 2025 Budget.

[This statement was submitted by Mary Jo Rugwell, President, Public Lands Foundation.]

PREPARED STATEMENT OF PUEBLO OF ACOMA

Recommendations:

1. BIA—\$1.5 million in dedicated funding for NAGPRA implementation.
2. BIA—\$1 million for implementation of the Safeguard Tribal Objects of Patrimony Act.
3. BIA—\$40 million for Tribal Historic Preservation Offices.
4. DOI—Maintain the funding moratorium for energy leasing in the Greater Chaco Region.
5. DOI—Increase funding for all public lands conservation accounts.
6. IHS—Provide permanent advance appropriations for the Indian health system.
7. IHS—Designate Section 105(l) lease and CSC payments as mandatory funding.
8. IHS—Increase SDPI funding to \$250 million with annual inflation adjustments.
9. IHS—Increase funding for Preventive Health Services.
10. DOI—Support Funding for Indian Water Rights Settlements.
11. BIA—Not less than \$90 million for the BIA Roads Maintenance Program.
12. DOI—Provide targeted funding totaling \$ 59 million for community development.
13. BIA—\$40 million for Mesa Hill Bridge Project under Tribal Transportation Account.
14. BIA OTS—Increase support for traditional irrigation infrastructure projects.
15. BIE—\$15 million to establish Regional BIE Tele-Education Learning Centers.
16. BIA—Not less than \$8 million for the BIA Endangered Species Program.
17. DOI—\$48 million for the BIA Tribal Climate Resilience Program.

SAFEGUARD TRIBAL CULTURAL PATRIMONY

1. \$1.5 Million for Native American Graves Protection and Repatriation Act (NAGPRA) Enforcement. The provision of dedicated NAGPRA enforcement funding has supported the creation of a new FTE position committed to the protection of Tribal patrimony, as well as Bureau-wide trainings on the law and the harmful consequences that can ensue when it is violated. This is contributing directly to the development of a more culturally competent understanding of the importance of Tribal patrimony to Native peoples for improved law enforcement activities. We ask that this funding be maintained in FY 2025 and beyond.

2. \$3 Million for Funding Implementation of the Safeguard Tribal Objects of Patrimony (STOP). Act. This law, passed in the last Congress, will assure the protection of many sensitive Tribal items from illegal export. It is important to put in place the necessary resources in the Federal Government to enable this law to be implemented. We request that at least \$1 million be allocated for FY 2025 for the purposes of implementation and enforcement of this law.

3. \$40 Million for Tribal Historic Preservation Offices (THPOs). The preservation of Tribal sacred and cultural sites is a priority for all Indian Country. Damage of these sites is often irreversible, forever altering the way in which we can express ourselves as indigenous people. More Tribes are establishing THPOs under the National Historic Preservation Act to protect this heritage, yet Federal funding has not kept pace with this expansion. It is thus difficult for Tribal governments to meet their preservation compliance duties and responsibilities, which include working with other governments on site identification, conducting surveys, compiling data and samples, documenting best practices, and assisting in museums and research centers that preserve and share Tribal material culture. We request \$40 million for THPO support in FY 2025.

4. Maintain the Funding Moratorium Related to Energy Leasing in the Greater Chaco Region. We request that Congress maintain the moratorium on oil and gas leasing on Federal land in the withdrawal area of the Greater Chaco Region. We request this moratorium span the lifetime of the legislation rather than becoming ineffective upon completion of the ongoing Tribally-led cultural resource studies. However, if a temporal limit must be included, we ask the moratorium stay in place until completion of the studies and the Resource Management Plan Amendment.

5. Increase Funding for All Public Lands Conservation Program Accounts. Acoma's religious, cultural, social, and ancestral identity is rooted in the land of Bears Ears, Mount Taylor, and Chaco Canyon-among countless other sacred landscapes in the region. Any reductions in the Federal protections accorded to these lands per their status as National Monuments, Forests, Parks, or Wilderness Areas necessarily impacts our cultural and spiritual interests. The failure to provide minimum appropriations to carry out Federal public lands management responsibilities impairs the ability of Interior agencies to fulfill trust obligations and places invaluable Tribal resources at risk. We urge Congress to provide increased funding for public lands conservation programs across the Department of Interior, including the NPS, USFS, USFWS, BIA, and BLM.

PROMOTE THE HEALTH AND WELL-BEING OF INDIAN COUNTRY

6. Provide Permanent Advance Appropriations for the Indian Health System. We ask for full funding for the IHS on a permanent 2-year advance appropriations cycle to fulfill the United States' obligation to provide for Indian health. This advance appropriation has occurred for FY 2024 but needs to be made permanent. We strongly support the IHS Tribal Budget Formulation Workgroup's recommendation for \$53.85 billion to fully fund the Indian health system budget. It is vital that this funding be consistently provided on an advance appropriations basis to promote greater stability in services, medical personnel recruitment and retention, and facilities management. Indian health should not be subject to the uncertainties of the annual budgeting process with its risk of continuing resolutions and government shutdowns. Critically, advance appropriations would align Federal funding with trust and treaty obligations. It would also provide the IHS long overdue parity with the Veterans Health Administration. We also urge the Committee to expand advance appropriations to the entirety of the four main appropriations accounts: services, facilities, contract support costs, and payment for Tribal leases.

7. Mandatory Funding for Contract Support Costs (CSC) and Section 105(l) Lease Payments. We appreciate this subcommittee's commitment to ensuring that CSC and Section 105(l) lease costs are fully funded by including an indefinite discretionary appropriation in past years. We ask that Congress build on this important work in FY 2025 by designating these accounts as mandatory funding. CSC and Section 105(l) lease funds are already an entitlement under the Indian Self-Determination and Education Assistance Act. Changing the appropriation of these accounts from discretionary to mandatory would bring Federal funding into line with the clear legal requirements of the authorizing statute.

8. \$250 Million with Self-Governance Funding Mechanism Option for the Special Diabetes Program for Indians (SDPI). Indian Country has seen dramatic improvements in the prevention and treatment of diabetes and diabetes-related conditions under SDPI. For program stability and expansion, we seek an increase in mandatory funding to \$250 million with automatic annual adjustments for medical inflation. We also ask that Congress authorize the use of either a grant (as currently used) or Public Law 93-638 funding mechanisms for SDPI participants consistent with our Tribal sovereignty.

9. Increase Funding for Preventive Health Services. Acoma's experience with the Acoma-Canoñito-Laguna Hospital crisis and the vulnerabilities in the Indian health system revealed by the pandemic has taught us the critical value of preventive health. Such services are a cost-effective use of resources to reduce future incidence rates of chronic illness, acute conditions, and associated medical costs. We urge an increase in funding for IHS Preventive Health Services as an investment in future Indian health.

CONSTRUCT SAFE TRIBAL COMMUNITIES AND INFRASTRUCTURE

10. Support Funding for Indian Water Rights Settlements. The Pueblo of Acoma, along with other parties, has negotiated a water rights settlement with the United States and the State of New Mexico (Rio San Jose Water Settlement) that has just been introduced in the House and Senate. We ask that the Congress support full funding for Indian water rights and would like to note that the President's FY 2025 budget proposal includes funding to "build on Bipartisan Infrastructure Law investments by providing \$2.8 billion in additional mandatory funding to the Indian Water Rights Settlement Completion Fund, as well as \$226 million in discretionary funding to meet existing settlement obligations."

11. Not Less Than \$90 Million for the BIA Road Maintenance Program. Funding for the BIA Road Maintenance program has been chronically below the level of demonstrated need. In FY 2021, the BIA received only \$36.79 million to address a nationwide deferred maintenance backlog of almost \$300 million-an equivalent to only

12% of documented need. It costs our Pueblo alone over \$650,000 to maintain the 363.8 miles included on the BIA road inventory within our exterior boundaries (a further 298.2 miles are not on the inventory). We receive insufficient funding to cover these costs and are, thus, forced to use our limited Tribal funds to maintain Federal roads. Congress must start to alleviate this heavy financial burden by providing not less than \$90 million for BIA Roads Maintenance in FY 2025.

12. \$59 Million for Community Economic Development Projects. We seek \$59 million in targeted funding to support the development of shovel-ready community economic projects that would greatly benefit our Tribe and our citizens. Specifically, these are (1) full reconstruction of the fifty-year old Haaku Road that has structural failures throughout its length, contributing directly to dozens of vehicle crashes over the years (\$25 million request), and (2) development of the Acoma Business Park corridor that is planned to include a business incubator, retail and service enterprises, post office, and new housing to create jobs and generate revenue (\$34 million request).

13. \$40 Million for Mesa Hill Bridge Project under BIA Tribal Transportation Account. Acoma is bisected by a major transcontinental railway that is level with the existing roadway with minimal safety features. The flat terrain, lack of a fixed schedule for freight trains, and misjudgments on train speed and distance pose a significant public safety risk to motorists and pedestrians. Distressingly, there is no way to avoid the danger. Our healthcare and businesses are located on the north side of the tracks, while our community service facilities—such as Head Start, residential areas, and government buildings—are in the south. Our people must face the daily challenge of traversing the tracks to bring their children to school or attend medical appointments without the safety of an elevated crossing. Despite the clear threat to public safety posed by this situation, we have faced repeated barriers in accessing the necessary funds to construct the Mesa Hill Bridge. We urge Congress to provide \$40 million in targeted funding under the BIA Tribal Transportation Program to construct the Mesa Hill Bridge at Acoma Pueblo.

14. Increase BIA Irrigation Infrastructure Funding. Congress enacted the Pueblo Irrigation Infrastructure Act as Section 9106 of the Omnibus Public Land Management Act of 2009. This

Act directs the Secretary of the Interior to conduct a study of the irrigation infrastructure of the Rio Grande Pueblos, including Acoma. It also authorizes funding to address deficiencies identified by that study. The implementation of this act will favorably impact Pueblo traditional lifestyle and culture, which has been based on agriculture and irrigated lands for hundreds of years. We urge Congress to increase support for BIA irrigation projects on all New Mexico Pueblos in FY 2025.

15. Establish Regional BIE Tele-Education Learning Centers. Broadband is an essential service rapidly changing the educational landscape in rural communities. Acoma, however, continues to face significant challenges in this area stemming, in part, from a woefully inadequate municipal infrastructure and limited economic and educational resources. Rural education does not and should not mean limited opportunities for growth and development. We seek to expand Acoma's horizons by connecting Pueblo members with previously unheard-of access to local tele-educational resources. We ask for targeted funding for regional BIE tele-education learning facilities with an initial allocation of \$15 million to establish the account.

PROTECT WILDLIFE AND NATURAL RESOURCES

16. Not Less Than \$8 Million for the BIA Endangered Species Program. The effective management and conservation of our natural resources is not limited to the waters, soil, and trees that form the rich landscape of Pueblo Country. We must also account and appropriately care for the diversity of wildlife that is meaningful to our culture and essential to maintaining our ecosystems' equilibrium. The BIA Endangered Species Program provides Tribal nations with the technical assistance and financial resources to protect endangered species on Tribal lands through natural resources restoration and management, as well as economic development. We recommend Congress provide at least \$8 million for the BIA Endangered Species Program.

17. \$48 Million for the Tribal Climate Resilience Program and Adequately Fund Cooperative Landscape Conservation Programs. Across America, communities are facing mounting challenges related to our progressively unstable natural environment. Invasive species, disappearing tree lines, and accelerated rates of erosion are also taking an increasing toll on our agricultural and natural resources. These two Interior programs equip Tribal nations with the tools to manage resource stressors, develop adaptive management plans, and engage in intergovernmental coordination. We request Congress appropriate \$48 million for the BIA Tribal Climate Resilience

Program and restore adequate funding for Department-wide Cooperative Landscape Conservation programs.

[This statement was submitted by Governor Randall Vicente, Pueblo of Acoma.]

PREPARED STATEMENT OF RAMAH NAVAJO SCHOOL BOARD

Ramah Navajo School Board, Inc. (RNSB) operates a complex of Head Start, Elementary, Junior High and High Schools, as well as the Pine Hill Health Center and Behavioral Health and Social Services programs on the Ramah Navajo Reservation in New Mexico. In 1970, RNSB, Inc. established the Ramah Navajo High School, the first Indian community school governed by an all-Indian, locally controlled school board. Our efforts were a model for the groundbreaking 1975 Indian Self-Determination and Educational Assistance Act, PL 93-638 (ISDEAA). In 1978, we established health services under the ISDEAA. Today, RNSB, Inc. provides quality services and programs to address our community's needs and uplift their economic conditions.

RNSB Inc. would like to express deep appreciation to Representative Gabe Vasquez for introducing bipartisan legislation to extend Federal Employee Retirement System (FERS) benefits to teachers and staff in Tribally Controlled Schools (H.R. 5669). We would also like to express deep appreciation for the Replacement Facilities Construction funding that has been allocated to replace some of our most dilapidated school buildings. RNSB, Inc.'s priority budget concerns include line items in the Bureau of Indian Education (BIE), Bureau Indian Affairs (BIA), and Indian Health Service (IHS) budgets. We also have significant facility and infrastructure challenges that must be addressed to be able to deliver our programs and services safely and without disruptions.

RNSB, Inc.'s Education priorities for the BIE and BIA budgets are:

- \$950 million for ISEP Formula Funds (BIE) to provide equitable per student funding, and ensure full funding for Teacher Pay Parity (BIE);
- Ensure that all the employees of BIE-funded schools receive Federal Employees Retirement System (FERS) benefits (BIE);
- Increases for Student Transportation (BIE) and Road Maintenance for School Bus Routes (BIA);
- Full and Forward funding for Facilities Operations and Facilities Maintenance (BIE);
- Significant improvements to Maximo, the Facilities Management System; and
- Education Construction (BIE).

RNSB, Inc.'s Health priorities for the IHS budget are:

- \$54 billion for full and mandatory funding for the Indian Health Service;
- Provide Tribal Communities with supplemental resources to recover from the effects of COVID, protect against the next pandemic, and address the opioid epidemic;
- Increased support for emergency response capabilities; and
- Funding for Staff Housing and Administrative Complex Replacement.

EDUCATION

ISEP Formula Funds is the core BIE account, which funds our school's operations, but it is severely underfunded. Underfunding ISEP means that RNSB, Inc. does not have the budget to compete with the teacher salaries and benefits being offered by public schools here in New Mexico, or with any other jurisdiction for that matter. Without equitable funding, we will continue to struggle to attract and retain quality teachers. Without quality teachers, we cannot offer our students a quality education—it is as simple as that. We ask the subcommittees to equitably fund ISEP Formula Funds and we ask that the subcommittees to continue to hold the BIE accountable for ensuring that the amounts requested for teacher and counselor pay parity are sufficient to match the increases provided by the Defense Department schools and are clearly calculated and identified for each school. Further, given the significant salary increases for public school teachers in New Mexico, RNSB, Inc. also encourages consideration for pay rate increases that would keep pace with either the Defense Department schools, or the rate of nearby public schools, whichever of these rates is higher.

Ensuring that all the employees of BIE-funded schools receive Federal Employees Retirement System Benefits (FERS) is critical. Representative Vasquez's Parity for

Tribal Educators Act (H.R. 5669) is urgently needed. RNSB, Inc. observes that while Tribally Controlled Schools and BIE-operated schools are both part of the BIE-funded school system, it only the teachers and staff in BIE-operated schools who are eligible to receive FERS benefits. This disparity puts Tribally Controlled Schools like ours at a significant disadvantage and has the effect of undermining the intent of Congress in the Indian Self-Determination and Educational Assistance Act and the Tribally Controlled Schools Act, Public Law 100-297. As stated in Senate Report 118-83, accompanying the FY 2024 Consolidated Appropriations Act, "Any policy denying Federal benefits to employees carrying out a Federal trust responsibility is incompatible with the Federal policy of self-determination."

Increases for Student Transportation in the BIE Budget and Road Maintenance Funding for School Bus Routes in the BIA Budget are of particular importance to RNSB, Inc. Our experience is consistent with what the Government Accountability Office (GAO) reported in 2017: poor road conditions on school bus routes present safety concerns and pose obstacles to student attendance. Our school is in a high-elevation high desert mountainous region where we receive abundant snowfall in the wintertime and when the snow melts the dirt roads become a sea of mud. Many of our students travel long distances on unpaved (gravel) and unimproved earth roads. A strong rain or snowstorm can render our school bus routes impassible and disrupt learning for days. Also, as the GAO pointed out, our geographically dispersed locations and poor road conditions result in increased transportation costs for fuel, additional vehicle maintenance, and the increased bus driver pay associated with our rural and isolated routes. RNSB, Inc. is greatly concerned by the increased costs for Student Transportation and the continued deteriorating conditions of the roads serving our communities. Most Tribally Controlled Schools on the Navajo Nation exhaust their student transportation funds by February of each school year.

Full and Forward funding for Facilities Operations and Facilities Maintenance is long overdue. The amount of funding that is provided for our school Facilities Operations and Facilities Maintenance accounts is at 51%. Additionally, appropriations for these accounts have been funded in bits and pieces via numerous Continuing Resolutions for the last several decades. Because these two core operating accounts are not forward funded like the rest of our core school operations accounts, we constantly have to move money from our forward accounts to cover things like our monthly utility bills and our ongoing maintenance needs. The funds we do receive are sent to Pine Hill Schools randomly and at different intervals throughout the fiscal year. This makes it very difficult to operate our school and complete our annual reports.

Significant improvements to Maximo, the Facilities Management System, and are needed. All the schools in the BIE-funded school system are expected to upload our facilities management deficiencies into the Maximo system. The Maximo system poses a barrier in reporting deficiencies and funding for projects needed at the school. The system is far more complex than most users are capable of. The awarding of funds and the approval process in Maximo also takes far too long. The awarding officials at the Indian Affairs Division of Facilities Management and Construction (DFMC) do not approve or provide feedback in a timely manner and in the meantime, the quotes we receive expire. This makes it extremely difficult to find contractors who will work with us. We have found that the only way to receive timely responses from the DFMC is if we travel to Washington, DC to request meetings with Federal officials or if we involve our Congressional delegation in the process. Further, the projects we pay for out of our ISEP funds are not reimbursed. The Pine Hill Schools have paid for numerous deficiencies dating back to 2004 that have never been reimbursed, and now we are now hearing that the DFMC is considering limiting reimbursements to only 2 years back! Finally, the DFMC now requires schools to pay for items under \$10,000, when the threshold used to be \$2,500. We need a computer system that is user-friendly or funds to pay the salaries of trained IT personnel to manage Maximo at each school, a quick response to our inquiries and requests for funding, to be reimbursed for all the projects we have previously paid for with our ISEP funds, and we need adequate facilities funding.

Education Construction. RNSB, Inc. deeply appreciates being approved for Replacement Facilities Construction funding to address severe deficiencies in many of our school buildings. We are concerned; however, about the timing and the scope of this funding. Specifically, we operate our various education and health programs with a unified administration and support staff housed all in one administration building. As part of the planning for the Replacement Facility Construction process, we were informed that the new administration building could only be built large enough to accommodate staff who work on Education, not Health. Because these programs share administration and support staff, this would create tremendous complications and inefficiencies for us.

Full, Mandatory funding for the Indian Health Service. The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. Unfortunately, the inadequate funding levels appropriated to the IHS year after year have translated to average per capita spending on health care several times less than average per capita health care spending for the general population. This chronic and systemic funding disparity has real, detrimental impacts on our communities. Native people are disproportionately affected by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. RNSB, Inc. therefore urges the subcommittees to work towards full funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup's recommendation of \$54 billion. Further, this funding should be reclassified as mandatory and thus not subject to the variability of the yearly appropriations process.

Supplemental resources to recover from the effects of COVID, protect against the next pandemic, and address the opioid epidemic. Because of chronic underfunding for public health infrastructure, overcrowded and underfunded housing, and a lack of access to the type of basic utilities most communities take for granted, our Tribal communities were far less equipped to respond to the COVID pandemic. This resulted in much higher rates of disease incidence and mortality than the general population. We are also similarly ill-equipped to care for community members suffering from the effects of long COVID—a little understood, but often debilitating aspect of the disease. Another issue that the COVID pandemic revealed is the lack of mental health services for domestic violence victims and the profound trauma they are grappling with. As the pandemic recedes, many people want to simply move forward, but we are still mourning lost family members in our small, tight-knit community and trying to secure the resources to assist children who lost their primary caregivers. We are concerned that if another pandemic occurs, none of these things will have changed. We are also similarly ill-equipped to address the rapidly worsening opioid epidemic—a national problem with devastating local impacts. RNSB, Inc. therefore urges significant supplemental funding to support impacted families, address long COVID, improve our public health infrastructure, address the opioid epidemic, and address the multifaceted trauma in our Tribal communities.

Increased support for emergency response capabilities. The growth of the population in our rural emergency response region is increasing and we are the only emergency medical service provider in the western part of Cibola County. We need to expand our EMS, by building another EMS station and helicopter landing pads for faster transport to urban trauma centers for life-threatening injuries or illnesses. Disasters like the recent train derailment in northwest New Mexico diverted Interstate 40 traffic onto rural narrow two-lane roads, making it dangerous to travel on with semi-tractor-trailers. There were many stories of near missed traffic accidents with semi-trucks. We need to be better prepared to respond to these emergencies and have the capability to transport patients within the "Golden Hour" of accessing life-saving health centers.

Staff Housing. RNSB, Inc. has not provided a separate designated housing for its health clinic employees and it now necessary to address this need which requires additional funding, due to the remote and isolated location of the community it is essential to provide necessary staff housing. Pine Hill Clinic employs 90 specialized staff in health such as doctors, nurses, pharmacists, psychologists, and dentists and assistants, which are from outside the community and require appropriate and adequate housing accommodations. In addition, many are on rotating schedules for short periods and require available housing.

Administration Complex Building. While the existing building that houses the comprehensive administration services comprising of administrative, financial, human resources and health and administrative service to provide the essential core functions of the RNSB, Inc. operations has been determined to be demolished due to its designated useful life and normal wear and tear. A replacement for this building for 40 employees is a dire need. A more modern building with state-of-the-art technology and appropriate equipment upgrades and infrastructures is overdue.

Thank you for the opportunity to provide appropriations testimony about our priorities.

[This statement was submitted by Ramah Navajo School Board, Inc.]

PREPARED STATEMENT OF THE RAPPAHANNOCK WILDLIFE REFUGE FRIENDS

I am submitting this testimony as vice president of the Rappahannock Wildlife Refuge Friends (RWR Friends), a refuge volunteer and a 32-year veteran of the National Wildlife Refuge System. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

The RWR Friends is a 501c3 non-profit corporation formed in 2004 in Warsaw, Virginia dedicated to supporting the Rappahannock River Valley NWR and the National Wildlife Refuge System. The RWR Friends is made up of people with diverse backgrounds and interests. We build and maintain trails, establish and maintain native plant gardens, participate in wildlife surveys, fight invasive species, host educational field trips, administer hunt programs, and more. What all our members have in common is a love of the National Wildlife Refuge System and its mission to help protect our environment and, in particular, our wildlife.

When I think about the Refuge System I am filled with pride, and immensely saddened. I am proud that at the dawn of the 20th century, our Nation's leaders had the foresight to create what would become largest, most diverse assemblage of lands and waters dedicated to fish and wildlife conservation anywhere in the world. I am in awe of a Refuge System workforce that is among the most resourceful, dedicated, and passionate of all in our public service sector. These facts should elicit pride in every American.

What saddens me is to see it diminished and starved for lack of adequate congressional funding. Each year over the past ten, we witnessed modest increases to the Refuge System budget be completely swallowed by fixed salary costs and general inflation. Even before the recent spike in inflation resulting from a deadly world-wide pandemic and supply chain disruptions, "normal" inflation was enough to negate modest annual budget increases. The result is a Refuge System that is dying a death from a thousand cuts.

That description is unfortunately not far off. The Refuge System has shed 27% of its workforce since 2011, over 600 full time positions. As noted by the National Wildlife Refuge Association, "the insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many on volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure."

We have seen this play out over the past 10 years at the Eastern Virginia Rivers National Wildlife Refuge Complex. The Rappahannock River Valley NWR is one of four refuges that comprise this Complex. "Complexing" is mild sounding word strikes fear into refuge staffs. It translates into combining what were stand-alone refuges with other refuges in the landscape, thereby giving refuge managers and staff more responsibility but with fewer resources. Example: Two refuges, each with a modest staff are located 100 miles apart. The manager of one refuge retires, so to save money, the refuge are combined into a "complex," with now one manager supervising both. When a position becomes vacant, it often remains vacant and the duties are spread among other staff. This has been happening for many years and has significantly diluted the ability of existing staff to fulfill the mission of the Refuge system.

The Eastern Virginia Rivers NWR Complex has a staff of five individuals charged with achieving the Refuge System mission on four refuges scattered over hundreds of square miles. This is down from a staff of seven 10 years ago, when the Complex was much smaller. In past years there was also a student trainee position at the Complex to bring fresh ideas and diversity into the ranks. That position has been eliminated. That is simply unacceptable and as congressional leaders, it should give you pause.

There is no law enforcement staff stationed at the Eastern Virginia Rivers Complex as there had been in the early-mid 2000s. If any emergency occurs, the refuge must call upon and rely on local law enforcement from the sheriff's departments of the various counties in which the refuge units are located. The counties have complained for years that refuge revenue sharing payments have significantly diminished and are at an all-time low. Localities are receiving less than 25% of what the revenue sharing formula calls for, so when the refuge asks a county for assistance, it can increase resentment of the refuge and the Federal Government as a whole.

The Rappahannock River Valley refuge has never had a staff person dedicated to visitor services, yet it offers the visiting public opportunities to engage in all six of the priority uses that Congress directed the Refuge System to provide. That is why the RWR Friends have spent much of our energy and resources creating and maintaining visitor facilities, staffing events on and off the refuge, leading school field trips, and organizing special hunts for youth and disabled hunters to name a few of our regular activities. This frees staff to work other priorities, but the help from Friends and volunteers is not enough. More permanent staff are needed, and quickly, to stop the hemorrhaging.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me at joemccauley1955@gmail.com.

[This statement was submitted by Joseph F. McCauley, Vice-President, Rappahannock Wildlife Refuge Friends.]

PREPARED STATEMENT OF THE RIVERSIDE-SAN BERNARDINO COUNTY INDIAN HEALTH, INC.

I am Catalina VillaMontes and I am the Treasurer of the Board of Directors for the Riverside-San Bernardino County Indian Health, Inc. (RSBCIHI), located in Southern California. I am also a member of the Pechanga Band of Indians, one of nine consortium Tribes of RSBCIHI and I also serve on the California Rural Indian Health Board. I serve in all these roles because the health and welfare of my people is my highest priority. I am honored to be here and have the opportunity to testify today.

PROTECTING VITAL HEALTH CARE FUNDS

Year after year, you hear from Tribes and Tribal organizations asking for more Indian health funding. While we support those pleas, we also recognize the need to protect the recurring funding for Indian health programs we already rely on to provide services. Unfortunately, the many delays of the fiscal year (FY) 2024 appropriations process exemplified why the entire IHS budget needs to be moved to mandatory appropriations.

To be clear, we are extremely appreciative that in FY 2023, Congress first provided for advance appropriations for the Indian Health Service. However, certain accounts were excluded from those advanced appropriations, including contract support costs, lease funds, and certain facilities funds. The threat and disruption of potential shutdowns, sequestrations and continuing resolutions continue to loom over our operations despite advanced appropriations. The only way to ensure that Indian health programs are held harmless, like other Federal health programs, is to move the IHS budget to the mandatory side. This is necessary to uphold the Federal obligation for Indian health care and to provide funding stability for Tribal health programs.

We also ask that Congress realize that inflation, especially in the medical sector, has decreased our buying power and means these continuing funds do not go as far as they historically have. Post pandemic provider salaries, medication costs, and nearly every component of our programs have increased. While in fiscal year 2023, the Administration's projection to fully fund the Indian Health Service required only \$36.7 billion, only 1 year later, that number rose to \$54 billion. Yet, the total agency appropriation remains less than \$10 billion. We continue to support the Budget's push towards full funding for the IHS and at the least meaningful increases to allow our programs to keep up with historically high inflation.

PURCHASED/REFERRED CARE (PRC) FUNDING

The California Area does not receive equitable funding. Our State is one of four Indian Health Service Areas that are designated “PRC dependent,” meaning we have little or no access to an IHS or tribally-operated hospital and therefore must purchase all or a large portion of inpatient and specialty care from non-Tribal providers at a significantly higher cost. As we’ve shared previously, our current PRC funding is insufficient to meet the need for specialty and advanced care. Every year our PRC funding is depleted before the end of the fiscal year. Due to the large carry-over in PRC funds from federally-operated service units, however, we have not seen a meaningful increase in PRC funds since 2018. As a result, our patients must forego the higher level care they need unless they have non-IHS resources to cover the costs. We ask this Committee to provide additional PRC funding for Tribal programs or to require redistribution of the large agency carryover balances so that funds can go where they are actually needed. We also ask the Committee to support funding for Regional Specialty Care Centers, especially in California, that will provide a Tribal facility we can refer patients to and alleviate pressure on our PRC budget.

We note that when new funding comes in or a change in distribution formula is discussed, the California Area is routinely out voted by other Areas. As a result, we have little recourse to correct these inequities without Congressional funds directing them to the areas that need them most.

FUNDING FOR TRIBAL EHR MODERNIZATION

We know that IHS has continued to ask for large budget outlays for its health information modernization project and that the agency intends to move to replace its antiquated system with a new Oracle system. However, our programs could no longer wait for IHS to decide to modernize; over 6 years ago, we purchased our own modern electronic health record (EHR) system that was necessary for us to meet our patient needs. However, using this different EHR technology impacts our ability to submit data to the Federal data warehouse and the incompatibility between our system and IHS’s system impacts patient data that may feed into funding formulas. We ask that Congress provide funding to improve systems integration with new IHS EHR technology, and ongoing maintenance costs required to enhance data accuracy.

FULLY FUNDING CONTRACT SUPPORT COSTS

Contract support costs, which cover our necessary overhead and administrative costs, are necessary to sustain our operations and ensure that our program funds can be dedicated to services. However, ever since Congress mandated full funding of contract support costs in 2014, IHS has devised different ways to attempt to limit or reduce these reimbursements. Therefore, we support the enactment of H.R. 409 sponsored by Representative Tom Cole, which will maintain the status quo on these calculations, and protect against IHS reducing them by over 90% as it tried to do to a Tribal contractor on the Navajo Nation in 2022 and 2023. We also ask the Committee to order IHS to eliminate its “reconciliation process,” which permits IHS to come back years after our books are closed to request funds back for a prior fiscal year, many of which

have already been spent. Our indirect cost rate-setting process already accounts for over or under recoveries in any given fiscal year and this repetitive agency reconciliation process only distorts this process further.

We thank you for your time and consideration of our requests.

[This statement was submitted by Catalina VillaMontes, Treasurer, Board of Directors for the Riverside-San Bernardino County Indian Health, Inc.]

PREPARED STATEMENT OF SAGE MEMORIAL HOSPITAL ON THE NAVAJO NATION

RECOMMENDATIONS

1. Provide full, mandatory funding for the Indian Health Service (IHS).
2. Reduce dependence on competitive grants for Indian Country.
3. Exempt the IHS from rescissions and sequestrations.
4. Ensure mandatory funding for Contract Support Costs and section 105(l) lease payments.
5. Restore critical infrastructure investments for the Indian health system.
6. Address Staffing Shortages through Full Funding and Enactment of S.3022.

7. Increase funding and extend self-governance to the Special Diabetes Program for Indians.

8. Increase funding for behavioral and mental health programs.

Introduction: Thank you, Chairman Merkley, Ranking Member Murowski, and Members of the subcommittee for the opportunity to share our funding priorities for the FY 2025 Federal budget. My name is Melinda White, and I serve as the CEO of the Sage Memorial Hospital on the Navajo Nation. The hospital campus included a Critical Access Hospital and outpatient clinic. We also operate a separate outpatient clinic located 28 miles away in Greasewood Springs, Arizona.

We are the first Native-managed private comprehensive health care system in the country and have been managed since 1978 by an independent, entirely Navajo Board of Directors. Sage Memorial Hospital is the only Native American hospital to hold both a license from the Arizona Department of Health Services and Accreditation from The Joint Commission. Today, we are the sole provider of healthcare services for a community of approximately 23,000. We prioritize integration of Native culture with western medicine to provide quality health care to the residents in the Ganado, Kinlichee, Klagetoh, Wide Ruins, Lower Greasewood Springs, Cornfields, Nazlini, and Steamboat chapters of the Navajo Nation.

We are grateful for the historic investments Congress has made in the Indian health system in recent years via the CARES Act, American Rescue Plan Act, and Bipartisan Infrastructure Law. The direct funding model and successful implementation of these laws prove that when Tribal sovereignty is honored, Tribal communities thrive. We would also like to thank this subcommittee for its bipartisan effort to protect the IHS from cuts during the 2024 appropriations process. Furthermore, we urge you to remember that Congress' trust and treaty responsibility to provide for the health and wellbeing of Tribal Nations exists irrespective of any self-imposed budgetary caps. It is imperative that this subcommittee appropriate the full amounts necessary to fulfill its obligations. To that end, I offer the following recommendations for your consideration for FY 2025 appropriations for the IHS.

Provide Full Funding for the Indian Health Service: The IHS and its Tribal partners under the Indian Self-Determination and Education Assistance Act strive to provide Tribal people with access to high quality and comprehensive medical services, in line with the Federal Government's trust and treaty obligations. However, chronic underfunding of the Indian health system has had detrimental impacts on our communities. American Indians and Alaska Natives are disproportionately affected by obesity, diabetes, heart disease, cancer, substance-use disorder and other largely preventable conditions. We therefore urge the subcommittee to work towards full and mandatory funding for the IHS, in line with the IHS Tribal Budget Formulation Workgroup.

The Workgroup has calculated it will take \$54 billion to fully-fund the IHS. We understand that this represents a dramatic increase in funding; however, it is essential that Congress address the true needs of the Indian health system. We support their full request and reiterate the following four priorities for program expansion as follows:

- 1) Hospitals and Health Clinics: \$13.6 billion
- 2) Mental Health: \$4.5 billion
- 3) Alcohol & Substance Abuse: \$4.9 billion
- 4) Dental Services: \$3.2 billion

Continued Support for Advance Appropriations for IHS: If full, mandatory appropriations cannot be achieved for FY 2025, we continue to support advance appropriations for the IHS in the short-term. This year's tumultuous appropriations cycle clearly demonstrates why advance appropriations are critical-IHS clinical services remained continuous throughout the volatile political process. We urge the subcommittee to extend advance appropriations to all IHS accounts, including Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction for FY 2026.

Reduce Dependence on Federal Grants: We also support moving away from competitive grants for Federal funding mechanisms. Grants unfairly pit Tribes against each other for resources we are all entitled to. The Federal trust responsibility does not require that we jump through a myriad of hoops and onerous applications to see that services are provided to our citizens. Too often, Tribes are under-resourced to apply for Federal grants and comply with their reporting requirements. Our staff must divert time to apply and report, thereby diluting the usefulness of the resources. Instead, we request wide-spread, formula-based funding across all programs. Tribes must also be granted the flexibility needed to respond to the specific

needs of their own communities, not those prescribed by Federal grants. This also means appropriating enough resources so funds are provided in meaningful amounts across all Tribes. We join other Tribal leaders in calling for broad based funding for Indian Country.

Permanently Exempt the IHS from Cuts, Sequestrations, and Rescissions: As demonstrated above, the Indian health system is chronically underfunded, with current appropriations sitting around one-seventh of need. Nevertheless, Congress routinely threatens and enacts additional budget cuts, sequestrations, and rescissions affecting the IHS. As recently as FY 2024, this Congress rescinded \$350 million marked for public health infrastructure from the IHS. Furthermore, the IHS is the only federally funded services providing direct patient care not exempt from sequestration.

We remind this subcommittee again that its trust and treaty obligations to Tribes exist regardless of any self-imposed budget control measures. In fact, the IHS budget remains so small in comparison to the National budget that cuts, rescissions, and sequestrations do not result in any meaningful savings in the National debt, but they do devastate Tribal Nations and their citizens. We urge Congress to ensure that any budget cuts, whether automatic or explicit, hold IHS and our people harmless.

Fully fund critical infrastructure investments: We were disappointed to see that this subcommittee approved cuts to Electronic Health Records Modernization, Health Care Facilities Construction, and Sanitation Facilities Construction in FY 2024. The Indian health system's infrastructure is among the oldest and most dilapidated in the country. Therefore, we request that this subcommittee restore and fully-fund these accounts. To implement an interoperable Electronic Health Records and telehealth system, \$801 million is needed for FY 2025. As you are aware, this investment is especially critical as the Veterans' Administration and Department of Defense move to modernize their systems.

It is also critical that Congress make significant investments in Health Care Facilities Construction and Sanitation Facilities Construction. IHS and Tribal facilities are severely outdated, and we appreciate Congress' investment in IHS sanitation facilities through the Bipartisan Infrastructure Law. Yet, with a multi-billion-dollar backlog and growing inflation, funding to close out the list is not keeping pace with need. This creates situations where facilities are unfit and unsafe. Therefore, consistent with the Workgroup's request, we recommend \$2.8 billion for Health Care Facilities Construction and Equipment and \$2.2 billion for Sanitation Facilities Construction in FY 2025.

Address Staffing Shortages. The Indian health system is chronically understaffed due to a variety of challenges including underfunding and rural location. We face difficulties recruiting and retaining critical staff, including nurses, because we must compete with the larger non-Tribal health systems nearby. We reiterate our request that this subcommittee fully fund the IHS at \$54 billion, with \$13.6 billion going to Hospitals and Health Clinics, to ensure Tribal health programs have the funding to offer competitive salaries and benefits. We also urge this subcommittee to direct resources to staff housing. Finally, we fully support S.3022, as reported by the Senate Committee on Indian Affairs, to permit IHS loan repayment and scholarship recipients to satisfy service obligations through half-time clinical work for a doubled amount of service time. This puts the IHS at parity with similar loan repayment programs through the Health Resources and Services Administration, which can be cumbersome and difficult to obtain.

Mandatory Funding for Contract Support Costs and 105(l) lease payments: We appreciate the subcommittee's commitment to ensuring that Contract Support Costs (CSC) and section 105(l) lease payments are fully funded. However, these line items continue to take up a larger and larger percentage of the IHS discretionary budget, thereby leaving little room to expand other services given tight budget environment. We strongly agree with the subcommittee's words in the explanatory statement for the Further Consolidated Appropriations Act, 2020 (Public Law 116-94) regarding 105(l) costs which said, in part: "Obligations of this nature are typically addressed through mandatory spending, but in this case since they fall under discretionary spending, they are impacting all other programs funded under the Interior and Environment Appropriations bill, including other equally important Tribal programs."

Therefore, we ask you to continue to advocate with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) lease costs. Doing so will ensure that other areas of the IHS budget are held harmless by these costs and true increases in critical services line items can move forward. This will enhance care for Tribal patients and reduce health disparities.

Extend Self-Governance Funding Options to the Special Diabetes Program for Indians (SDPI) and increase funding to \$250 million/year: While we understand that

SDPI is not under the jurisdiction of the subcommittee, we appreciate that Congress included a short-term extension of SDPI in FY 2024 appropriations at a \$160 million annualized rate. We recognize that this is the first increase for SDPI in two decades. Communities like ours across Indian Country rely on SDPI resources to address the alarming rates of diabetes and diabetes-related health complications among our people. SDPI's success rests in the flexibility of its program structure that allows for the incorporation of culture and local needs into its services. Consistent with this model, Congress should authorize SDPI participants the option of receiving their Federal funds through either a grant (as currently used) or self-governance funding mechanisms under the Indian Self-Determination and Education Assistance Act.

Additionally, SDPI has not had a meaningful increase in funding since FY 2004 despite its overwhelming success. Short term reauthorizations continue to destabilize this program and make staffing and program continuity difficult. For this reason, we recommend permanent reauthorization for SDPI at a minimum base of \$250 million per year with annual adjustments for inflationary increases. We urge you to work with your Congressional colleagues to enact this important priority.

Behavioral Health: Our Tribe, like all of Indian Country, has been devastated by the ongoing fentanyl and opioid epidemic. Nevertheless, funds for these services are extremely limited. For example, in FY 2024, Congress only appropriated \$2 million to fund essential detoxification related services. That's less than \$1 per IHS patient. We urge the subcommittee to dedicate resources to detoxification and reemphasize the importance of fully-funding the following accounts: Health Care Facilities Construction, Alcohol & Substance Use, and Mental Health. We also fully support the President's Domestic Supplemental Request, which includes a \$250 million investment in the IHS to address the fentanyl and opioid epidemic. Recognizing that Indian Country cannot wait any longer, Congress should consider this request as soon as possible.

[This statement was submitted by Melinda White, Chief Executive Officer, Sage Memorial Hospital.]

PREPARED STATEMENT OF THE SAULT STE. MARIE TRIBE OF CHIPPEWA INDIANS

The Sault Ste. Marie Tribe of Chippewa Indians is in the Upper Peninsula of Michigan. The Tribe administers 23 governmental divisions and manages over 75 federal, State, local and tribally funded programs across our seven-county service area—Alger, Chippewa, Delta, Luce, Mackinac, Marquette and Schoolcraft counties. We have a Tribal membership of approximately 50,000. Our territory includes 2,800 acres of trust land and our ceded territories throughout Michigan where we exercise our Treaty reserved rights to fish, hunt and gather. For almost fifty years the Sault Ste. Marie Tribe has built its governmental capacity to provide the full range of services to its members including health care, education, elder services, law enforcement, housing, family and social services, and cultural programs.

The Tribe operates 8 health clinics across our seven-county service area. In these clinics we offer a wide range of services including medical, dental, behavioral health, special diabetes, nutrition, pharmacy, wellness programs, and traditional medicine. We are proud of our work in this space, but it is time to fully fund Indian Health Services.

The Tribe wants to express its deep appreciation for the Congress's action in providing advanced appropriations for FY 2025 for the Indian Health Service. Given the very uncertain fiscal times facing our Nation, the security in knowing that the base budget of our Indian health system is secure critical. This allows our programs and our staff to plan on how best to continue to meet the health care needs of our people.

INDIAN HEALTH SERVICE

SUBSTANCE ABUSE AND MENTAL TREATMENT

One of the greatest threats to the future of Tribal communities is substance abuse and mental health conditions. Since the Heroin/Opioid Public Health Emergency of 2018 illicit drug use and mental health illnesses have only escalated to a National Emergency, particularly in Indian Country. With Health Care Staff Shortages, long waiting lists and patients in crisis, the need for Mental Health and Addiction Treatment Services is overwhelming. It is clear that funding and staff shortages continue to be primary barriers to services.

According to 2021 National survey on Drug Use and Health, "nearly half of young adults aged 18—25 in 2021 had either Any Mental Illness (AMI) or a Substance Use

Disorder (SUD) in the past year". American Indian or Alaskan Native were 11.4% higher than all other nationalities, (at 34.2 percent) to have had either an AMI or an SUD in that same time period. Illicit Drugs are the number one drug of choice for adults aged 18+ by Mental Health Status. Adolescents aged 12–17 who had both a past year Major Depressive Disorder (MDE) and a past year SUD (i.e., drug use disorder, alcohol use disorder, or both) were classified as having co-occurring MDE and SUD, greatly increasing instances of SMI, SUD, Overdose, and Suicide among American Indian communities. However, as these rates continue to climb, the access to necessary hospital treatments to combat the Mental and Opioid Epidemic Crisis continues to be non-existent. Key programs offered by IHS, SAMHSA, DOI, and partnering agencies provide limited respite to exhausted communities and health staff.

While the Department of the Interior (Bureau of Indian Affairs), Department of Health and Human Services, and the Department of Justice have been tasked with coordinating certain existing department programs pursuant to the Tribal Law and Order Act. However, funding to expand and implement successful prevention, treatment, after care programming is stagnant.

The current interagency agreement calls for the development of a Tribal Action Plan. However, funding is limited to SAMHSA's available competitive funding instruments, leaving out necessary full funding of Tribal Action Plans that have been adopted by Tribes. Notwithstanding the lack of funding for the Tribal Action Plans, the Sault Ste. Marie Tribe of Chippewa Indians was one of the first Tribes in the Nation to have completed a Tribal Action Plan to combat substance abuse on reservations. The Tribe now needs the resources to implement this Plan. We would call on the Committee to provide additional funding to both the BIA and IHS to fund the implementation of Tribal Action Plans.

SANITATION FACILITIES

Health Care facilities and sanitation program continue to be underfunded, given the vast need of facility space and staffing needed to take care of the overwhelmed health care systems in Indian Country. Alaskan villages are still living in third world standards when it comes to access to clean water. New facilities in Indian Country, require additional utility infrastructure from communications cabling to large wells and sewage systems. Residential scale water and sewage programming is underfunded, leaving many American Indians without necessary clean water sources. This was a key factor for why the pandemic was so devastating to Tribal communities across America.

BUREAU OF INDIAN AFFAIRS

TRIBAL NATURAL RESOURCES DIVISION

The Sault Ste. Marie Tribe of Chippewa Indians are co-managers of a large part of lakes Michigan, Huron, and Superior, as we hold Treaty-protected rights to fish in these lakes under the 1836 Treaty. We also hold Treaty-protected rights to fish in inland lakes, hunt, and gather across the 13.8 million acres of Ceded Territory. Thus, it is critical that Congress provide full funding for the Chippewa Ottawa Resource Authority to ensure proper management of the resources consistent with the court-approved consent decrees.

The BIA's Natural Resources Management Endangered Species program is an important program, vital to the maintenance of important threatened and endangered species. Since 2012, Sault Ste. Marie Tribe of Chippewa Indians has identified several endangered species needs and submitted funding requests. To date, however, our funding requests have not been granted. This is due to the competitive nature of limited funds available to the Midwest region. My Tribe recommends full funding for the program.

The Sault Ste. Marie Tribe of Chippewa Indians has relied on the BIA Forestry Program for several planning and management of forestry projects on the Reservation and are working with the BIA Fire Program. While my Tribe does not have substitutive commercial forest resources, we do have over 2,000 acres of forest lands that are maintained, and are actively acquiring more forest lands to be held in trust. The management of, and restoration of prescribed fire on, these acres are dependent on the Forestry and Fire Program funds and the BIA staff that work on our behalf. We have a strong interest in increasing our capacity for forest and fire management. We see this as an opportunity for the Tribe to create new jobs for Tribal members and increase access to natural resources for subsistence harvesting. We strongly recommend full funding of the BIA Forestry and Fire Programs.

TRIBAL COURT PROGRAMS

Our Tribal Court program, an integral component to our Tribe's sovereignty, is significantly underfunded. In fact, the Federal Government provides only 3.76% of base need funding necessary to operate a Tribal Court capable of meeting our Tribe's service population needs. Federal base funding for our Tribal Court program has only increased a total of \$3,000 in the past 21 years. In the end, our Tribe provides additional funding necessary to meet the needs of basic needs of our government, but that money is taken from other governmental programs, such as health, education, and care for the elderly.

Even with this strong Tribal support for our program, our courts are still lacking. Our most recent BIA assessment of our courts identified the need to upgrade the Court's technology and improve the Tribal Court building's security. We recommend Congress fully fund Tribal Courts base funding levels to meet the budget model provided by the BIA.

FISH AND WILDLIFE SERVICE

The Sault Ste. Marie Tribe of Chippewa Indians has prioritized the resilience of coastal ecosystems throughout the 1836 Treaty Ceded Territory, with special emphasis on coastal wetlands along the St. Mary's River. We have relied on partnerships with, and funding from, the Fish and Wildlife Service to plan and implement stewardship of our coastal communities. We recommend increased funding for the Fish and Wildlife Service Coastal Program to provide more science support for our Tribe's coastal resilience work, with more scientists located in our communities and positioned to contribute to research in these unique ecosystems directly. We support full funding of the Wildlife Co-Op Unit as it provides valuable science support within the 1836 Treaty Ceded Territory.

The Sault Ste. Marie Tribe applauds the USDOJ efforts to increase staff and funding in the Great Lakes Basin and looks forward to increased emphasis on engaging our Tribal communities in the implementation of Joint Secretariat Order 3403. We have felt the increased presence of Tribal liaisons in our region and have appreciated their contributions to advancing meaningful engagement of Tribes in advancing treaty rights. We support increased engagement in the co-stewardship and co-management of Federal lands; however, this cannot come at the cost of our already underfunded programs. Lastly, we would like to see new funding tools aimed at providing adequate support for Tribal fish, wildlife, forestry, and fire programs to fully engage in co-management and co-stewardship processes.

[This statement was submitted by Mr. Austin Lowes, Chairman, Sault Ste. Marie Tribe of Chippewa Indians.]

PREPARED STATEMENT OF SAN FRANCISCO BAY WILDLIFE SOCIETY

This testimony is being submitted on behalf of the San Francisco Bay Wildlife Society, a nonprofit Friends Group formed in 1987, with a formal agreement with the United States Fish and Wildlife Service (USFWS) to support the San Francisco Bay National Wildlife Refuge Complex in California. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We respectfully request Congress to allocate at least \$602.3 million in funding for the National Wildlife Refuge System Operations and Maintenance account for the United States Fish and Wildlife Service.

Our Friends group works at the heart of the San Francisco Bay, bringing children, families, college students, and a diversity of other groups out to learn about the abundantly diverse ecosystem in the middle of where they live their busy lives. It can be surprising to learn that such a densely populated place as the San Francisco Bay metropolitan region has large areas of preserved habitat (about 45,000 acres) on the National Wildlife Refuges, important for the survival of millions of local and migrating birds, marine life, and other wildlife.

Our organization is one of many that are pulling together to try to address the looming environmental crises threatening the San Francisco Bay area. The water and land that edge the bay are a thriving tidal habitat, with great potential to be naturally adapted to resist the impacts of flooding along the shoreline through appropriate restoration techniques. Restored marshlands and sloping levees can absorb and cushion the impacts of high water. Marsh habitat is also very effective at carbon sequestration as well. This restoration is a primary effort of our USFWS biologists, in their work to preserve habitat for endangered and threatened species.

We know that there are many, many highly intelligent and aware people around us who support the preservation of nature, and who have the potential to be globally

influential with the decisions they make in the tech industries and other important businesses around us. Our work is to help them become more aware, yet when they see the current state of our sites with invasive plants and decaying infrastructure—all I can say is it is not inspiring. What is inspiring is when we get them out to help and facilitate them being part of the solution. They love that. This is what you support for people and wildlife refuges, and the future of life on Earth. But without funding to be able to work cooperatively under the supervision of USFWS staff, we cannot operate as effectively, because there is such a staff shortage that they are unable to accommodate the extra staff and volunteers we could bring to them. We need your help to turn around the dire state of affairs in the Refuge System.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere 62 per acre. Considering the level of inflation, mandatory staff COLA raises, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased significantly. It is also funded at a lower level than any other Federal public lands.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt System-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

Our own staff gives public programs at our refuge, and we have experienced firsthand, on a day-to-day basis, the effects of this severe underfunding. We see the staff and operations shortfalls resulting in loss of institutional knowledge, loss of infrastructure due to neglect, people with talent and skills doing the tasks that must be done at all levels beyond their focus areas and not able to do their own essential work, all in a time when the world is losing biodiversity at an alarming rate. We know we already have this great institution that can best address the problem of species loss and ecosystem imbalances, but the remaining staff is in danger of losing morale, and we are losing good people who could be our best hope at providing for the future of the diversity of life on earth.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the wildlife, habitat, programs, and visitors that rely on the health and integrity of the Refuge System. Currently, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact me, Mary Deschene, and I can put you in touch with others at San Francisco Bay Wildlife Society, at: mary.deschene@sfbayws.org, or 505-417-2561.

[This statement was submitted by San Francisco Bay Wildlife Society.]

PREPARED STATEMENT OF SEALASKA HERITAGE

On behalf of the Sealaska Heritage Institute we respectfully request that the fiscal year 2025 appropriations bills include implementation funding for the Safeguard Tribal Objects of Patrimony (STOP) Act. The STOP Act marks a significant advancement in efforts to protect Tribal cultural heritage from illegal trafficking and sale. However, the successful implementation of this act hinges on the availability of adequate resources. Adequate funding will enable the Department of the Interior and associated agencies to:

- Conduct comprehensive training for enforcement personnel.
- Establish and maintain a robust database for monitoring and protecting cultural items.
- Facilitate effective repatriation processes and support voluntary return initiatives.
- Enhance interagency collaborations essential for the STOP Act's success.

Thank you for considering our important request to include implementation funding for the STOP Act in the fiscal year 2025 appropriations bills. We look forward to your positive response and are available to discuss this matter further at your convenience.

Sincerely,

[This statement was submitted by Rosita Kaahaani Worl, Ph.D. President.]

PREPARED STATEMENT OF THE SEATTLE INDIAN HEALTH BOARD

Chair Merkley, Ranking Member Murkowski, and members of the Senate Committee on Appropriations—Subcommittee on Interior, Environment, and Related Agencies, my name is Esther Lucero. I am Diné, of Latino descent, the third generation in my family to be living outside of our reservation, and I strongly identify as an urban Indian. I serve as the President & Chief Executive Officer of the Seattle Indian Health Board (SIHB), one of 41 Indian Health Service (IHS) designated urban Indian organizations (UIO) nationwide designed to serve the health needs of the 76% of American Indian and Alaska Native (AI/AN) people residing in urban areas. I am also a delegate to the Washington state American Indian Health Commission, a member of the King County Board of Health, the City of Seattle Indigenous Advisory Council, and the AstraZeneca Health Equity Advisory Council. I have had the privilege of serving SIHB for 8 years, during which time I have increased the organization's operating budget by \$36 million. It is transformative to have provided testimony to this subcommittee for the past 5 years. I am honored to have the opportunity to submit my testimony today, including a request of an increase to \$977.4 million to the Urban Indian Health line item, which continue our momentum to address the chronic underfunding of the Indian healthcare system.

SECURE MANDATORY FUNDING FOR IHS

I am thankful to the members of this subcommittee for your leadership to secure advance appropriations for IHS for FY 24–25. This historic passage has brought greater certainty, parity, and protections to the Indian healthcare system and protected us from the looming fear of government shutdowns. I implore you to work with the same urgency to secure mandatory funding for the IHS. Mandatory funding will lead to greater financial sustainability, long range planning, secured service delivery, and frankly, will advance the efforts toward fulfilling the fiduciary obligation and trust responsibility.

In the past year, SIHB has advanced the operation of 3 clinical expansion projects, restructured and adapted our workforce to meet growing needs, and expanded critical culturally attuned health care services. To address the growing opioid and fentanyl crisis, we will re-open Thunderbird Treatment Center (TTC), our 92-bed in-patient residential treatment program, in February 2025. At TTC, we will dedicate 15 beds to serve pregnant and parenting people, where each person will be able to bring 2 children with them (up to the age of 5). This effort will help us save our next generations from being removed from their homes and allow families to heal from addiction together.

SIHB has expanded to 29 different workforce development programs. While others in the community health center world were struggling to hire Medical Assistants, we started a Medical Assistant Registered program designed to train on the job (fully paid) and acquire clinical experiences necessary to pursue advanced careers in health care. The program was so successful it had a wait list, helping us address a critical gap in support services. Last year we had 6 participants in the program go on to medical school, nurse practitioner school, and nursing school. We cannot limit our vision to the current appropriations cycles and must actively seek mandatory funding for IHS.

UIOS IMPACTED BY COVID–19 SUPPLEMENTAL FUNDING RECISSION

I am frustrated by IHS' inability to effectively obligate and distribute \$419 million in supplemental funding for the Indian healthcare system to continue combatting

and alleviating the impacts of COVID-19. I am particularly disappointed in the failure to invest these resources in the establishment, expansion, and sustainment of a public health workforce at a time when it is so critical to our community's well-being. Throughout much of the pandemic, AI/AN communities faced the highest mortality rates among all racial and ethnic groups;¹ and even as recently as summer 2023, we saw an uptick in deaths in AI/AN communities.² SIHB has been resourceful and our relatives (patients) of all ages and the community have low barrier access to COVID-19 vaccinations, booster vaccines, and testing at our clinics. Our Tribal Epidemiology Center (TEC), the Urban Indian Health Institute (UIHI), has sent out COVID-19 support packages to UIOs nationwide. This \$419 million shows that the large-scale investments are achievable, but this funding was rescinded before it could reach our most impacted communities.

ADVANCE LEGISLATION AND APPROPRIATIONS TO EXPAND WORKFORCE DEVELOPMENT

To address the longstanding and worsening workforce gaps in the Indian healthcare system, I urge the subcommittee to introduce a companion bill for S. 3022—the IHS Workforce Parity Act of 2023, which would authorize IHS scholarship and loan recipients to meet their service obligations through half-time clinical practice. It would help AI/AN students enter the healthcare workforce, which remains financially inaccessible for many. I further ask that you work to amend the IHS Loan Repayment Program to increase administrative FTE allocation from .2 to .3 administrative time, to support leadership development and training opportunities.

Further, I request new investments in community-based and culturally attuned workforce training programs and the expansion of paid workforce development opportunities for AI/AN students across the healthcare and public health sectors. SIHB was the first UIO to establish a family medicine residency program and now operates 29 different workforce development programs to develop the next generation of Native and Native serving healthcare and public health professionals. For 30 years, SIHB has offered one-on-one time with providers, dedicated training space, mentorship opportunities and a fully integrated cultural experience. Each year, we invest at least \$500,000 in our medical residency program, while our residency partner only invests 50% of our residency site director's salary. Our other limited funding sources cover our internship and fellowship programs. For the first time in 2022, we received new funding worth \$161,000 from a private partner, which still does not cover total program costs. Additionally, we began our MSW practicum program 6 years ago and today all our mental health providers are Native. We have a lot of pride in that outcome.

Congress must authorize IHS to have cross-state credentialing, which would allow for the preemption of state requirements for health care professionals to deliver services in a State other than the health care professional's state of licensure, registration, certification, or other state requirement. This best practice modeled by Veterans Health Administration, was critical to ensuring veterans' health care needs were met throughout the COVID-19 pandemic.³ This administrative solution would increase access to and portability of mental health and substance use disorder (SUD) professionals across the Indian healthcare system.

INVEST IN BEHAVIORAL HEALTH WORKFORCE, INFRASTRUCTURE, AND CARE

Despite leveraging many funding streams, we face a \$3 million funding shortfall that is threatening a timely opening of TTC. We look to our Congressional partners to ensure that all Indian behavioral health care providers have access to increased reimbursement rates, capital and operating investments, and a quality workforce. As we plan for our long-term services, we are among the providers nationwide calling for Federal investments to cover the true costs of behavioral healthcare.

National Maternal Mortality Review Committee data has shown that mental health conditions, including deaths by suicide and overdose/poisoning related to SUD, was the leading underlying cause of pregnancy related death among AI/AN people in 36 States from 2017–2019.⁴ We fear that the fentanyl crisis will only fur-

¹ Sabo, S., and Johnson, S., Males and the Hispanic, American Indian and Alaska Native Populations Experienced Disproportionate Increases in Death During the Pandemic. United States Census. (2023). Retrieved from: <https://www.census.gov/library/stories/2023/06/covid-19-impacts-on-mortality-by-race-ethnicity-and-sex.html>

² APM Research Lab. (2023). The Color of Coronavirus: COVID-19 Deaths by Race and Ethnicity in the U.S. Retrieved from: <https://www.apmresearchlab.org/covid/deaths-by-race>

³ Veteran Affairs Department. (2020). Authority of VA Professionals to Practice Health Care. Federal Register. Retrieved from: <https://www.federalregister.gov/documents/2020/11/12/2020-24817/authority-of-va-professionals-to-practice-health-care>

ther deepen the inequitable maternal and infant health outcomes AI/AN parents face. Therefore, TTC will offer specialty services for pregnant and parenting adults, integrated Traditional Health Services, and medication-assisted treatment (MAT), while providing wrap around care through our clinic services. Within our clinic, we secured \$2 million, from HRSA, for our Indigenous birthing sovereignty project that considers the impact of SUD. It is necessary to ensure innovative and culturally attuned behavioral health models are developed to create meaningful and lasting change for the health and well-being of our people.

SUPPORT TRADITIONAL HEALTH SERVICES INNOVATIONS

The IHS is working with Centers for Medicare and Medicaid Services (CMS) on a Medicaid traditional health care practices framework, and we request Congressional support for the inclusion of UIOs and reimbursement of traditional pharmaceuticals. CMS is following reimbursement guidelines under title XIX of the Social Security Act that allows for Federal medical assistance percentage (FMAP) of 100 percent to IHS and Tribal facilities, but it excludes UIOs. During the CMS consultation held on April 3, 2024, many Tribes and UIOs were in favor of extending FMAP to UIOs that is proposed by H.R. 6533 Urban Indian Health Parity Act, and a companion bill must be introduced and championed in the Senate. We have also requested CMS set a mandate for the participation of Managed Care Organizations (MCO) to further use across all States.

Our Traditional Health Services have grown significantly in the past 8 years and our Tribal Health Practitioners are now integrated into our core care teams in our main clinic, expansion sites, and provided through home and hospital visits. We offered 1,825 traditional health encounters to 662 relatives between December 2021 and March 2024. Initial evaluation reveals that traditional health services decreased anxiety symptoms, depressive symptoms, alcohol consumption, and suicidal ideation. We are among the first providers to integrate our traditional health services into electronic health records (EHR). We are establishing the framework for third-party reimbursement nationwide, partnering with the Community Health Plan of Washington, a local MCO, to pilot the system. They have agreed to pay for our services as a value-added benefit. Traditional Health Services represent the future of integrated health services that center culturally attuned services to complement western healthcare.

PERMANENTLY REAUTHORIZE THE SPECIAL DIABETES PROGRAM FOR INDIANS (SDPI)

I request this subcommittee support permanent reauthorization of the SDPI, the only culturally appropriate programming for diabetes proven to treat and prevent Type-2 diabetes and reduce Type-2 diabetes complications in AI/AN communities.⁶ Each year, UIHI conducts the Urban Diabetes Care and Outcomes Audit and publishes the results online. The audits track diabetes care and outcomes for AI/AN people served by UIOs. In 2023, we found that urban AI/AN patients have positive indicators in patient kidney health, hypertension management, and increased access to eye, foot, and dental examinations.⁷ Nationally, the prevalence of diabetes among AI/AN adults has grown at a slower pace than other racial or ethnic groups from 2006 to 2012; in addition, obesity and diabetes rates have not increased among AI/AN youth for over a decade.⁸ After 23 years of SDPI, we have remarkable reductions in diabetes-related mortality, kidney failure, hospitalization, and diabetic eye disease rates. Now is the time to permanently reauthorize SDPI and protect our advancements in diabetes treatment and prevention.

Thank you for allowing me to offer some insights into the day-to-day of service and I look forward to continued partnership to strengthen healing within our communities. I hope you join us in our unwavering passion to serve, “for the love of Indian people”.

[This statement was submitted by Esther Lucero, MPP, President & CEO, Seattle Indian Health Board.]

⁶Urban Indian Health Institute. (2023). Special Diabetes Program for Indian: Impact for Urban Indian Organizations. Retrieved from: <https://www.uihi.org/projects/urban-diabetes-care-and-outcomes-audit/>

⁷Indian Health Service. (2014). Changing the Course of Diabetes: Turning Hope into Reality. Retrieved from: https://www.ihs.gov/sites/newsroom/themes/responsive2017/display_objects/documents/RepCong_2016/SDPI_2014_Report_to_Congress.pdf

⁸Bullock A, Burrows NR, Narva AS, Sheff K, Hora I, Lekachvili A, & Espey D. Vital signs: Decrease in incidence of diabetes-related end-stage renal disease among American Indians/Alaska Natives—United States, 1996–2013. MMWR. 2017; Morbidity and mortality weekly report, 66(1), 26–32. doi:10.15585/mmwr.mm6601e

PREPARED STATEMENT OF SELF-GOVERNANCE COMMUNICATION & EDUCATION TRIBAL
CONSORTIUM

On behalf of SGCETC, I submit this written statement regarding funding priorities for the FY 2025 budgets for the Departments of the Interior's (DOI) Bureau of Indian Affairs (BIA), Health and Human Services' (HHS) Indian Health Service (IHS) and Environmental Protection Agency (EPA).

The fiduciary responsibilities of the United States to Tribal Nations arise from commitments made in treaties and agreements, in exchange for which Indians relinquished vast tracks of homelands and resources.¹ More than 380 Tribal Nations have entered into Self-Governance agreements with the DOI and/or IHS to transfer Federal resources and programs from Federal to Tribal administration to better serve the needs of their citizens and communities. Tribal Nations that elect to administer Federal programs through Self-Governance agreements know that increased Tribal control and decision-making authority results in improved social and economic well-being at the local level.

Tribal Nations assuming administration over programs once administered by Federal agencies, do so knowing that this does not abrogate the Federal Government's treaty and trust obligations. It empowers Tribal governments as sovereign nations to best determine the needs of their citizens and communities while bolstering Tribal economies and job creation for Indian country and surrounding non-Native communities. As such, we offer the following recommendations:

INCREASE BASE BUDGETS AND RECURRING FUNDING FOR INDIAN PROGRAMS AND
REDUCE RELIANCE ON GRANT FUNDING

Across the board, Federal Indian programs are significantly underfunded. The lack of adequate funding puts the lives of Tribal citizens at risk and limits the services provided by Tribal governments. Increases in base budgets for Indian programs will allow Tribes to fund core Tribal government programs and will provide an opportunity for additional Tribal Nations to participate in Self-Governance.

SGCETC supports the growing sentiment expressed by Tribal Nations that we do not want our funding sources to be increasingly supplemented by grants. Short-term competitive grants hinder Self-Governance because it creates uncertainty in planning, imposes extensive regulations and reporting requirements, and restricts the use of indirect costs. Tribal Nations are not non-profit organizations and should not be treated as such. The signers of the over 400 treaties between Tribal Nations and the United States did not sign with the intent of being dependent on grants. Lives were not lost, nor land ceded for our needs to be dependent on the review of a grant application package.

RECLASSIFY SECTION 105(L) COSTS AS MANDATORY SPENDING

Pursuant to the Indian Self-Determination and Education Assistance Act (ISDEAA), most Tribal Nations now administer programs that were previously administered by the Federal Government, which results in the need for Tribal facilities to house these programs. Section 105(l) of the ISDEAA, 25 USC § 5324(l), provides that the Secretaries of DOI and HHS must enter into leases with an Indian Tribe or Tribal organization for the administration and delivery of services under the ISDEAA. Section 105(l) requires both Secretaries to compensate each Indian Tribe or Tribal organization for infrastructure costs, including rent, depreciation, operation and maintenance, and other reasonable expenses. Tribal Nations across the country are successfully entering into Section 105(l) agreements with both DOI and HHS to be compensated for the use of Tribal facilities that are needed to fulfill Federal responsibilities.

Tribal Nations commend Congress in recognizing the Federal Government's obligation to fully fund 105(l) leases. The next step in fostering this progress is by reclassifying Section 105(l) lease funding from discretionary to mandatory spending.

RECLASSIFY CONTRACT SUPPORT COSTS (CSC) AS MANDATORY SPENDING

Contract Support Costs (CSC) are legally required pursuant to the Indian Self-Determination and Education Assistance Act and Supreme Court decisions, but they are currently paid for under discretionary spending caps. Inclusion of the CSC account that is mandatory in nature under discretionary spending caps has resulted in a net reduction on the amount of funding provided for Tribal programs. Immediately moving CSC to mandatory is good risk management for the United States because the amount is already mandatory in nature and there is a mechanism for

¹ 1Pub. L. No. 114-178, § 101, 130 Stat. 432 (2016) (codified at 25 USC § 5601).

controlling costs. Since the amount is already mandatory in nature, there is nothing added to the mandatory budget by moving this authority to the mandatory side of the Federal ledger.

ADVANCE APPROPRIATIONS FOR TRIBAL PROGRAMS AND SERVICES

We are grateful that Congress enacted Advanced Appropriations for the Indian Health Service for FY2024; however, we now urge Congress to extend advanced appropriations to the Bureau of Indian Affairs and the Bureau of Indian Education (BIE). Providing appropriations 1 year in advance for the BIA and BIE will mitigate the adverse financial effects of Federal budgetary uncertainties and allow Tribal Nations to engage in more effective strategic planning, spend funds more efficiently, grow our Tribal economies and businesses and increase the quality of care and well-being of our Tribal citizens and communities.

ENCOURAGE IHS TO OPEN A NEW ROUND OF APPLICATIONS FOR THE JOINT VENTURE CONSTRUCTION PROGRAM

The IHS Joint Venture Construction (JVC) Program represents a collaborative approach to healthcare infrastructure development. Tribal governments alleviate the upfront burden on IHS by taking on construction, expansion, or renovation costs, and IHS provides staffing funds for the facility over a 20-year span. The program has proven successful. Among other benefits, the JVC program leads to the development of modern healthcare facilities closer to Tribal communities-reducing travel time and improving access to essential medical services. In addition, the JVC program stimulates Tribal economies by creating job opportunities and boosting economic activity through expanded healthcare positions and construction-related spending. Lastly, by partnering with Tribal governments in the planning and construction of healthcare facilities, the program empowers Tribal communities to take control of their healthcare infrastructure, aligning with principles of Self-Governance, sovereignty, and Tribal culture.

Thank you for the opportunity to share our recommendations with the subcommittee.

[This statement was submitted by W. Ron Allen, President, Board of Directors, (SGCETC) and Tribal Chairman/CEO, Jamestown S'Klallam Tribe.]

PREPARED STATEMENT OF THE SHOALWATER BAY INDIAN TRIBE

RECOMMENDATIONS

1. Support expedient passage of H.R. 7859, the Tribal Environmental Resiliency Resources Act (TERRA Act).
2. Increase funding for Tribal environmental resilience and related programs in FY 2025, including those supporting Tribal community-driven relocation efforts.
3. Support full, mandatory, and continued advance appropriations for the IHS.
4. Fully fund critical infrastructure investments for the Indian health system.
5. Support mandatory funding for Contract Support Costs and 105(l) leases.

Thank you, Chairman Merkley, Ranking Member Murkowski, and Members of the subcommittee, for the opportunity to share our funding priorities for the FY 2025 Federal budget. My name is Quintin Swanson, and I am the Chairman of the Shoalwater Bay Indian Tribe. We are located 2,800 miles west-by-northwest of Washington, D.C., on the beautiful north shore of Willapa Bay in Washington State, on the Pacific Ocean. Like most coastal Tribes, we are stewards of the great ocean.

As Tribal Chairman and lifelong resident of Tokeland, Washington, I have learned firsthand that vibrant and successful Tribal communities are not possible without first attending to the human health of community members and ensuring a healthy environment. I appreciate that the subcommittee is responsible for those same priorities, and it is in that shared spirit of community responsibility that I speak to you today. The following testimony provides information about our community's urgent efforts to move to a safer elevation protected from the environmental hazards of erosion, rising sea levels, and tsunamis, and the need for additional funding to support Tribal environmental resiliency programs. This testimony also outlines priorities for the FY 2025 Indian Health Service (IHS) budget.

We appreciate the subcommittee's continuing steps to support Tribal environmental resiliency, such as the recognition in House Report 118-155 that some coastal Tribes "experience severe weather-related conditions that jeopardize public safety and health." We are disheartened, however, that the subcommittee approved FY

2024 limitations on Bureau of Indian Affairs (BIA) funding for purposes such as housing improvement, land acquisition, and road maintenance, as well as cuts to many environmental justice and resilience programs. These and other opportunities are essential for complex community relocation projects like ours, and for the variety of environment- and disaster-driven problems facing Tribal communities nationwide. Overcoming these challenges will require substantial investments, and the consequences of failing to invest now will be devastating. We therefore urge the subcommittee to consider the Federal trust responsibility to Tribal Nations and support significantly increased funding for Tribal environmental resilience and related programs in FY 2025.

SHOALWATER BAY INDIAN TRIBE AND ENVIRONMENTAL RESILIENCY

Tribal communities are uniquely impacted by our changing environment due to a deep connection to our ancestral homelands. Environmental instability threatens our people, our land, and our culture. For Shoalwater, a Pacific Northwest coastal Tribe, all existing homes and infrastructure are just barely above sea level. For the last century, we have been losing 100–130 feet of land per year, adding up to a loss of about 2 miles of land. Estimates suggest that a sea level rise of just 2 more feet would put Tokeland underwater. Meanwhile, a single tsunami event would take out our homes, our government, our economic development opportunities, and what defines us as Shoalwater people. Right now, we are protected only by an eroding embankment constructed by the U.S. Army Corps of Engineers, which will be increasingly expensive to rebuild and maintain and is not a long-term solution. Our Reservation will soon be gone as relentless erosion, bolstered by intensifying winter storms and rising sea waters, continues.

Still, what we face is both a challenge and an opportunity to rebuild our community with long-term resilience. A few years ago, we used Tribal funding to purchase 1,200 acres of land adjacent to our Reservation at 250 feet above sea level for our new community location. The land was completely raw and undeveloped, however, meaning we must attend to the most basic needs, like clearing trees and building access roads, before we can even begin to work on vertical development. We have been tapping out our Tribal reserves to coordinate and plan this upland relocation and to implement the early phases, while still maintaining the delivery of essential services to our Tribal citizens.

The upland relocation project is currently estimated to cost about \$450 million in total, including expenses for roads and utilities, housing, and government buildings. We must rely primarily on Federal funding for this effort. Among other resources, we have been able to gather congressionally directed spending (CDS) in FY 2023 and FY 2024, a substantial RAISE grant from the Department of Transportation (DOT), and a Department of Housing and Urban Development (HUD) Indian Housing Block Grant Competitive award for various planning and early development aspects of the upland relocation project. However, it is not always easy to access these funds or to use them efficiently when differing agencies and restrictions are involved. And still, these amounts combined are a drop in the bucket compared to our remaining needs.

The cost of not being able to obtain the necessary resources to relocate our village is the highest cost any community can pay—erosion sea level rise will mean the annihilation of our Tribal community. The more days that go by, the closer we are to vanishing off the coast. Even physical survival scattered away from our homelands, will mean the erasure of our Tribal culture. The failure to dedicate adequate resources to these efforts is tantamount to being complicit in the disappearance of our lands, our people, and our ways of life.

THE TRIBAL ENVIRONMENTAL RESILIENCY RESOURCES ACT (TERRA ACT)

We ask the subcommittee to support prompt passage of the TERRA Act, H.R. 7859, legislation designed to solve many of the problems we have encountered in undertaking our upland relocation project. Modeled on the Public Law 102–477 program, the TERRA Act would create a hub in the Department of the Interior (DOI) to improve the accessibility and efficiency of existing resources, such as those named above, by allowing Tribes to integrate them into individual, comprehensive plan tailored to their environmental resiliency needs.

This means all the funds and resources necessary to achieve a Tribe's resiliency goals can reach the Tribe at the same time, while the interagency framework fosters relationships between the Tribe, DOI, and affected agencies. Plans may also include waivers of restrictive statutory or regulatory requirements to cut through red tape so the programs can function together in an effective and efficient manner. The TERRA Act fills existing gaps and eliminates barriers, such as that noted by the

Government Accountability Office in a 2020 report identifying “[u]nclear Federal leadership” as “the key challenge to climate migration as a resilience strategy” because “no Federal agency has the authority to lead Federal assistance for climate migration.”¹ The same is true for other resilience efforts.

Without a program like TERRA, we have had to manage our upland community relocation project piece by piece, little by little, as we go from agency to agency and appeal to our Congressional Delegation to string resources together. This has resulted in a long, drawn-out requiring large amounts of staffing capacity, time, and financial resources that we simply do not have. The problem is not that the resources do not exist, but that they are siloed and strewn across the Federal Government, with restrictive or conflicting timelines and requirements. With TERRA in place, Tribes would be able to go to one place to identify and access all available resources, then decide for themselves how they best fit together to serve their communities.

The TERRA Act would also help solve other problems Shoalwater has faced, by improving interagency coordination and facilitating the ability of Tribes to put land into trust for community-driven relocation purposes. Our experience with DOT provides an example, at the agency will often not release emergency funding for road infrastructure until an existing road completely fails. If that occurs with State Route 105, which runs through our Reservation, it will cut our Tribal community off from its schools, banks, closest groceries, and will cut off many Tribal employees from their homes. The TERRA Act could assist with waiving these and other restrictive requirements. Additionally, Congress can and should change these rules to allow for substantial road replacement funding in advance of an existing route becoming impassable. Any funding of this nature should be non-competitive and provided directly to Tribal governments without matching fund requirements.

Shoalwater’s application to put the upland relocation land into trust is still languishing at the Department of the Interior. Without trust status, we are unable to take advantage of many Federal benefits and programs that would otherwise be available. Further, we still do not have the land base to support the Tribal community indefinitely; we will need to acquire additional land to survive. For Shoalwater and most Tribes, these types of acquisitions by definition will be off-reservation and subject to higher scrutiny under existing regulations. The TERRA Act provides expedited mandatory and discretionary trust acquisition processes for Tribes needing land for community-driven relocation. This is sorely needed to ensure that Tribes do not endure a lengthy and expensive fee-to-trust process when moving their communities to safety.

The TERRA Act was introduced with bipartisan support in the U.S. House of Representatives on April 2, 2024, as H.R. 7859. It has widespread support from Tribal Nations and organizations, including NCAI, USET, NIHB, ATNI, and ANHB. The bill is now before the subcommittee on Indian and Insular Affairs of the House Natural Resources Committee. The importance of the TERRA Act to all of Indian Country cannot be overstated. We urge the Members of the subcommittee to support the TERRA Act by cosponsoring the bill, supporting efforts to move it forward, and seeing it through to full passage before the end of this Congressional session.

INDIAN HEALTH SERVICE PRIORITIES

In addition to critical community and environment needs, we also strongly support increasing the IHS budget. We thank the subcommittee for its bipartisan effort to protect Indian Country from cuts during the 2024 appropriations process. However, Congress must do more to fully honor its trust and treaty responsibilities to Tribal Nations. We remind the subcommittee that these obligations exist irrespective of any self-imposed budgetary caps. The IHS Tribal Budget Workgroup calculates this need at \$53.9 billion. We support fully funding this amount in FY 2025.

Support Full, Mandatory, and Continued Advance Appropriations: We appreciate the subcommittee’s words in House Report 117–400, accompanying the FY 2023 Consolidated Appropriations Act (CAA) (Pub. Law No. 117–328), which acknowledged the Administration’s proposal to provide mandatory funding for IHS in FY 2023. The Federal trust responsibility for health is a mandatory obligation and should be treated as such. We encourage the subcommittee to advocate with your colleagues, on a bipartisan basis, to move IHS to full, mandatory funding for FY 2025 and beyond.

¹ Gov’t Accountability Off. (GAO), GAO–20–488, A Climate Migration Pilot Program Could Enhance the Nation’s Resilience and Reduce Federal Fiscal Exposure (July 2020), <https://www.gao.gov/products/gao-20-488>.

However, if full, mandatory appropriations cannot be achieved for FY 2025, we continue to support IHS advance appropriations in the short term. We greatly appreciate the subcommittee's continued commitment to support advance appropriations for the IHS.

Fully Fund Critical Infrastructure Investments: We were disappointed that the subcommittee approved cuts to Health Care Facilities Construction and Sanitation Facilities Construction in FY 2024. Significant investments in Tribal health facilities construction must be a priority. With an average age of 40 years, IHS and Tribal health facilities are some of the oldest in the Nation and have insufficient capacity to effectively serve their patients. We recommend at least \$2.5 billion for Health Care Facility Construction and associated costs in FY 2025.

Support Mandatory Funding for Contract Support Costs (CSC) and 105(l) Leases: If Congress cannot enact full mandatory funding for IHS this year, we continue to support mandatory funding for CSC and 105(l) leases at a minimum. We are disappointed by the absence of subcommittee language in House Report 118–155 advocating for this. Last year, in House Report 117–400, the subcommittee acknowledged that “obligations of this nature are typically addressed through mandatory spending” and that failing to do so impacts all other programs funded under the subcommittee. We ask the subcommittee to return to its advocacy stance and work with your colleagues on authorizing committees to enact mandatory appropriations for CSC and 105(l) leases for FY 2025 and future years.

CONCLUSION

I want to thank you for your time and attention, and I invite you to come visit us at Shoalwater. Our doors are open and we look forward to sharing with you our continued strength and resilience as a sovereign Tribal Nation.

[This statement was submitted by Quintin Swanson, Chairman, Shoalwater Bay Indian Tribe.]

PREPARED STATEMENT OF THE SOUTHCENTRAL FOUNDATION

My name is Dr. Donna Galbreath, and I am the Senior Medical Director of Quality Assurance of Southcentral Foundation (SCF) and an enrolled Mentasta Traditional Council member.

SCF is the Alaska Native Tribal health organization under the Tribal authority of Cook Inlet Region, Inc. and designated by 11 federally-recognized Tribes—the Aleut Community of St. Paul Island, Igiugig, Iliamna, Kokhanok, McGrath, Newhalen, Nikolai, Nondalton, Pedro Bay, Telida, and Takotna—to provide health care services. SCF is a model of the benefits of self-determination and the importance of allowing Alaska Native peoples to chart their own health care journey. SCF is a two-time recipient of the Malcolm Baldrige National Quality Award for health (2011 and 2017) and one of the largest employers in Alaska.

SCF, through over 2,700 employees, provides critical health services, for the physical, mental, emotional, and spiritual wellness of 70,000 Alaska Native and American Indian people. This includes 55,000 people living in the Municipality of Anchorage and the Matanuska-Susitna Borough, and 15,000 residents of 55 rural communities. SCF offers over 85 programs including primary care, dental, behavioral health, and addiction treatment. It co-owns and co-manages the Alaska Native Medical Center with the Alaska Native Tribal Health Consortium (ANTHC). SCF's service area encompasses over 100,000 square miles, an area the size of Wyoming.

Thank you to the subcommittee for the opportunity to address the ongoing funding needs of Southcentral Foundation once again. It is truly historic that Congress takes this time to listen to Tribal leaders from around the country about our funding needs.

In my testimony today, I would like to briefly raise six issues:

ADVANCE APPROPRIATION IS CRITICAL TO THE STABILITY OF THE TRIBAL HEALTH CARE DELIVERY SYSTEM.

SCF appreciates the Appropriations Committee for providing advanced appropriations for the Indian Health Service for FY 2025. The Committee should do so permanently until mandatory funding for the Indian Health Service can be secured. However, in addition to providing advance appropriations, sufficient funding to account for the cost of medical inflation and population growth in Tribal communities should also be considered by the committee. Failure to do so would eventually result in a decrease in access to care.

MANDATORY APPROPRIATIONS AND EXEMPTION FROM SEQUESTRATION WOULD HELP TO
MEET THE TRUST RESPONSIBILITIES OF THE FEDERAL GOVERNMENT.

The administration's proposal to begin moving the entire IHS budget to a mandatory appropriation structure is commendable. Moving away from a discretionary appropriation toward mandatory funding would help to demonstrate the Federal Government's commitment to the health and well-being of Alaska Native and American Indian people across the United States. Combined with increases in funding amounts, it will help to meet the Trust responsibilities the Federal Government owes to Tribes and Tribal members.

In addition, to alleviate additional pressures on the IHS budget and the budgets of Tribal entities that contract and compact with the IHS, the appropriations for the agency should be exempted from sequestration. The IHS is the only major Federal health program that is not exempt from sequestration cuts. The possibility of these cuts, even if not realized, leads to uncertainty in budgeting for the agency and the Tribes that it works with.

SECTION 105(L) LEASE PAYMENTS AND CONTRACT SUPPORT COSTS

The committee's careful attention to the issue of 105(l) leases is appreciated. SCF strongly supports that these costs remain an indefinite appropriation, but with the goal to make sure these costs (along with contract support costs) are made mandatory costs so they do not continue to stress the limited funding allocation the subcommittee receives.

Regarding Contract Support Costs, there is concern that the Indian Health Service is seeking to undermine its obligation, which has now been confirmed twice by the U.S. Supreme Court, to pay full contract support costs, by categorizing certain necessary costs/activities as secretarial activities, and refusing to pay contract support costs for these activities. These are and have always been considered contract support cost activities for which Tribes have received CSC payment. SCF requests the committee include language in its appropriations bill that would require the Indian Health Service to compute FY 2025 CSC consistent with computations undertaken in FY 2021.

HEALTH WORKFORCE DEVELOPMENT

The pandemic highlighted the drastic shortage of health care workers in America. The need is at every clinical level from doctors, nurses, dentists, mental health specialists, to medical assistants, and other medical technicians. Further, the pandemic has resulted in widespread professional burnout among health care workers throughout America. Solving this workforce crisis is a mission-critical priority and SCF is exploring all avenues for recruiting talent and developing our own employees.

SCF has worked to build systems that recruit, train, and develop not only clinical staff but executive staff as well. But additional support from the Federal Government is needed. While we appreciate that the funding for Indian Health Professions has minimally increased the past few years, more must be done to recruit and retain health care professionals to serve in Tribal communities. This includes increases in scholarships and increases in hiring and retention bonuses for individuals serving in Tribal communities.

A key factor in being able to recruit and retain health professionals in rural Alaska is the lack of housing. The IHS should do a needs assessment of the professional housing needs in Alaska, and then seek funding to address this need.

BEHAVIORAL HEALTH PROGRAMS

Congress must increase available funds for behavioral health. Alaska Native and American Indian people are disproportionately represented in substance misuse, especially opioid addiction, and suicide statistics. According to the Centers for Disease Control and Prevention (CDC), drug overdose death rates for Alaska Native and American Indian people increased by 39% between 2019 and 2020. The CDC also found the suicide rate among Alaska Native people is almost three times the U.S. general population rate and at least six times the National average in some parts of Alaska.

While SCF has, for decades, worked to grow behavioral health integration and specialty services, dramatic increases in funding are needed in order to truly meet the needs of the communities in our region. This funding should be appropriated and then distributed across Tribal health programs through formulas, rather than grant processes.

THE IMPACT OF BUILD AMERICA, BUY AMERICA ACT

The intent of the Build America, Buy America Act is appreciated. Ensuring jobs and economic development in the United States is a worthwhile endeavor. However, the impact of the restrictions on Federal financial assistance to Tribes and Tribal organizations is large. In a State like Alaska, which already has some of the highest construction costs in the country, BABA can make entire projects infeasible. While there are possibilities of receiving a waiver of BABA rules, in practice this leads to lengthy delays in projects beginning, sometimes missing entire construction seasons in rural areas.

SCF encourages the committee and Congress to consider a narrow Tribal exemption from BABA. This will allow limited dollars meant to meet the Trust responsibility to go a bit further and help to meet that principle of the government-to-government relationship.

CONCLUSION

SCF is a successful story of the benefits of self-determination. SCF is a customer-owned health care system that is driven by the voice of Alaska Native peoples. The organization has grown over the past few decades into an internationally known system of primary and behavioral health care. In closing, SCF suggests that the committees of jurisdiction consider moving beyond the IHS when it comes to contracting and compacting for the care and well-being of Alaska Native and American Indian people. The initial steps the Administration is taking in this vein are appreciated. However, more can be done to allow for Indigenous people to chart their own health care path.

Thank you again for the opportunity to provide testimony on behalf of Southcentral Foundation and the 70,000 people we partner with on their journey of health and wellness.

[This statement was submitted by Dr. Donna Galbreath, Southcentral Foundation.]

PREPARED STATEMENT OF THE SOCIETY FOR AMERICAN ARCHAEOLOGY

The Society for American Archaeology (SAA) is pleased to once again present its recommendations to the subcommittee regarding fiscal year 2025 (FY 2025) appropriations for the Department of the Interior's (DoI) cultural resources preservation programs. I am Dr. Daniel H. Sandweiss, president of the SAA.

The SAA is an international organization that, since its founding in 1934, has been dedicated to research about and interpretation and protection of the archaeological heritage of the Americas. With more than 5,500 members, the SAA represents professional and avocational archaeologists, archaeology students in colleges and universities, and archaeologists working at Tribal agencies, museums, government agencies, and the private sector. The SAA has members throughout the United States, as well as in many nations around the world.

The members of the SAA understand the fiscal difficulties facing Congress. The lengthy delay in completing the FY 2024 spending legislation only added to the complications that appropriators had to face. Given these realities, we appreciate the fact that the final agreement maintained many accounts at level funding. Nevertheless, we must make two important points. First, the need for more Federal archaeologists and funding to support cultural resources preservation is great and continues to increase, thanks in large part to the growth in workloads from the infrastructure bills of 2021 and 2022. Second, the recent revisions to the regulations implementing the Native American Graves Protection and Repatriation Act (NAGPRA) will create substantial new compliance burdens on agencies that are not adequately met by either existing appropriations or those called for in the administration's FY 2025 budget request.

The Federal and federally funded historic and cultural preservation programs created under the National Historic Preservation Act (NHPA), the National Environmental Policy Act (NEPA), and other preservation statutes, and the activities that they support, comprise the principal means of preserving and protecting our Nation's irreplaceable historic, archaeological, and cultural treasures. It is imperative that Congress supply Federal agencies with the staff and the means necessary to effectively carry out these functions. This is especially true given that so many of the renewable energy infrastructure projects authorized by legislation in 2021 and 2022 have reached the permitting and construction phases.

As we stated in last year's testimony, Federal archaeologists perform a huge number of mission-critical tasks, and their numbers are inadequate given the scale of the mission, which is immense and growing. The following table shows the number of acres overseen by the top land-managing agencies versus the number of archaeologists each agency employs to carry out reviews under Section 106 of the NHPA for Federal projects:

Agency	Acreage	Archaeologists	Acres/ Archaeologist
BLM	244 million	217	1,124,424
USFS	191 million	462	413,420
USFWS	89 million	22	4,045,455
NPS	80 million	268	298,507
DoD	9 million*	305	29,508
Total	613 million	1,274	481,162

* Domestic acreage only

If the Section 106 process is to function effectively and federally sponsored undertakings are to be delivered in a timely manner, the NPS, BLM, and other agencies need still more archaeologists to satisfy the statutorily required program responsibilities.

NATIONAL PARK SERVICE-NATIONAL RECREATION AND PRESERVATION CULTURAL PROGRAMS: \$50 MILLION

NPS National Recreation and Preservation Cultural Programs provide vital technical assistance and other support for resource protection within National Parks and for other Federal agencies. In particular, the archaeological program identifies, documents, and inventories archaeological resources in parks; produces archaeological technical and programmatic publications; implements regulations for protecting archaeological resources; and assists other agencies through program development and training. The SAA greatly appreciates the administration's budget request for \$44.1 million for FY 2024, of which \$3 million of the requested increase for FY 2024 would go to fund the new African American Burial Ground Network program and the balance to pay increases. The SAA believes, however, that more is needed and requests another \$6 million to fill vacant archaeologist positions within the NPS. The increase will also allow the NPS to continue to apply its National Archaeology Database information to the NAGPRA compliance efforts of the NPS and other agencies. As pointed out in the National Parks Conservation Association's report of April 2024, the NPS will need \$250 million over the next 5 years "to help the National Park Service protect, restore, and archive our country's diverse history." The upcoming fiscal year would make for a good first installment in this effort.

NATIONAL PARK SERVICE-HPF FUNDING: \$225 MILLION

The Historic Preservation Fund (HPF) provides crucial support to State Historic Preservation Offices (SHPOs) and Tribal Historic Preservation Offices (THPOs) and matching grants to nonprofits and local governments to preserve and document historic resources. The HPF (among other programs) plays a crucial role in the ability of States and local municipalities to comply with the preservation system established by the NHPA, particularly with regard to Section 106 consultations. SHPOs and THPOs remain the "front line" in the effort to preserve our cultural heritage, and just as Federal archaeologists are dealing with substantial workload increases, so are SHPOs and THPOs, the latter of whom face an even more difficult situation, given the average funding per office. There are now 221 offices and the average THPO receives just \$104,000 per year. The increases for the HPF in the omnibus FY 2023 appropriations legislation were badly needed. Unfortunately, the president's request for static SHPO and THPO funding levels is insufficient to handle the increased workload. The SAA recommends an overall amount of \$225 million for the HPF, of which \$70 million would go to SHPOs and \$34 million to THPOs.

BUREAU OF LAND MANAGEMENT-CULTURAL RESOURCES MANAGEMENT: \$30 MILLION

The BLM manages 245 million acres, which makes the agency the largest land manager in the United States. These lands contain an enormous number of known and as-yet-undiscovered cultural resources, many of which are in remote locations,

while others are in areas with high visitation rates. Patrolling, inventorying, and monitoring of cultural heritage sites is essential to their protection. The 217 archaeologists on staff, along with the small number of other cultural resources specialists and law enforcement officers, are simply not enough to accomplish the mission when each archaeologist is responsible for over 1 million acres. The reduction of more than \$800,000 in the final FY 2024 spending package is exacerbating the problem, particularly in light of recent salary increases. On top of that, complying with the new NAGPRA regulations is going to place a substantial new demands on BLM personnel that existing funding and staff levels cannot possibly meet. The administration's request for an additional \$250,000 and a new full-time employee is completely inadequate. In order to bring BLM's cultural resources personnel and funding up to sufficient levels, we request an increase of \$10.78 million, \$5 million of which should be dedicated toward NAGPRA regulatory work.

BUREAU OF LAND MANAGEMENT-NATIONAL CONSERVATION LANDS: \$65.8 MILLION

The National Conservation Lands (NCL), first established in 2000 and authorized by Congress in 2009, contains more than 37 million acres that are home to an extensive and diverse array of the Nation's archaeological and cultural resources. The FY 2023 omnibus appropriations bill contained \$61.5 million for the NCL. Unfortunately, the FY 2024 budget agreement reduced that amount by \$2.46 million. In order to secure the gains made to stewardship of these lands and the cultural resources they contain, we support the administration's request of \$65.8 million for FY 2025, an increase of \$6.67 million.

FOREST SERVICE RECREATION, HERITAGE AND WILDERNESS: \$55 MILLION

USFS heritage activities focus on Section 106 compliance on Federal forest land, a task it is struggling to carry out, given the enormous increase in workload thanks to the passage of the infrastructure bills. While the USFS hired new archaeologists in FY 2023 to deal with the situation, most National Forests still remain understaffed. This situation will be exacerbated by the fact that many of the projects authorized by the Inflation Reduction Act and other measures are now ready to proceed. The \$10 million reduction in the FY 2024 budget for the Recreation, Heritage and Wilderness account makes this reality even worse. In order to fulfill its preservation obligations and comply with the new NAGPRA regulations, we recommend the Recreation, Heritage and Wilderness account be allocated \$55 million.

FISH AND WILDLIFE SERVICE HISTORIC PRESERVATION: INCREASE OF \$4 MILLION

The US Fish and Wildlife Service is tasked with identifying and caring for the historic properties located within the lands and waters under its management. This includes nearly 17,000 recorded archaeological and paleontological sites, as well as millions of objects under its control in museums and collections facilities. As we noted above, there are only 22 archaeologists on staff in the USFWS. This number is wholly inadequate if the Service is to carry out its congressionally mandated historic preservation responsibilities. Increasing the number of archaeologists will help clear the way for other projects in the refuges to move forward but also builds relationships with local communities, including many Indigenous peoples. As with other agencies, the work necessary for compliance with the new NAGPRA regulations will place an additional burden on the already-overworked archaeological staff. Though the USFWS historic preservation program does not receive a line item allocation, we recommend that the subcommittee specify an increase of \$4 million for the program in FY 2025. This new funding will allow the USFWS to increase its archaeological staff to 40 and enable the Service to comply with its new NAGPRA responsibilities.

DEPARTMENT OF DEFENSE (DOD) LEGACY RESOURCE MANAGEMENT PROGRAM: \$1.5 MILLION

The Department of Defense Legacy Resource Management Program is partnering with the National Preservation Institute (NPI) to carry out survey projects under Section 110 of the National Historic Preservation Act. These projects identify and evaluate historic properties under the DoD's stewardship. About 51% of the Department's land holdings remain to be surveyed, and this initiative will make a significant contribution toward reducing that number. While the DoD has allocated \$13.5 million over 5 years to the Legacy Resource Management Program, and the NPI will support the effort with \$1.25 million this year, the SAA believes that Congress could strengthen and accelerate the effort with another \$1.5 million.

NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT GRANTS: \$12 MILLION

Compliance with the new NAGPRA rule will require a great deal of time and money from covered institutions. Consultation between Tribes and museum and curation facilities, and the disposition of remains and cultural objects, is an intensive and often expensive process but one that must be done correctly to ensure that objects are returned to the correct lineal descendants, Indian Tribes, and Native Hawaiian organizations, if that is the desired outcome of stakeholders. The NAGPRA Grants Program serves an invaluable role in facilitating these activities, but it will require far greater resources than are currently available in order to meet the increased demand expected to be created by the revised regulations. The SAA requests that the NAGPRA Grants Program receive \$12 million in FY 2025.

Cumulatively, these appropriations fund the bedrock of the protection and ongoing identification of archaeological sites in America. Preserving this fragile knowledge is crucial for today and for tomorrow. The SAA greatly appreciates your time and consideration of these important issues. Please contact us if you have any questions or concerns.

[This statement was submitted by Daniel H. Sandweiss, President of the Society for American Archaeology.]

PREPARED STATEMENT OF SONOMA LAND TRUST

This testimony is being submitted on behalf of Sonoma Land Trust. We appreciate the opportunity to submit comments on the fiscal year (FY) 2025 Interior Appropriations bill. We request Congress to allocate \$602.3 million in funding for National Wildlife Refuge System Operations and Maintenance account under the United States Fish and Wildlife Service (USFWS).

We partner closely with the San Pablo Bay National Wildlife Refuge (NWR) on many projects, including land acquisition, restoration, and conservation for the benefit of fish and wildlife and their habitats in San Francisco Bay. Our collaboration has been critical to the successful restoration of thousands of acres of diked baylands to wetland habitats. We have purchased, restored, and transferred several parcels to the San Pablo Bay NWR, including Sears Point and Haire Ranch.

The Service worked closely with us on the development of the Sonoma Creek Baylands Strategy, an integrated plan for landscape-scale habitat restoration, flood reduction, and public access in the Sonoma Creek watershed. The planning area encompasses several units of the San Pablo Bay NWR. We are now working with the Refuge and our partners on implementing the restoration of this former tidal marsh ecosystem, starting with Phase One of the Sonoma Creek Baylands Restoration Project. The San Pablo Bay NWR needs additional funding and increased capacity to continue to collaborate with us to achieve the restoration, public access, and habitat goals of the Sonoma Creek Baylands Strategy and other regional plans.

Since 2010 the Refuge System has added 21 new refuge units and 549 million submerged marine acres, opened 6 million acres for hunting and fishing, and seen visitation grow to over 68 million annual visitors—an increase of 47 percent since FY2011. While these additions have enhanced the Refuge System and benefited the communities around these refuges, this growth has also put more pressure on the already stressed and underfunded Refuge System.

Funding for the Refuge System has only increased by 4.7% since FY2010 to \$527 million, or \$5.55 per land acre. When accounting for total land and water acres, the Refuge System budget is a mere .62 per acre. Considering the level of inflation, annual fixed costs, and increased needs of the Refuge System since FY2010, the Refuge System budget has effectively decreased.

The number of full-time employees (FTEs)—already a fraction of the other comparable Federal land agencies at 2,500 FTEs—has decreased by 27% since FY2011. This has made it difficult for the Refuge System to manage its vast network of lands and waters and to fulfill its mission of conserving wildlife and habitats. The insufficient funding and capacity impacts are felt system-wide, impacting conservation planning, wildlife and habitat management, visitor services, law enforcement, and maintenance. No refuges are fully staffed, and more than half of refuges have zero staff on site. Multiple refuges have been closed to the public and are completely unmanaged. Many employees must manage multiple wildlife refuge units, sometimes traveling hundreds of miles per day. Many volunteer programs have also been cut back or eliminated due to a lack of supervision from professional FTEs or necessary infrastructure.

We urge Congress to prioritize the Refuge System and address these overarching funding challenges to ensure that the USFWS is equipped to effectively manage the

wildlife, habitat, programs, and visitorship that rely on the health and integrity of the Refuge System. Ultimately, the Refuge System needs at least \$2.2 billion in annual appropriations to effectively fulfill its conservation mission, provide opportunities for wildlife-dependent recreation, and connect communities to nature. The President's FY2025 Budget Request of \$602.3 million is an important step towards that goal.

Thank you for considering our request of \$602.3 million for the National Wildlife Refuge System in FY2025. Please feel free to contact Ariana Rickard, Public Policy and Funding Program Manager for Sonoma Land Trust at ariana@sonomalandtrust.org.

[This statement was submitted by Ariana Rickard, Public Policy and Funding Program Manager, Sonoma Land Trust.]

PREPARED STATEMENT OF SOUTHEAST ALASKA REGIONAL HEALTH CONSORTIUM

My name is Michael E. Douglas. I am a member of the Haida Indian Tribe of Alaska, enrolled with the Central Council Tlingit & Haida Indian Tribes of Alaska, and I am Senior Vice President, Chief Legal Officer for the Southeast Alaska Regional Health Consortium (SEARHC). Thank you for the opportunity to provide testimony regarding FY 2025 appropriations for the Indian Health Service (IHS).

FUND THE MT. EDGE CUMBE MEDICAL CENTER JOINT VENTURE STAFFING PACKAGE.

SEARHC is a Tribal consortium comprised of 15 federally-recognized Tribes that provides health care services to Alaska Natives, American Indians and other residents throughout Southeast Alaska through a comprehensive network of community clinics, behavioral health facilities, administrative facilities, and the Mt. Edgecumbe Medical Center (MEMC), a major hospital located in Sitka, Alaska that serves much of Southeast Alaska. MEMC is a 25-bed critical access hospital that offers a broad range of medical care services, including acute care, critical care, obstetrics, surgery, perioperative care, as well as outpatient primary and emergency service. The Emergency Department at MEMC is a Level IV Trauma Center staffed 24 hours a day, seven days a week by board-certified physicians, physician assistants, nurse practitioners and registered nurses who specialize in care for patients with serious illnesses and injuries. As SEARHC has often testified to Congress-and this subcommittee-MEMC has long been in dire need of replacement.

Working together with IHS through the Joint Venture Program, and Congress-through critical land transfer legislation for parcels that will house the new facilities-SEARHC is constructing a new 234,000 square foot healthcare facility that will be complete in 2025. The administration's FY 2025 Budget includes \$47.75 million for the staffing and operations cost package for the new facility. This staffing package is a critical near-final step in a multi-year effort that has required deep coordination between SEARHC, the Federal Executive and Legislative branches, Tribal governments, and the State of Alaska. The result will be significantly improved access to healthcare at state-of-the-art facilities for the people of Southeast Alaska.

SEARHC urges the subcommittee to support the Administration's request for Staffing and Operating Costs for Newly-Constructed Healthcare Facilities, including the requested funding the Mt. Edgecumbe Medical Center.

CONTINUE PROVIDING ADVANCE APPROPRIATIONS FOR THE IHS.

SEARHC wishes to express its continued appreciation for providing advanced appropriations for the Indian Health Service. The Committee should do so again for FY 2025 and for every year until mandatory funding for the Indian Health Service can be secured. It is critical, however, that the advance appropriations funding level accounts for the cost of medical inflation and population growth in Tribal communities. In the current environment, flat funding or nominal increases could result in a decrease in access to care.

MOVE THE IHS BUDGET TO MANDATORY APPROPRIATIONS AND EXEMPT IT FROM SEQUESTRATION.

The administration proposes to begin moving the entire IHS budget to a mandatory appropriation structure. SEARHC supports this proposal and urges the Committee to do so as well. Moving the IHS budget to mandatory funding is in line with the United States' Trust and Treaty obligations to Alaska Native and American Indian Tribes and people, and will provide an additional measure of stability and support for our healthcare programs.

Similarly, the Committee should protect the IHS budget, as well as the budgets of Tribes and Tribal Organizations that contract or compact with the IHS pursuant to the Indian Self Determination and Educational Assistance Act, by exempting them from sequestration. The IHS is the only major Federal healthcare program that is not exempt from sequestration, and the possibility of these cuts undermines the stability and certainty that is needed for planning and operating our programs.

CONCLUSION

SEARHC appreciates the hard work of the Committee in upholding the United States' obligations to Alaska Native and American Indian Tribes and people, even in a difficult fiscal climate. With your steadfast support, Tribal healthcare providers have been making major strides in improving access to high-quality healthcare in high-quality facilities. Supporting the IHS budget, including the Joint Venture staffing package, will continue this legacy.

Thank you again for the opportunity to provide testimony on behalf of SEARHC. I would be happy to answer any questions you may have.

[This statement was submitted by Michael E. Douglas, on behalf Southeast Alaska Regional Health Consortium.]

PREPARED STATEMENT OF THE SQUAXIN ISLAND TRIBAL LEADERSHIP

On behalf of the Squaxin Island Tribal Leadership and citizens, it is an honor to provide our priority funding requests and recommendations for the FY 2025 Budgets for the Bureau of Indian Affairs (BIA), Indian Health Service (IHS) and Environmental Protection Agency. We applaud the Committees' work to include advance appropriations for the IHS in the FY 2023 omnibus spending package and we will work with Congress to also include the BIA and BIE. We will also continue to advocate and urge Congress to shift funding for all Tribal programs to mandatory direct appropriations. Overall, we urge Congress to exempt Tribal program funding from sequestrations, rescissions, and disproportionate cuts.

SQUAXIN ISLAND TRIBE SPECIFIC REQUESTS

1. +\$3.7 Million Retention Ponds Upgrade—EPA
2. +\$20 Million Deschutes Estuary Restoration—Phase I
3. +\$1.8 Million—Northwest Indian Treatment Center (NWTIC) Residential Program in IHS
 - A. +\$1.5 million—Medicine Building
 - B. +\$300,000—Sustain Operations
4. +\$900,000 Shellfish Management Program—BIA

SUPPORT NATIONAL and REGIONAL FY 2025 BUDGET Requests and Recommendations by the National Congress of American Indians, National Indian Health Board, National Indian Education Association, Affiliated Tribes of Northwest Indians and the Northwest Indian Fisheries Commission

SQUAXIN ISLAND TRIBE BACKGROUND

We are native people of South Puget Sound and descendants of the maritime people who lived and prospered along these shores for untold centuries. We are known as the People of the Water because of our strong cultural connection to the natural beauty and bounty of Puget Sound going back hundreds of years. The Squaxin Island Indian Reservation is in southeastern Mason County, Washington and the Tribe is a signatory to the 1854 Medicine Creek Treaty. Our treaty-designated reservation is approximately 2.2 square miles of uninhabited forested land, surrounded by the bays and inlets of southern Puget Sound. The Tribe has a current enrollment of 1,123 and an on-reservation population of 426 living in 141 homes. Squaxin has an estimated service area population of 2,747; a growth rate of about 10%, and an unemployment rate of about 30%.

SQUAXIN ISLAND TRIBE SPECIFIC REQUESTS/JUSTIFICATIONS

+ \$3.7 MILLION—SQUAXIN ISLAND RETENTION PONDS UPGRADE (EPA STAG—
CONGRESSIONAL DIRECT SPENDING REQUEST)

Our water conservation plan includes the use of retention ponds to store reclaimed water from our Membrane Bioreactor for irrigation. The purpose of the re-

tention ponds is to control the outflow of reclaimed water for infiltration into the earth, improve water quality and support a healthy ecosystem. The use of reclaimed water conserves cold clean water for human consumption as well as salmon habitat and can satisfy most water demands, because it is highly treated to ensure water quality appropriate for most uses except for drinking. The current retention pond storage capacity is twenty-three million gallons. An additional twenty-three million gallons of reclaimed water storage is needed to limit winter infiltration needs and to have enough summer irrigation water. Efforts to build the additional storage were delayed by the COVID outbreak, but the urgency and need for these upgrades have escalated.

Reclaimed water retention ponds are man-made, sloped ponds that collect reclaimed water and some stormwater. The water undergoes additional treatment in the retention pond in the form of filtering and settling of sediments and released very slowly in the winter season, and rapidly in the summer season. The soil and rock matrix of the earth serves as a natural filter and treatment medium for the reclaimed water. Without the retention ponds, release of reclaimed water could not be controlled, and it would result in some discharge to local streams.

The Salish Cliffs Golf Course serves an important purpose of receiving, filtering, and infiltrating the Tribe's reclaimed wastewater into the earth. Without the golf course, the Tribe would have to discharge to Skookum Creek or Little Skookum Inlet. Discharging surface water would affect aquatic life and limit the opportunities of Tribal members and the public to recreate and to consume shellfish from Skookum Inlet. Two components of the reclaimed water disposal system need upgrades:

Replace liner of current reclaimed water retention pond. The liner is reaching the end of its useful life.

Build additional reclaimed water storage in the form of a second retention pond. The need for a second retention pond comes from the fact that the golf course cannot store enough reclaimed water in the winter to hold for summer irrigation. Golf course operators still must apply reclaimed water to the golf course during the rainy season because they cannot store enough. In the dry season, they use up all of the stored reclaimed water.

+\$20 MILLION DESCHUTES ESTUARY RESTORATION PROJECT—DESIGN & PERMITTING
PHASE I (EPA AND USFWS)

The Restoration Project will improve ecological conditions, achieve state water quality standards, improve climate resilience, and restore recreational boating and fishing in the waterbody. In addition to the removal of the 5th Avenue Dam, an approximate 500-foot-wide opening will be created to reintroduce tidal flows to the project area and restore 260 acres of estuarine conditions and salt marsh habitat at the mouth of the Deschutes River.

Capitol Lake was part of the Deschutes Estuary, where freshwater from the Deschutes River would mix with saltwater over expansive tide flats. The Deschutes Estuary has long-standing cultural and spiritual significance to local Tribes, particularly the Squaxin Island Tribe. An estimated 35,000 cubic yards of sediment is transported by the Deschutes River (and Percival Creek) into the Capitol Lake Basin each year, shallowing the Lake and resulting in conditions that are visibly altered. Following construction of the 5th Avenue Dam, construction sediment accumulation reached up to 13 feet thick in some areas. Water quality monitoring began in the 1970s in response to excessive growth of aquatic plants, dense algal mats, and reduced water clarity, which are caused by high nutrient levels.

In the late 1980s, management strategies were implemented to address aquatic invasive species which currently consists of more than a dozen different plant and animal species in Capitol Lake. In 2009, the presence of the invasive New Zealand mudsnail resulted in official closure of the waterbody to all public uses. This includes restricted access by the Squaxin Island Tribe to their usual and accustomed fishing grounds and stations.

In October 2022, a final Environmental Impact Statement was issued, and the Estuary Alternative was identified as preferred for long-term management of Capitol Lake because it will achieve project goals and has the greatest ability for long-term support. Some benefits of the project will include:

- Provide productive habitat for shellfish, salmon, and other anadromous species, including aquatic species listed as threatened under the Endangered Species Act;
- Serve as a key step in restoring productive migratory fisheries in south Puget Sound and advancing Orca recovery;

- Address chronic water quality violations by improving dissolved oxygen conditions in Budd Inlet;
 - Increase climate resiliency across downtown Olympia by reducing maximum flood elevations by one foot compared to conditions with the 5th Avenue Dam in place;
 - Produce habitat that will better sequester carbon than existing conditions; and,
 - Celebrate the Pacific Northwest through native plantings, interpretive signs, and Tribal art installations.
- . + \$1.8 MILLION INCREASE FOR NORTHWEST INDIAN TREATMENT CENTER (NWITC) RESIDENTIAL PROGRAM—H“D3WXBI PALIL” MEANING “RETURNING FROM THE DARK, DEEP WATERS TO THE LIGHT” (IHS)

The Squaxin Island Tribe's Northwest Indian Treatment Center, D3f bi Pa lil, is a residential treatment facility that serves Native Americans with chronic substance abuse patterns related to unresolved grief and complex trauma, including generational trauma. NWITC is accredited by the Commission on Accreditation of Rehabilitation Facilities (CARF International) and is a recognized national model of treatment for trauma in the presence of addiction, uniquely integrating the best practice of Dialectical Behavioral Therapy (DBT) with Plant Medicines. This culturally infused best practice, based on the NWITC program, has been adapted in many Tribal communities since its development. DBT is a model of treatment with good research results for the treatment of substance abuse and mental health conditions. NWITC has these urgent needs:

Medicine Building—this project is shovel ready with cost estimated at +\$1.5 million—This building will support and expand the reach of the activities of the DBT/Plant Medicine program. It will be a place of medicine making, but also have video capacity linking this program to other Tribal medicine programs and creating a library available to Tribal behavioral health programs and NWITC alumni. The result will be better support for alumni, but also will help build capacity virtually in Tribal communities in the Northwest.

NWITC Recovery Support Team and Outreach—+\$300,000—The pandemic attributed to a high relapse rate in Tribal communities served by NWITC. Even though the NWITC has a Recovery Support Team who actively supports alumni for 1-year post treatment, in the current environment this is insufficient. NWITC requires a staff position to provide the DBT/Plant Medicine training/coaching in the Tribal communities in which alumni live. Costs include an FTE position, accommodation expenses for alumni to participate. In past events, NWITC has verified this as the most successful approach for teaching/coaching alumni.

+ \$900,000—SHELLFISH MANAGEMENT (BIA—FISH HATCHERY MAINTENANCE PROGRAM)

The Squaxin Island Tribe faces an ongoing budget deficit to maintain and operate the shellfish program at its current level of operation—a level that leaves 20% of treaty-designated state lands and 80–90% of private tidelands unharvested due to the lack of funding. To address this shortfall and enable effective growth and development of the program, an annual minimum increase of \$900,000 is requested. Shellfish have been a mainstay for the Squaxin Island people for thousands of years—for subsistence, economically and for ceremonial purposes. The Tribe's right to harvest shellfish is guaranteed by the 1854 Medicine Creek Treaty. Today, we are unable to fully exercise our treaty rights due to the lack of Federal support for our shellfish management program.

[This statement was submitted by Kristopher K. Peters, Chairman, Squaxin Island Tribe.]

PREPARED STATEMENT OF THE STATE OF NEW MEXICO OFFICE OF THE STATE
ENGINEER

Congress authorized the Colorado River Basin Salinity Control Program (Program) through the Colorado River Basin Salinity Control Act (Act) in 1974 to offset increased damages caused by development and use of the waters of the Colorado River. Congress has directed the Secretary of the Interior (Secretary) to implement a comprehensive program for minimizing salt contributions to the Colorado River from lands administered by the Bureau of Land Management (BLM). BLM has funded these efforts as directed by Congress through its Aquatic Resources Program. A funding level of \$2.0 million for salinity specific projects in 2025 is requested to comply with this direction.

The U.S. Environmental Protection Agency (EPA) has identified that more than 60 percent of the salt load of the Colorado River comes from natural sources. Most of the land within the Colorado River Basin is federally owned, and much of it is administered by BLM. In authorizing Program, Congress recognized that most of the salts in the Colorado River originate from federally owned lands.

Reclamation estimates that damages costing about \$350 million per year are caused by excess salinity in the Lower Basin of the Colorado River. The salinity of the River increases about 15-fold from its headwaters in the mountains of Colorado to the Lower Basin near Yuma. Modeling by Reclamation indicates that the quantifiable damages would rise to approximately \$447 million by the year 2040 without continuation of the Program. These damages occur in the form of:

- reduced ability to reclaim and reuse water for drinking or irrigation,
- reduced yield of salt sensitive crops,
- increased use of imported water and cost of desalination,
- reduced useful life of water pipe systems and household appliances,
- increased cost of cooling operations and water softening,
- increased use of water and cost of water treatment,
- decreased lifespan of treatment facilities, and difficulty in meeting wastewater discharge requirements to comply with Federal laws

New Mexico is a member of the Colorado River Basin Salinity Control Forum and voted in favor of adopting a Plan of Implementation developed to control the salinity levels in the Colorado River. The level of appropriation (\$2 million) requested in this testimony is in keeping with this same Plan. New Mexico stands in support of Congress allocating this money to the BLM.

[This statement was submitted by Mike A. Hamman, PE, New Mexico State Engineer.]

PREPARED STATEMENT OF THE SURFRIDER FOUNDATION

The Surfrider Foundation (“Surfrider”) strongly supports the appropriations of \$15 million to the Beaches Environmental Assessment and Coastal Health (“BEACH”) Act Grants Program and \$100 million to the U.S./Mexico Border Water Infrastructure Grant Program (Infrastructure Assistance: Mexico Border State and Tribal Assistance Grants) administered by the Environmental Protection Agency (“EPA”) to protect public health and beach water quality in the Fiscal Year (FY) 2025 Federal budget.

The EPA BEACH Act Grants Program provides critical funding to 35 States and territories to conduct beach water quality testing, publish results on public notification programs, and post signage when elevated bacteria levels are measured. Many States rely completely on this funding to administer their beach water quality testing and public notification programs which are essential for protecting public health and coastal tourism economies. However, years of funding this program at less than a third of its authorized level has resulted in piecemeal water testing across the Nation, where local agencies are forced to reduce testing frequency, test only at certain beaches, and test only during a portion of the year, leaving many beaches and communities in the dark regarding the status of their local water quality. According to the EPA, of the 5,089 EPA BEACH Act “program beaches”, only 3,560 beaches were monitored in 2023,¹ with many of which monitored less than once a week and only during “beach season”.

The nation’s \$138 billion coastal tourism and recreation industry supports nearly 2.5 million jobs,² but it is dependent upon clean water and healthy beaches. Sadly, coastal water quality is constantly at risk of impairments from untreated and undertreated sewage due to outdated and inadequately maintained wastewater infrastructure, resulting in combined sewer overflows, sewage spills and diversions, backups and cracks of sewage distribution pipes, and more. Over 850 billion gallons of raw sewage are released into U.S. waterways each year from sewer overflows alone.³

Additionally, many outdated decentralized wastewater systems provide no treatment before releasing sewage polluted wastewater into the environment. Approximately 25 percent of U.S. households are still serviced by septic and cesspool sys-

¹ <https://ordspub.epa.gov/ords/beacon2/f?p=BEACON2:DNR>

² https://www.oceaneconomics.org/ocean_econ/ocean_econ.html

³ https://www.epa.gov/sites/production/files/2015-10/documents/csosortc2004_full.pdf

tems,⁴ with up to 50 percent of households serviced by septic and cesspool systems in certain States.⁵ For instance, there are nearly 88,000 cesspools in Hawaii that discharge 53 million gallons of sewage into coastal waters every day.⁶ On the East End of Long Island, New York, there are approximately 360,000 on-site sewage disposal systems of which 250,000 are cesspools.⁷ Sewage polluted wastewater often makes it into stormwater runoff, which continues to be the main cause of beach closures nationwide. There is an estimated 10 trillion gallons of untreated stormwater runoff threatening our coastlines and local waterways each year.⁸

Exposure to untreated and undertreated sewage poses a significant public health threat. Sewage contains bacteria, viruses and parasites that can make people sick with gastrointestinal symptoms, rashes, and eye infections, as well as more serious conditions including hepatitis, acute respiratory disease, cholera, giardia, methicillin-resistant staph infections (MRSA), and even flesh eating bacteria from *V. vulnificus*, among others. A 2018 study estimated that each year, 90 million illnesses are caused by recreating in sewage-polluted waters, which costs the U.S. economy up to \$3.7 billion annually.⁹ For this study, the primary exposure route was through dermal contact and accidental ingestion of polluted water during water recreation. However, bacteria and industrial chemicals in areas chronically polluted with high levels of sewage and industrial discharges, such as coastal waters near the Tijuana River Watershed at the U.S./Mexico border, can become aerosolized in sea spray, reducing air quality and causing an additional exposure route through inhalation, further threatening public health.¹⁰

This area of chronic coastal pollution in South San Diego County along the U.S./Mexico border is important for our second ask of elevated funding for the Border Water Infrastructure Grant Program managed by the EPA. Binational flows of polluted water, in part due to the insufficient treatment capacity, mechanical failures and neglected maintenance of the South Bay International Wastewater Treatment Plant, are wreaking havoc on the local community, economy, and environment. Since October 2018, the U.S. International Boundary and Water Commission has documented the entry of over 148 billion gallons of toxic effluent into the United States through the Tijuana River,¹¹ with 28.2 billion gallons of polluted flows crossing the international border since the start of this year.¹² The southernmost beach in San Diego County has been closed for 882 consecutive days and counting. Nearby, Imperial Beach has been closed 100 percent of 2024 to date, with Silver Strand Beach closed for 96 percent of this year, and world-renowned Coronado Beach closed for 74 percent of this year as a result of these flows.¹³

Not only do polluted flows threaten the public health of surrounding communities, the Tijuana River pollution crisis undermines U.S. national security, affecting Navy SEAL training programs and the ability of Border Patrol agents to do their jobs. According to a House Report of the Committee on Armed Services that outlines impacts on Navy readiness and training, pollution from the Tijuana River caused over 250 in-water canceled training events in FY2020.¹⁴ Additionally, Border Patrol agents have experienced illnesses from exposure to toxic water while performing job duties, including flesh-eating bacteria.¹⁵

Local businesses and economies have also been hit hard and continue to suffer due to increasing water and air contamination. The County of San Diego, with assistance from the San Diego Regional Chamber of Commerce, recently conducted an economic impact study to measure the impacts of border pollution on local businesses. Preliminary results reveal that 74 percent of local businesses have been negatively impacted, 30 percent have laid off staff, 50 percent have lost more than \$100,000 in revenue, the City of Imperial Beach has experienced \$1–1.5 million in property tax damage, and the estimated revenue loss for tourism is over \$500,000

⁴ <https://www.epa.gov/septic/about-septic-systems>

⁵ www.nepm.org/regional-news/2017-12-22/in-new-england-gone-are-the-days-when-septic-can-be-out-of-sight-out-of-mind#stream/0

⁶ <https://health.hawaii.gov/wastewater/home/cesspools/>

⁷ www.suffolkcountyny.gov/news/artmid/583/articleid/2725/suffolk-health-officials-outline-changes-to-wastewater-practices-to-take-effect-on-july-1-2019

⁸ <https://www.nrdc.org/sites/default/files/rooftopstoriversII-update.pdf>

⁹ <https://ehjournal.biomedcentral.com/articles/10.1186/s12940-017-0347-9>

¹⁰ <https://pubs.acs.org/doi/10.1021/acs.est.2c02312?ref=pdf%20>

¹¹ Email exchange with IBWC Area Operations Manager, February 6 2024

¹² Email exchange with IBWC Area Operations Manager, May 2 2024

¹³ Email exchange with San Diego County Environmental Health Specialist, May 2 2024

¹⁴ <https://docs.house.gov/billssthisweek/20210920/CRPT-117hrpt118.pdf> (see page 108)

¹⁵ <https://www.surfrider.org/news/the-impact-of-toxic-border-pollution-on-us-border-patrol>

annually.¹⁶ Some businesses have been forced to close, and many residents have lost their livelihoods.

These economic and public health concerns are why the City of Imperial Beach, City of San Diego, and the County of San Diego maintain an ongoing State of Local Emergency related to the impacts of cross-border pollution from the binational Tijuana River. The Tijuana River was also recently designated as one of America's most Endangered Rivers¹⁷ due to the severe level of sewage and industrial pollution threatening local communities and wildlife. Yet despite national attention, toxic flows continue to threaten families, expose Border Patrol personnel and impede public access to the coast every day.

Progress has been made with Federal funding allocated through the United States Mexico Canada Agreement (USMCA) to develop and advance the EPA Comprehensive Infrastructure Solution to repair and upgrade treatment facilities at the U.S./Mexico Border. The Comprehensive Infrastructure Solution is designed to both increase wastewater treatment plant capacity and the broader distribution system to be able to adequately handle wastewater flows. Once implemented, the Comprehensive Infrastructure Solution is estimated to decrease cross-border flows by 75 percent year-round and reduce beach closures by 95 percent in summer months.¹⁸ However, even with the \$300 million provided from the USMCA, recent funding allocations to the International Boundary and Water Commission, and contributions made by the Mexican government, there is a several hundred million dollar funding gap to fully implement the Comprehensive Infrastructure Solution. Funding the EPA Border Water Infrastructure Grant Program at the full authorized level of \$100 million in FY2025, with the majority directed specifically for the Tijuana River Watershed, will help close this gap and address the severe public health crisis and military preparedness threat occurring at the U.S./Mexico border.

Funding the BEACH Act Grants Program at \$15 million, which is just half of the program's Congressionally authorized level of \$30 million, would increase the ability of local health departments in coastal States and territories across the Nation to test more beaches more often and keep the public informed of their local beach water quality to prevent against unnecessary yet potentially life threatening waterborne illnesses. Increasing funding for this program will also help agencies continue to identify pollution hot spots and more strategically invest in infrastructure upgrade solutions to stop pollution at the source.

Thank you for your consideration of elevating funding for these critical water quality and public health programs.

[This statement was submitted by Katie Day, Senior Manager of Science and Policy, Surfrider Foundation.]

PREPARED STATEMENT OF THE SWINOMISH INDIAN TRIBAL COMMUNITY

On behalf of the Swinomish Indian Tribal Community (Swinomish), I am pleased to provide this testimony for the subcommittee as it drafts its Fiscal Year 2025 spending bill.

The Swinomish Tribe is a federally recognized Indian Tribe and political successor in interest to certain Tribes and bands that signed the 1855 Treaty of Point Elliott which, among other things, reserved fishing, hunting and gathering rights and established the Swinomish Reservation on Fidalgo Island in Skagit County, Washington. The Swinomish Reservation sits at the mouth of the Skagit River, the largest river system draining to Puget Sound and the only river in the Lower 48 States that still has all species of wild Pacific salmon spawning in its waters. Since time immemorial, the Swinomish Tribe and its predecessors have occupied and utilized vast areas of land and water in northern Puget Sound to support the Swinomish way of life.

Fish and fish habitat are crucial to the cultural, spiritual, subsistence and commercial activities of the Swinomish Tribe, and the Tribe exercises Treaty-protected fishing rights in its usual and accustomed fishing areas, which include an extensive portion of the Salish Sea and the entirety of the Skagit River and its tributaries.

¹⁶ Preliminary findings presented during testimony by Lauren Cazares, San Diego Regional Chamber of Commerce, to the California Coastal Commission on October 11 2023: https://cal-span.org/meeting/ccc_20231011/

¹⁷ <https://mostendangeredrivers.org/river/tijuana-river/>

¹⁸ <https://www.epa.gov/sustainable-water-infrastructure/usmca-tijuana-river-watershed>

FUNDING INCREASE FOR BEHAVIORAL HEALTH TO ADDRESS THE OPIOID AND MENTAL
HEALTH CRISIS.

As the subcommittee is aware, the National opioid epidemic represents one of the great public health challenges of the modern era and nowhere is this more evident than in Indian Country. The opioid/fentanyl epidemic has disproportionately impacted our community. American Indians and Alaska Natives (AI/ANs) in Skagit County experience a drug overdose mortality that is almost 3 times higher compared to the total population.

In November 2017, Swinomish became one of the first-if not, the first-Indian Tribe in the United States to open its own unique and holistic opioid treatment facility. Swinomish constructed the facility without using any IHS funds. Swinomish is continuing to be at the frontlines of addressing the opioid epidemic both on-reservation and in the surrounding local communities. We need access to sufficient and flexible resources for prevention, treatment, and recovery to address this crisis. We urge the subcommittee to include additional appropriations to IHS for substance use disorder and mental health programs authorized through Indian Self-Determination and Education Assistance Act (ISDEAA) compacts and contracts.

Swinomish supports the proposed supplemental appropriations request for \$250 million to support funding for fentanyl and opioid abuse prevention, treatment, recovery services, and harm reduction interventions. To the extent that the Administration requests \$250 million or other amount of funding for fentanyl and opioid abuse prevention in another supplemental request, Swinomish recommends the subcommittee to support it, authorize funding through ISDEAA compacts and contracts, and urge its enactment into law.

Swinomish supports the FY 2025 Budget request for a \$10 million increase to the IHS Alcohol and Substance Abuse Opioid Grant program. Although we believe the amount for the Alcohol and Substance Abuse appropriations should closer to \$50 million to reflect the magnitude of the crisis in Indian Country. These grants are intended to support a comprehensive response to the opioid epidemic with a specific focus to integrate primary care and substance use prevention and treatment activities, as well as establish or enhance community-based support services.

We are concerned that distributing the funds through a competitive grant process will leave many Tribal communities out. Competitive grants are not a long-term solution, and they divert scarce staff resources from their regular program duties. This is especially true for Tribes like Swinomish that have made significant investments in treatment facilities and other infrastructure to combat the opioid epidemic. Behavioral health funding must be authorized through ISDEAA compacts and contracts to ensure sufficient, recurring, and sustainable funding.

RECLASSIFICATION OF FUNDING FOR CONTRACT SUPPORT COSTS AND SECTION 105(L)
LEASES FROM DISCRETIONARY SPENDING TO MANDATORY.

All Federal Indian agencies and programs should be classified as mandatory funding to meet the Federal treaty and trust responsibility, while decreasing the chronic underfunding and inequity. Both contract support costs (CSC) and Section 105(l) leases are vital appropriations in addressing historical underfunding of facility and administrative costs. Separate indefinite funding for CSC and Section 105(l) leases has contributed to the lack of unintended program funding increases and reductions. Swinomish urges the subcommittee to include the FY 2025 Budget request for reclassification of CSC and Section 105(l) leases from discretionary to mandatory spending.

\$2 MILLION FOR THE SWINOMISH AND SKAGIT VALLEY COLLEGE DENTAL THERAPY
EDUCATION PROGRAM

Our dental therapists have broken the cycle of historically poor, traumatic dental care provided by part-time traveling dentists who would drill and extract in a broken-down and unsanitary trailer that became known for pain and suffering. In September 2022, Swinomish, in partnership with Skagit Valley College developed the first Dental Therapy Education Program in Washington accredited by the Commission on Dental Accreditation. The Dental Therapy Education program will address the on-going oral health workforce disparities among American Indian and Alaska Native communities across the country. Swinomish requests the subcommittee to increase funding under IHS for \$2 million to the Swinomish and Skagit Valley College Dental Therapy Education Program.

FEDERAL POWER COMPLIANCE PROGRAM

Swinomish strongly supports the Bureau of Indian Affairs' (BIA) Federal Power Compliance program (FCP), which is within the Resource Management Construction section of the BIA's FY 2025 detailed budget justifications. The FCP provides resources to federally recognized Indian Tribes to ensure that impacts to Tribal interests and resources are sufficiently mitigated in any hydropower license issued by the Federal Energy Regulatory Commission (FERC).

For years, Swinomish has been an active participant in the City of Seattle's FERC relicensing proceeding involving Seattle City Light, which is seeking to relicense the Skagit River Hydroelectric Project. The Project is a series of three dams that provide approximately 20 percent of the City of Seattle's power. The proposed license term is 40–50 years, and the dams will generate billions of dollars of electricity value over that timeframe.

Swinomish has had cultural and natural resources in the Skagit River since time immemorial and possesses treaty rights in the entire Skagit watershed. Swinomish is working to ensure that any new FERC license will provide a substantial financial investment in the Skagit River to address the 100 years of cumulative harm that the dams have had on the ecology and fishing in the Skagit watershed. Funding from the FCP has assisted Swinomish in its ongoing efforts to participate in the multi-year Federal relicensing process.

The FY 2025 Budget Request seeks a modest increase to the FCP, with a total proposed budget for the program of \$687,000. Given the magnitude of the Seattle City Light relicensing proceeding, Swinomish urges the subcommittee to fund the FCP at the \$1 million level in FY 2025, which would allow for more resources for Tribes to protect their interests in FERC proceedings.

LAW ENFORCEMENT

Like most Indian Tribes, Swinomish needs additional resources to assist with the recruitment and retention of experienced law enforcement officers, especially in a time when fentanyl-related activity is epidemic in many Tribal communities. Swinomish experienced challenges retaining officers and officer turnover because neighboring jurisdictions offer more competitive pay and benefits. This competition has been amplified by the shortage of officers in Washington state and the recruiting efforts of neighboring jurisdictions.

In FY 2024, most BIA law enforcement programs received level funding compared to the FY 2023 enacted levels. The FY 2025 Budget Request seeks a \$45.5 million increase in Criminal Investigations and Police Services, with \$33.5 million specifically allocated to increase the number of officers and investigators in Indian Country. Swinomish requests that the subcommittee fund the Criminal Investigations and Police Services account to at least the FY 2025 requested levels.

Thank you for the opportunity to provide our recommendations on the subcommittee's FY 2025 Interior, Environment, and Related Agencies spending bill. Please feel free to contact me with any questions.

[This statement was submitted by Steve Edwards, Chairman, Swinomish Indian Senate, Swinomish Indian Tribal Community.]

PREPARED STATEMENT OF THEATRE COMMUNICATIONS GROUP

Mr. Chairman and distinguished members of the subcommittee, Theatre Communications Group—the national service organization for the American theatre—is grateful for this opportunity to submit testimony on behalf of our over 500 not-for-profit member theatres across the country and the approximately 10.4 million audience members that the not-for-profit theatre community served in 2022. We urge you to support the National Endowment for the Arts (NEA) appropriations in the FY 2025 Interior Appropriations bill to no less than \$211 million, in order to broaden access to the cultural, educational, and economic benefits of the arts and to advance creativity and innovation in communities across the United States.

The entire not-for-profit arts industry has a history of stimulating the economy, creating jobs, and attracting tourism dollars. Prior to the pandemic, the not-for-profit arts generated \$166.3 billion annually in economic activity, supported 4.6 million jobs, and returned \$27.5 billion in government revenue.

The arts sector is an economic engine which uplifts, engages, educates, and innovates. The NEA can help leverage the arts sector to play a key role in the work to contribute to the American economy. The arts sector is also a powerful conduit for bridging and healing deep divisions. The NEA has a role in redressing systemic injustice—including long-time inequities in arts funding, as well as a lack of apprecia-

tion for creativity from all cultures. The NEA's role is to make sure all Americans have access to the arts no matter where they live. Among the NEA's accomplishments is the growth of arts activity in areas of the Nation that have been under-resourced, especially in rural and inner-city communities. In many communities, NEA grants support free performances, as well as reduced ticket prices for those who cannot afford to buy a ticket. A significant percentage of grants benefit those who have fewer opportunities to participate in the arts.

Federal funding for the arts creates a significant return, generating nine dollars in matching funds for each Federal dollar awarded, and is clearly an investment in the economic health of America. At this time of financial stress and economic uncertainty, increased Federal funding is essential. The not-for-profit sector will need sustained support to recover, rebuild, and be able to fully return to serving communities.

Our country's not-for-profit theatres present new and classical works and serve as catalysts for economic growth in their local communities. These theatres also nurture and provide artistic homes for the development of the current and future generations of acclaimed writers, actors, directors, and designers working in regional theatre, on Broadway, and in the film and television industries. Our theatres develop innovative educational activities and outreach programs, and before the pandemic provided millions of young people, including "at-risk" youth, with important skills for the future by expanding their creativity and developing problem-solving, reasoning, and communication abilities-preparing today's students to become tomorrow's citizens. At the same time, theatres have become increasingly responsive to their communities, serving as healing forces in difficult times and producing work that reflects and celebrates the strength of our Nation's diversity.

Here are some recent examples of NEA grants and their community impact:

Arizona Theatre Company in Tucson, AZ received a \$15,000 grant to support staff salaries and artist fees for a playwrights festival. Intended to serve Latine playwrights, the festival will serve as an incubator for new theatrical works. Playwrights will have opportunities to workshop new scripts with directors, dramaturgs, and actors. Each play will receive staged readings for public audiences. The festival will benefit theatre artists and audiences in Arizona.

Perseverance Theatre in Alaska received a \$40,000 NEA grant to support the development and world premiere production of *Cold Case* by Cathy Tagnak Rexford. Exploring the issue of missing and murdered Indigenous women in Alaska, prior to the production, the play will receive a workshop focusing on translation, pronunciation, and use of the Inupiatun language in the play. The production will serve theatre artists and audiences in Douglas, Alaska, while the Nationwide theatre field will benefit from the creation of new work.

Portland Playhouse in Portland, Oregon, received a \$30,000 grant to support the production of *Notes from the Field* by Anna Deavere Smith and related engagement activities. Based on interviews Deavere Smith conducted with students, parents, and teachers, the play explores school disciplinary practices that drive children into the juvenile and criminal justice systems, instances of police brutality, economic despair, and the history of the civil rights movement. The playhouse also will program conversations about the play's themes facilitated by community partners who work with school districts, courts, and prisons. The project will serve theatre artists and audiences in the greater Portland, Oregon area.

Trinity Repertory Company in Providence, RI, received a \$15,000 NEA grant to support the world premiere production of *La Broa'* (Broad Street) by Orlando Hernández, based on the book *Nuestras Raíces* by Marta V. Martínez. Martínez's book turns a collection of oral histories into a fascinating story of the birth of Rhode Island's vibrant Latino community. The play will map the past, present, and future of Latino communities, showing how places transform over time through the circumstances and decisions of people often left out of history books. During the production, audiences will be invited into an immersive environment where the actors and musicians will perform all around them. The production will serve theatre artists and audiences across Rhode Island.

These are only a handful of examples of the kinds of extraordinary programs supported by the National Endowment for the Arts. In terms of pre-pandemic annual appropriations, the Endowment's Theatre Program was able to fund only 60% of the applications it receives, so 40% of applying theatres were typically turned away-in part because available funds have remained insufficient. Indeed, the NEA was able to fund only 7% of the eligible applicants through its American Rescue Plan program, further illustrating the unmet need for Endowment funding. Theatres were among the first to close and the last to reopen, and the financial consequences have been severe. The need across the arts field remains drastic.

The arts infrastructure of the United States is critical to the Nation's well-being and economic vitality. Restaurants and hotels, along with other businesses, often depend upon the theatres and other arts organizations in their communities and the success of these sectors is intertwined. The arts community is supported by a remarkable combination of government, business, foundation, and individual donors and represents a striking example of federal/state/private partnership. Federal support for the arts provides a measure of stability for arts programs nationwide and is critical at a time when other sources of funding are diminished.

Theatres work hard to serve their communities and maintain connection with audiences through performances and education offerings. Audiences have still not returned to pre-pandemic levels and costs continue to rise dramatically, and so theatres are still trying to manage the financial consequences of the impact of COVID-19 which we anticipate will be felt for several more years.

The NEA's FY 2024 budget is \$207 million. We thank the subcommittee for its leadership in supporting the work of the NEA. Theatre Communications Group urges you to support the largest possible increase for FY25 for the NEA, at no less than \$211 million to maintain citizen access to the cultural, educational, and economic benefits of the arts; to advance creativity and innovation in communities across the United States; to restore the theatre sector beyond disaster relief, and toward ongoing recovery and service to communities. Please invest in the arts at a level that reflects the significant role the arts play in our society.

Thank you for considering this request.

[This statement was submitted by Laurie Baskin, Director of Advocacy, Theatre Communications Group.]

PREPARED STATEMENT OF THEODORE ROOSEVELT CONSERVATION PARTNERSHIP

The following is written testimony submitted by Alexander Funk, Director of Water Resources, with the Theodore Roosevelt Conservation Partnership. The testimony is for the subcommittee on Interior, Environment, and Related Agencies. The testimony regards an FY25 appropriations request for the Bureau of Land Management's Aquatic Resources Program.

The undersigned organizations support increased funding for the Bureau of Land Management's Aquatic Resources Program as part of the FY25 Interior, Environment, and Related Agencies Appropriations legislation. Specifically, our organizations request \$65 million for FY25 to increase the pace and scale of watershed restoration and conservation efforts to increase drought and wildfire resilience, support local communities, and secure reliable water supplies on America's public lands. Such investments will help these landscapes more reliably yield benefits in water residency times, water quality, habitat for terrestrial and aquatic species, recreation, rangeland health and forage, and carbon sequestration.

The Bureau of Land Management (BLM) plays a critical role in stewarding the Nation's water resources. The agency manages over 250,000 miles of streams and rivers, which provide drinking water to one in 10 Americans in the West. Its aquatic resources are among the Nation's most important and diverse, providing sustained value to the American public. Increasing support for BLM's aquatic resource management efforts is critical to providing reliable water supplies and conserving the economic benefits communities rely upon.

A key focus of the BLM's Aquatic Resources Program is to conserve and restore watershed health. Unfortunately, in many watersheds with BLM-managed lands, stream channels are carved into deep trenches and/or disconnected from their floodplains, diminishing the benefits described above and ultimately creating landscapes and communities that are even more vulnerable to drought and other negative impacts of climate change. Through strategic restoration investments, we can reconnect streams to their floodplains to restore many of the benefits that have been lost over time. Such investments can raise the groundwater table and refill aquifers. This can maintain green vegetation later in the year, reducing wildfire burn severity and increasing late-season water availability for both wildlife and water users. Within arid and semi-arid landscapes, restored wet meadows provide essential food and cover for wildlife such as sage grouse, elk, mule deer, and pronghorn. These areas can also provide forage for livestock. Protected and restored streams and their wetlands have also been shown to serve as fire breaks and filter out ash and sediment after fires thus protecting downstream water infrastructure.

In addition to enhancing the benefits of our watersheds, BLM's Aquatic Resources Program supports other important initiatives such as restoring fish passage, preventing and controlling the spread of aquatic invasive species and managing some of the country's best remaining healthy rivers, including many that are designated

Wild and Scenic Rivers. Finally, BLM's Aquatic Resources Program supports education and outreach through programs such as Project Healing Waters Fly Fishing, which seeks to rehabilitate the physical and emotional well-being of disabled veterans and underrepresented communities.

REPORT LANGUAGE REQUEST

We recommend in the Committee's report associated with the bill making appropriations for the Department of the Interior, environment, and related agencies that the following language be included in the "Department of the Interior" title under the "Bureau of Land Management" header, for the "Management of Lands and Resources" account:

"Aquatic Resources.—The Committee recognizes that the Bureau of Land Management plays a critical role in stewarding the Nation's water resources. Aquatic resources on public lands managed by the Bureau of Land Management are among the most important, productive, and diverse resources in the Nation, providing sustained value to the American public. The Committee recommends \$65,000,000, which includes program increases of \$6,700,000 for building capacity and supporting partnerships with Tribes, States, and local governments to advance natural and cultural resource conservation and protection, and \$2,383,000 for improving water resources. Of the amount allocated to build capacity, the Committee recommends \$3,000,000 be used to hire aquatic restoration staff and at least one fisheries biologist or hydrologist in each Bureau District and Field Office to support the protection, management, and restoration of freshwater resources for drought, wildfire, and flood resilience; \$1,500,000 be used to train Bureau staff and partners to manage, protect, and restore freshwater resources and build a restoration workforce; and \$2,200,000 be used to support project implementation."

Bolstering the Aquatic Resources Program's annual budget will provide critical resources to support the BLM Aquatic Resources Program in the following ways:

- Increase capacity, including resources to hire at least one fisheries biologist and hydrologist in each BLM field office to support the development and implementation of watershed restoration and conservation efforts and support the integration of aquatic restoration efforts across other BLM programs, including wildland fire management.
- Develop and offer training and workshops to build their capacity and that of their partners to increase drought, wildfire, and flood resilience.

Overall, supporting the BLM's Aquatic Resources Program is a sound investment in enhancing our Nation's resilience to drought and wildfire while supporting fish and wildlife. Our organizations thank you for your consideration and are happy to answer any questions regarding these requests.

Sincerely,

Alexander Funk
Director of Water Resources
Theodore Roosevelt Conservation Partnership

Sara Porterfield
Western Water Policy Advisor
Trout Unlimited

Fay Hartman
Conservation Director, Southwest Region
American Rivers

Tom Cors
Senior Director Legislative Affairs
The Nature Conservancy

Alicia Marrs
Director of Western Water
National Wildlife Federation

Amy McNamara
Freshwater Ecosystems Strategist
Natural Resources Defense Council

Zachary Wurtzebach
U.S. Program Director
Center for Large Landscape Conservation

[This statement was submitted by Alexander Funk, Director of Water Resources, Theodore Roosevelt Conservation.]

PREPARED STATEMENT OF UNITED SOUTH AND EASTERN TRIBES

Chairman Merkley, Ranking Member Murkowski, and members of the subcommittee, thank you for the opportunity to testify regarding our funding priorities for Fiscal Year (FY) 2025. The testimony of United South and Eastern Tribes (USET SPF) will focus on funding for Federal Indian agencies and programs at the Department of the Interior (DOI), the Indian Health Service (IHS), and beyond. We appreciate the opportunity to provide our views on the President's Request. This is an important oversight opportunity for appropriators to ensure that budget proposals reflect Tribal expectations and objectives.

USET SPF is a non-profit, inter-Tribal organization advocating on behalf of thirty-three (33) federally recognized Tribal Nations from the Northeastern Woodlands to the Everglades and across the Gulf of Mexico. USET SPF member Tribal Nations are within the Eastern Region and Southern Plains Region of the Bureau of Indian Affairs (BIA) and the Nashville Area of the Indian Health Service (IHS), covering a large expanse of land compared to other regions. Due, in part, to this large geographic area, USET SPF Tribal Nations have great diversity in cultural traditions, land holdings, and resources.

Chronic Underfunding of Existing Obligations. We provide this testimony on the heels of yet another infusion of nearly \$100 billion in Federal funding to several allies overseas. Since February of 2022, Ukraine, alone, has received over \$135 billion while Tribal Nations have received far less. Though USET SPF does not dispute the necessity of this aid, it is a frustrating reminder that when Congress feels compelled to do so, it can direct substantial government resources toward other units of government—both foreign and domestic. And yet, Tribal Nations must appear before Congress year after year to advocate for U.S. payment on debt that we are due-only to receive minor “increases” that fail to address the chronic underfunding of trust and treaty obligations and, often, fail to keep pace even with inflation.

USET SPF, our partner organizations, Federal entities, and various research bodies have consistently provided data necessary for the U.S. to understand its own shortfalls in delivering upon its obligations to Tribal Nations, with little action taken in response. For example, the most recent annual Tribal Law and Order Act Report to Congress, for FY 2021, revealed the total obligation of BIA for public safety and justice funding is \$3.5 billion—over one billion more than the entire BIA budget. And yet, in FY 2024, Congress allocated a total of just \$556 million to the BIA's public safety and justice lines—a decrease from FY 2023 enacted. It is no wonder, then, that in its 2018 Broken Promises Report, the U.S. Commission on Civil Rights concluded that the funding of Federal trust and treaty obligations remains “grossly inadequate” and a “barely perceptible and decreasing percentage of agency budgets.” The report confirms what we in Indian Country already know—with the exception of some minor improvements, the U.S. continues to neglect to meet its “most basic” obligations to Tribal Nations. Though these chronic failures have persisted throughout changes in Administration and Congress, it is time that both branches confront and correct them.

As the subcommittee is well aware, Native people have endured many injustices as a result of Federal law and policy, including Federal actions that sought to terminate Tribal Nations, assimilate our people, and erode Tribal territories, learning, and cultures. This story involves the cession of vast land holdings and natural resources, oftentimes by force, to the U.S., out of which grew an obligation to provide benefits and services to Tribal Nations—promises made that exist in perpetuity. These resources are the very foundation of this nation, allowing the U.S. to become the wealthiest and strongest world power in history, with each U.S. citizen a direct beneficiary of this exchange. Federal funding and services to Tribal Nations and Native people are simply a repayment on this perpetual debt. Regrettably, funding allocated to Indian Country represents a tiny fraction of the annual value that the U.S. enjoys from the lands and natural resources which once belonged to us. USET SPF has consistently called upon the U.S. to fulfill its sacred promises to Tribal Nations and to act with honor and integrity in its dealings with Indian Country.

While we take a firm position that all members of Congress have an obligation to Tribal Nations, this subcommittee has a greater role in working toward fulfillment of trust and treaty obligations. As leaders who have consistently demonstrated a deeper understanding of our sacred relationship, we urge you to lead the change within Congress to improve how the U.S. views, honors, and fulfills its promises to Indian Country. The Federal budget is a reflection of this commitment. We ask that

you always remember this nation's first promise to its First People-the promise that resulted in an exchange responsible for the vast wealth, power, and influence of this country. This is especially critical as we recognize you are working with statutory spending caps in FY 2025 in order to reduce our \$34 trillion national debt. However, as we have stated repeatedly before this subcommittee and others, deficit reduction must never be accomplished to the detriment of Federal trust and treaty obligations owed to Tribal Nations.

Executive Order (EO) 14112. USET SPF is encouraged by the issuance of this EO and underscores its importance, as it seeks to address many centuries of broken promises through long-sought reforms to the ways in which funding is delivered to Tribal Nations and quantify Federal failures to provide full funding in fulfillment of trust and treaty obligations. USET SPF and the Administration are committed to the success of this EO, but Congress also has a role to play. This body, in particular, should be invested in seeing the E.O. deliver meaningful, actionable information regarding unmet funding obligations, so that they may be addressed. Congress should also be prepared to exercise its oversight responsibilities in holding Federal agencies accountable to the mandates of this EO. Congress should ensure immediate action is taken to streamline and create funding flexibilities where barriers are administrative or regulatory, and that agencies support Tribal Nations in seeking legislative change where barriers are statutory. As we continue to face chronic underfunding, these flexibilities are critical opportunities to improve services to our people, including expansion of 477 and self-governance authorities.

Additionally, Congress should be appropriating necessary resources to Federal agencies and exploring opportunities for legislative change, in order facilitate compliance with the EO's directives.

Mandatory Funding for the Indian Health Service and Binding Obligations. USET SPF continues to express its gratitude for the historic achievement of advance appropriations for IHS. For the very first time, the agency's clinical services have experienced budgetary certainty in the face of several continuing resolutions. It is our expectation that the subcommittee will continue to include language providing advance appropriations for IHS beyond FY 2025 and work to expand this mechanism through the IHS and into other Federal Indian agencies and programs. Despite its importance, however, we continue to view advance appropriations as a temporary funding mechanism in our overall advocacy for the full delivery of trust and treaty obligations.

Above all, payments on debt to Indian Country should not be vulnerable to year to year "discretionary" decisions by appropriators. Since FY 2023, the Biden Administration has consistently proposed a shift in funding for the IHS to the mandatory side of the Federal budget, including a 10-year plan to close funding gaps and an exemption from sequestration. While we firmly believe all Indian Country funding should be fully funded today, we continue to strongly support this proposal, recognizing that additional detail and planning is necessary to provide a fully developed plan to fund IHS on a full and mandatory basis. This includes ensuring that it reflects the full depth of unmet funding obligations as uncovered by E.O. 14112. We look forward to working with IHS to draft legislation that reflects our guidance for implementing these changes and urge this subcommittee to ensure that IHS is working swiftly with Tribal Nations to develop this proposal.

The FY 2025 Request also proposes mandatory funding for Contract Support Costs and 105(l) leases-binding obligations-at IHS, BIA and the Bureau of Indian Education (BIE) beginning in FY 2026. While we contend that all Federal Indian agencies and programs should be subject to mandatory funding, we continue to support the immediate transfer of these lines. This will ensure that funding increases are able to be allocated to service delivery, as opposed to the Federal Government's legal obligations.

Indian Health Service (IHS). In addition to supporting full and mandatory funding for IHS, Nashville Area Tribal Nations identified the following top six priority line items for increases in FY 2025:

1. Purchased/Referred Care
2. Hospitals & Health Clinics
3. Mental Health
4. Alcohol & Substance Abuse
5. Dental Health
6. Health Care Facilities Construction

Nashville Area priorities also include funding for Facilities Construction and Environmental Health, special initiative funding for newly recognized Tribal Nations,

increases for Urban Indian Health programs, telehealth resources, recurring funding for Public Health Education, impacts of COVID-19 on user population and workload data, funding for Substance Use Disorder aftercare and housing programs, funding to reduce Hepatitis C, continued funding for Community Health Representatives, modernizing health IT, parity when sponsoring patients on insurance plans, funding for long-term care services and supports, and provider/staffing recruitment and retention.

Special Behavioral Health Program. Despite the disproportionate impact opioid and other substance use has had in Indian Country, Tribal Nations continue to lack access to sufficient resources to address the damaging effects of substance abuse disorder in our communities. We continue to support legislative proposals that would establish a Special Behavioral Health Program for Indians at IHS, with dollars eligible for receipt through self-governance compacting and self-determination contracting.

Department of the Interior (DOI). Working in partnership with Indian Affairs, the yearly budget formulation process now offers a much more comprehensive look at the priorities of Tribal Nations across the many lines found within the BIA and BIE budgets. However, we remain focused on the addition of a component outlining BIA's unfunded obligations in order to measure how well the U.S. is honoring its promises, on which Indian Affairs recently agreed to collaborate. This body should also want to know the full extent of DOI's unmet funding obligations to Indian Country. In addition, we offer the Eastern Region's top priorities for FY 2025 in eight different strategic funding categories:

- Strengthening Tribal Communities: Social Services (TPA)
- Trust-Natural Resources Management: Natural Resources (TPA)
- Trust-Land & Water Rights Management: Trust Services (TPA)
- Public Safety & Justice: Tribal Courts (TPA)
- Economic Development: Economic Development (TPA)
- Education: Scholarships & Adult Education (TPA)
- Construction: Education Facilities Improvement and Repair
- Resource Management Construction: Federal Power Compliance (FERC)

Payments in Lieu of Taxes (PILT). In addition to the above priorities, USET SPF remains focused on the restoration of Tribal homelands as a top priority and would like to reiterate a funding request that we believe will increase the amount of land going into trust for Tribal Nations. Since 1977, the DOI has issued billions in PILT to local governments that help offset losses in property taxes due to the nontaxable Federal lands within their boundaries. However, while PILT payments are made for lands administered by numerous other DOI Bureaus, Federal water projects, and some military installations, lands held in trust for Tribal Nations are not currently eligible. USET SPF believes that PILT for lands put into trust could remove barriers to the restoration of Tribal homelands while also easing the perceived impacts to local government as a result of lost tax revenue. We urge the subcommittee to consider working with the Administration to provide funding for this purpose in FY 2025.

Land and Water Conservation Fund (LCWF) Program for Tribal Nations. The FY 2025 Request proposes \$8 million for the establishment of a permanent LCWF Tribal Land Acquisition program. This will ensure that Tribal Nations have direct access to the LCWF for the first time, supporting Tribal self-determination and the restoration of our homelands. Though we urge that the level of funding be increased, we strongly support this proposal.

Funding for Tribal Historic Preservation. Due to chronic underfunding, many Tribal Historic Preservation Offices (THPOs) are currently operating without the necessary personnel to conduct National Historic Preservation Act Section 106 and other cultural reviews. THPOs are the protectors of irreplaceable resources: our cultures and spirituality. The explosion in infrastructure development funded by recent infrastructure laws is overwhelming THPO capacity. We urge this subcommittee to provide increased resources for THPOs, so that we may protect our cultural and sacred sites.

DOI Tribal Resiliency Continuity Program. Due to the structural barriers limiting our access to the Homeland Security Grant, we strongly urge Congress to appropriate \$207 million to establish a Tribal Resiliency Continuity Program that is non-competitive, without a cost share, and streamlined at DOI to empower all Tribal Nations to build core emergency management, homeland security, and emergency services capacities and capabilities.

Preservation of Structural Gains. Several advancements have been made during this Administration that must be institutionalized and supported in order to continue their progress. USET SPF is requesting permanency and dedicated funding for OMB's Tribal Affairs Advisor, as well as Treasury's Office of Tribal and Native Affairs. In addition, this Administration has once again prioritized the work of the White House Council on Native American Affairs (WHCNA). In order to build upon its progress and provide necessary resources to coordinate the implementation of EO 14112, WHCNA requires dedicated funding. USET SPF supports the Tribal Interior Budget Council (TIBC) request of \$5 million for WHCNA.

Improving the Office of Management and Budget (OMB) Crosscut. OMB asserts that over \$30 billion in Federal dollars is appropriated to Indian Country annually. This number seems to be widely inflated, with far less actually reaching Tribal Nations and Tribal citizens. Both USET SPF and TIBC have asked OMB for a full, detailed accounting of Federal funding distributed to Indian Country. While OMB is working to refine its Native American Crosscut, we have not yet seen the level of detail we are seeking. This information is essential to the measurement of the Federal Government's own success in meeting its obligations to us, as well as developing accountability mechanisms for instances where States fail to provide pass-through funding to Tribal Nations. In order to increase accountability, States must be required to detail actual dollars passed through to Tribal Nations, with accordant consequences for failure to provide us with funding to which we are entitled.

Invest in and Rebuild Tribal Infrastructure-A Marshall Plan for Tribal Nations. For generations, the Federal Government—despite abiding trust and treaty obligations—has substantially under-invested in Indian Country's infrastructure and engaged in hostile actions against Tribal Nations. While the United States faces infrastructure issues nationally, Indian Country frequently lacks even basic infrastructure. Much like the U.S. investment in the rebuilding European nations following World War II via the Marshall Plan, the legislative and executive branches should commit to the same level of responsibility to rebuilding Tribal Nations, as our current circumstances are, in large part, directly attributable to the shameful acts and policies of the U.S. In the same way the Marshall Plan acknowledged America's debt to European sovereigns and was utilized to strengthen our relationships and security abroad, the U.S. should make this strategic investment domestically.

Other Selected Lines and Programs. Though not an exhaustive list, USET SPF strongly supports increases for the following lines and programs: Good Health and Wellness in Indian Country (CDC), Rural Community Facilities (ACF), Tribal Opioid Response Grants (SAMHSA), Community Development Financial Institutions Fund grants, the Indian Community Development Block Grant, USDA Rural Business Development grants, EPA state and Tribal assistance grants, BIA Tribal Climate Science Centers, the Crime Victims 's Tribal set aside, and Native American Housing Block Grants. Finally, we support an increase to \$207 million for the Tribal Homeland Security Grant program.

PREPARED STATEMENT OF THE WATER ENVIRONMENT FEDERATION

FY25 BUDGET RECOMMENDATIONS FROM THE WATER ENVIRONMENT FEDERATION

Thank you for the opportunity for the Water Environment Federation (WEF) to provide this letter of funding priorities for the FY25 Interior & Environment Appropriations bill and the FY25 Labor, Health & Human Services, and Education Appropriations bill. WEF¹ is the educational and technical association for over 34,000 water municipal wastewater and stormwater professionals, maintaining and improving water quality and public health in communities across the country and around the world. The FY25 Budget helps address WEF's top policy priorities to increase funding for water infrastructure, address water workforce development needs, improve resilience to climate change, increase system sustainability, protect commu-

¹ The Water Environment Federation (WEF) is a global nonprofit organization of water quality professionals. For more than 90 years, WEF has provided premier education and the latest technical expertise to the water sector. WEF pursues solutions to today's critical water sector challenges, including infrastructure funding, water affordability, and workforce sustainability and diversity. WEF advances innovation and technology and promotes the circular economy through water reuse, nutrient recovery, and energy conservation and generation. With worldwide members and partners, WEF supports the United Nations (UN) Sustainable Development Goals and is a proud partner of UN Water. Each year WEF organizes WEFTEC, the world's largest annual water quality exhibition and conference. To learn more, visit www.wef.org.

nities from emerging public health concerns, and improve environmental equity for all Americans.

FY25 INTERIOR AND ENVIRONMENT APPROPRIATIONS BILL RECOMMENDATIONS

It's critical for Congress to include in the FY25 Budget full funding for the programs authorized in Infrastructure Investment & Jobs Act (IIJA), as well as several additional existing programs. Without this funding, communities will struggle to make progress on the local water infrastructure investments that are critically needed to protect public health and the environment, as well as ensure continued local economic prosperity. WEF strongly urges Congress to include in the FY25 Budget funding for the following programs:

- \$3.25 billion for Clean Water State Revolving Fund (IIJA Sect. 50210)
- \$3.25 billion for Drinking Water State Revolving Fund (IIJA Sect. 50102)
- \$80 million for Water Infrastructure Finance & Innovation Act (WIFIA) (IIJA Sect. 50215)
- \$280 million for Sewer Overflow and Stormwater Reuse Municipal Grants (OSG) program (IIJA Sect. 50204)
- \$1.6 billion for direct loans under USDA Rural Utilities Service Rural Water and Waste Disposal Program Account (Consolidated Farm and Rural Development Act Sects. 306 & 381E(d)(2))
- \$670 million for grants under USDA Rural Utilities Service Rural Water and Waste Disposal Program Account (Consolidated Farm and Rural Development Act Sects. 306, 306A, 306C, 306D, 306E, 310B, 306C(a)(2), 306D, 306E, and 381E(d)(2))
- \$25 million for Clean Water Infrastructure Resiliency and Sustainability Grants (IIJA Sect. 50205)
- \$20 million for Wastewater Energy Efficiency Grant Pilot Program (IIJA Sect. 50202)
- \$40 million for Connection Publicly Owned Treatment Works Grant Program (IIJA Sect. 50209)
- \$10 million for the Small & Medium POTW Circuit Riders Technical Assistance (IIJA Sect. 50206)
- \$5 million for 5 Centers of Excellence for Stormwater Control Infrastructure Technologies (CESCITs) (IIJA Sect. 50217)
- \$10 million for community planning and implementation grants for stormwater or watershed-based planning investments (IIJA Sect. 50217)
- \$25 million for the Alternative Source Water Pilot program (IIJA Sect. 50203)
- \$20 million for the Title XVI-WIIN Water Reuse Grants Program
- \$6 million for Water Infrastructure and Workforce Investment Grant Program (IIJA Sect. 50211)
- Funding to establish the Small Publicly Owned Treatment Works Efficiency Grant Program (IIJA Sect. 50207)
- \$2 million for EPA's Integrated Planning (IP) (33 U.S. Code, Sect. 1342(6)(s))

FY25 LABOR, HEALTH & HUMAN SERVICES, AND EDUCATION APPROPRIATIONS BILL RECOMMENDATIONS

WEF supports the inclusion of additional Emerging Infectious Disease funding to support Centers for Disease Control and Prevention's (CDC) wastewater surveillance activities. As the President notes in his FY25 Budget proposal the Congress, wastewater surveillance demonstrated its value as a public health tool during the COVID-19 pandemic by providing timely, cost-effective, and unbiased information about community disease transmission.

Since its establishment in September 2020 by CDC, the National Wastewater Surveillance System (NWSS) has grown to more than 1,400 testing sites across 50 States, covering 1 in 3 people in the U.S. Through NWSS, CDC weaves together a network of independent, local wastewater efforts into a robust national system that has already expanded to include mpox virus surveillance. With funding and support from CDC, State and local health departments across the U.S. have used NWSS SARS-CoV-2 and mpox wastewater information to fill in clinical case data gaps, confirm trends observed in other public health surveillance datasets, prioritize vaccine distribution, alert healthcare providers about expected increases in community transmission, and communicate with the public. Many of these health departments are already analyzing wastewater for other emerging and re-emerging health

threats, such as antibiotic resistance genes, *Candida auris*, measles virus, and poliovirus. The CDC and state public health departments have now begun using NWSS wastewater data to monitor for avian influenza A (H5N1) in communities nationwide.

Securing new base funding for wastewater surveillance will enable CDC to ensure equitable application of this tool, sustaining the NWSS network as a resilient and adaptable platform for addressing emerging infectious diseases in the U.S. To protect the tremendous progress in establishing this efficient public health surveillance system, we recommend including an additional \$130 million annually in Emerging Infectious Disease funding to CDC for wastewater surveillance.

—\$130 million for the National Wastewater Surveillance System (NWSS) administered by the Centers for Disease Control and Prevention

Thank you for your support of infrastructure funding and public health protection priorities, and we look forward to continuing to work with Congress on the FY25 Budget.

Thank you,



Senior Director, Government Affairs
Water Environment Federation

PREPARED STATEMENT OF THE WATER SOURCE PROTECTION PROGRAM

As you and your colleagues begin work on the Fiscal Year (FY) 2025 appropriations bills, we respectfully request that you insert the following explicit report language that robustly funds the Water Source Protection Program (WSPP) in the Interior, Environment, and Related Agencies bill. The WSPP provides the U.S. Forest Service (USFS) a key tool for watershed protection and restoration projects on National Forest System (NFS) land.

“Vegetation and Watershed Management.—The Committee directs the USFS to utilize not less than \$10 million of the Vegetation and Watershed Management budget towards the development and implementation of USFS Water Source Protection Program projects. The Committee recognizes that wildfire risk mitigation and aquatic restoration efforts are critical to protecting the quantity and quality of source water in National Forest System lands that provides drinking water and agricultural use while benefitting fish and wildlife. The Forest Service should maximize its use of provided authorities and funding to protect and restore source watersheds. The Committee encourages the Forest Service to conduct additional outreach to water users to utilize existing vegetation and watershed management funding to demonstrate the value of restoring aquatic ecosystems to build resilience to natural hazards in source watersheds. The Water Source Protection Program provides an important opportunity to increase the pace and scale of source water restoration efforts.”

NFS lands supply drinking water for nearly 20 percent of the U.S. population, and in the Western U.S., 29.5 million people (40 percent of the total population) derive more than 50 percent of their surface drinking water supply from NFS and adjacent forested lands. Ensuring the management of NFS lands and adjacent forests to protect and enhance drinking and agricultural water sources is a critical responsibility of the USFS, and one that complements USFS priorities of wildfire risk reduction and fish and wildlife habitat restoration.

While the USFS has various programs that may tangentially benefit source waters, the WSPP is the sole USFS program that specifically focuses on restoring source watersheds relied upon by millions of people. WSPP was initially authorized in the 2018 Farm Bill and authorized the USFS to enter into partnerships with end-users (e.g., municipalities, irrigation districts, and non-governmental organizations) to develop and implement source water management plans. Despite the critical need for addressing watersheds restoration on NFS lands across the country, the WSPP has been underutilized due to lack of dedicated funding.

As your subcommittees make funding decisions for FY 2025, we urge you to consider the tremendous benefits of these efforts and public-private partnerships, such as the WSPP.

[This statement was submitted by Alexander Funk, Director of Water Resources, Theodore Roosevelt Conservation Partnership.]

PREPARED STATEMENT OF THE WATERREUSE ASSOCIATION

Thank you for the opportunity to present our FY 2025 funding requests for programs administered by the U.S. Environmental Protection Agency (EPA). The WaterReuse Association (WaterReuse) urges you to include \$25 million for the Pilot Program for Alternative Water Source Grants, Section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1300), in FY 2025 appropriations legislation.

WaterReuse is a not-for-profit trade association for water utilities, businesses, industrial and commercial enterprises, non-profit organizations, and research entities that engage in and on water reuse. WaterReuse and its state and regional sections represent more than 200 water utilities serving over 60 million customers, and over 300 businesses and organizations across the country. Our mission is to advance safe and sustainable water supplies, to promote acceptance and support of recycled water, and to advocate for policies and funding that increase water reuse.

In recent years, droughts have brought severe conditions including wildfires, heat waves, severely depleted water sources, and reduced crop production across the country. Despite rain events, in the West, conditions were recently at their driest point in 1,200 years and will almost certainly worsen. In parts of Pennsylvania, Illinois, New England, and other regions across the country, communities have faced significant and even extreme drought conditions.

As water supply and water quality challenges intensify, the Nation must invest in water recycling to build resilience, manage energy demands, support public and environmental health, and ensure America's economic prosperity. Investments in water recycling ensure reliable and resilient community water supplies, support sustainable economic development, and help protect our rivers, lakes, streams, aquifers and wetlands.

Water reuse is a long-standing practice in supply-constrained areas in the West. However, water reuse is also now common practice in other parts of the country, where communities are turning to reuse to recharge strained aquifers and meet other needs. The drivers for water reuse are many, including stringent discharge regulations and a need to reduce pollutant loads to receiving waters. Communities are also turning to reuse to manage a range of stormwater challenges.

To help communities build resilient supplies and protect water quality, Congress authorized the Pilot Program for Alternative Water Source Grants as part of the recently enacted Infrastructure Investment and Jobs Act of 2021. Through the program, EPA will make competitive grants to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test alternative water source systems, including water reuse systems.

By investing in the Pilot Program for Alternative Water Source Grants, Congress can begin to give communities in all 50 States plus the District of Columbia and Puerto Rico the tools and resources they need to protect public health and the environment, support economic development, and create long-term solutions for future generations.

EXAMPLES OF WATER RECYCLING FROM AROUND THE COUNTRY

In Virginia's tidewater region, Hampton Roads Sanitation District is pursuing a multi-benefit water reuse program called the Sustainable Water Initiative for Tomorrow (SWIFT). HRSD's SWIFT project treats wastewater effluent to drinking water standards and reuses it to recharge the regional aquifer. The investment of \$1.1 billion in capital outlays provides critical public health, environmental and economic benefits by replenishing the overdrawn Potomac Aquifer, recharging 100 million gallons per day (MGD) of fresh water at full implementation, providing a reliable safe water supply to support the region's population and the Nation's critical military assets, and generating nutrient credits that HRSD can trade—providing an estimated savings of \$1.5 billion for 11 counties across the region.

In Florida's Tampa Bay Region, Hillsborough County's Saltwater Intrusion and Aquifer Recharge Program (SHARP) is creating a hydraulic barrier to saltwater intrusion between the Bay and the region's drinking water aquifer. At a cost of \$20 million, SHARP is yielding significant climate-resiliency benefits by protecting the region's freshwater aquifer from sea level rise and saltwater intrusion, reducing pumping costs and energy use by raising groundwater levels and increasing pressure in the potable freshwater aquifer, generating water supply credits that offset the project's cost, and supporting seagrass and fishery recovery efforts by reducing nutrient and other effluent loadings.

In Texas, El Paso Water is using water recycling and saline groundwater desalination to produce a drought-resilient, cost-effective, and reliable water supply to support a vibrant local economy. Compared to the next best alternative (importing groundwater), El Paso's water reuse program is reducing energy use by 3.6 million MWH over the planning period and addressing affordability challenges related to imported water by saving more than \$1.2 billion, or 74 percent.

In California's Chino Basin, local leaders developed the Optimum Basin Management Program (OBMP) to address the region's water challenges. The OBMP generates energy savings in excess of 5.8 Billion kWh over 30 years by relying on local resources rather than energy intensive water imports, saves ratepayers an estimated \$2.4 billion in water supply costs, and restores instream flows and water quality in the Santa Ana River, returning a surface water supply and replenishing and improving water quality in the Chino Groundwater Basin.

[This statement was submitted by Greg Fogel, WateReuse Association.]

PREPARED STATEMENT OF THE WESTERN GOVERNORS' ASSOCIATION

Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee, the Western Governors' Association (WGA) appreciates the opportunity to provide written testimony on the appropriations and activities of the Bureau of Land Management (BLM), U.S. Fish and Wildlife Service (FWS), National Park Service (NPS), U.S. Forest Service (USFS), the Environmental Protection Agency (EPA), and the Bureau of Indian Affairs (BIA). WGA is an independent organization representing the Governors of the 22 westernmost States and territories. The Association is an instrument of the Governors for bipartisan policy development and collective action on issues of critical importance to the western United States.

The agencies within the subcommittee's jurisdiction wield significant influence over vast areas of the American West. Ninety-four percent of all Federal lands are located in the western States, and the Federal Government owns over 46 percent of the land within WGA States and territories. This subcommittee's work is vitally important to Western Governors, as it affects public lands management and Federal agency interaction with other levels of government and the public.

There is a natural tension between State and Federal Governments that is embedded in the U.S. Constitution. These sovereign governments must have a close and productive working relationship to promote efficiency and maximize returns on taxpayer investments. Improving the partnership between States and territories and the Federal Government is central to WGA's mission and is reflected in WGA Policy Resolution 2024-01, Strengthening the State-Federal Relationship.

Western Governors were encouraged by past Committee report language directing Federal agencies to provide appropriate feedback and decision rationale related to Tribal input received via meaningful consultation in their decision-making processes. Similar direction to Federal agencies for government-to-government consultation with States and territories, which is required pursuant to Executive Order 13132, Federalism, would improve the co-sovereign relationship between States, territories, and the Federal Government.

Federal agencies should provide state, territorial, local, and Tribal government officials with accessible and clear information on available Federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with Federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of "navigators" to help communities prioritize post-wildfire restoration needs. Western Governors urge the Federal Government to prioritize the funding of these important needs, as they should have a positive effect on maximizing the value of restoration work and, more importantly, addressing the needs of communities affected by wildfire.

Reducing wildfire risk also requires conducting active forest management at an unprecedented pace and scale. This, in turn, relies on a handful of enabling factors including a qualified land management workforce and infrastructure to transport and realize the value of extracted biomass. Western Governors support many of the recommendations in the Wildland Fire Mitigation and Management Commission's final report. The Commission called upon Congress to provide funding for Federal public health agencies to address smoke-related impacts of wildland fire, and the Commission also supported the creation of incentives for State, local, and Tribal governments to invest in the development of fire- and smoke-adapted communities. Western Governors appreciate Congress' increased attention to the issue as demonstrated in recent years' appropriation acts. Western Governors also appreciate

USFS's investments in forest health as part of its ten-year strategy to confront the wildfire crisis, and request continued funding for wildfire risk reduction.

Responsible land management can only occur when federal, State, and local stakeholders collaborate to improve the health and resilience of our lands. Likewise, proactive fish and wildlife conservation is most effective when leveraging the cooperative efforts of state, territorial and Federal officials across multiple disciplines. To this end, Western Governors support funding for reasonable proactive management efforts to conserve species, including engaging stakeholders to implement early, voluntary conservation measures. WGA also believes Federal agencies should explore revised Government Schedule criteria and use detail positions and shared staff between nongovernmental partners, and State and Federal agencies to increase inter-agency coordination.

States possess primary management authority over fish and wildlife within their borders, and they receive economic benefits associated with healthy species and ecosystems. At the same time, species listings can dramatically affect the efforts of western States to promote economic development, accommodate population growth, and maintain and expand infrastructure. Western Governors believe that States should be full partners in listing, critical habitat designations, recovery planning, recovery efforts, and delisting decisions. State agencies often have the best available science, expertise, and other scientific and institutional resources such as mapping capabilities, biological inventories, biological management goals, state wildlife action plans, and other important data, and Federal agencies should utilize state expertise and resources whenever possible. All listing, recovery, and delisting decisions made by the Federal Government should utilize objective, peer-reviewed scientific literature and scientific observations.

Fish and wildlife migration corridors and habitat are necessary to maintain healthy populations of species in the West. Western Governors applaud the past funding for Federal agencies to advance state-supported programs and projects promoting voluntary migration corridor and habitat conservation and request that the subcommittee continue to appropriate these funds. The Governors note that any Federal efforts to identify, regulate, or conserve wildlife migration corridors through administrative or legislative action must involve coordination and consultation with States and should advance voluntary, incentive-based, and locally driven initiatives to conserve key wildlife corridors and habitat.

Western Governors encourage the subcommittee to include full funding for the Payment in Lieu of Taxes (PILT) program administered by the Department of the Interior, and include language that addresses a permanent and stable funding mechanism for the program. PILT funding does not represent a gift to local jurisdictions; rather, it provides important compensation for the presence of non-taxable Federal lands in the West. Similarly, payments under the Secure Rural Schools and Community Self-Determination Act (SRS) compensate communities whose timber industries have been negatively affected by actions and acquisitions of the Federal Government. Western Governors request that the subcommittee continue to appropriate full funding annually for both PILT and SRS now and in the future.

Western Governors support NPS in its efforts to preserve iconic landscapes, habitats and cultural resources. Western Governors are concerned, however, about the significant maintenance backlog affecting National Parks, especially in the context of increasing visitation rates. Western Governors appreciate recent investments in maintenance for national park infrastructure and additional actions that prevent future backlogs. Similarly, Western Governors urge Congress to extend funding for the National Parks and Public Land Legacy Restoration Fund beyond 2025 and examine longer term solutions to the deferred maintenance backlog.

The Infrastructure Investment and Jobs Act (Pub. L. 117-58) has been a significant piece of legislation for western States; however, certain provisions remain unfunded. Western Governors specifically note that Section 40704 authorized an abandoned hardrock mine reclamation program. The Governors were encouraged by the \$5 million appropriation for the program in the Consolidated Appropriations Act of 2022 (Pub. L. 117-103), but more substantial investment is required to address the tens of thousands of abandoned hardrock mines that pose physical and environmental hazards to communities and ecosystems across the West. Western Governors encourage the subcommittee to ensure Federal land management agencies receive adequate funding for staffing so that environmental reviews and permitting for abandoned mine projects on Federal public lands can be completed in a timely manner.

Data for water management and drought response planning is critical to western States. Western Governors stress the importance of funding for the Groundwater and Streamflow Information Program administered by the U.S. Geological Survey and request continued funding for the program at or above the FY23 level. The data

generated by the program is integral to water supply management decisions of States, utilities, reservoir operators, and farmers. It is also essential for risk management, disaster mitigation, and drought and flood forecasting throughout the West.

Infrastructure management is another crucial element of water resource management, and Federal investments in our Nation's aging water and wastewater facilities are essential to our Nation's continued economic prosperity and environmental protection. EPA's Clean Water and Drinking Water State Revolving Funds (SRFs) provide necessary support for communities to maintain and enhance their water infrastructure. WGA Policy Resolution 2021-10, Water Quality in the West, encourages adequate funding for SRFs. Western Governors appreciate the SRF provisions included in the Infrastructure Investment and Jobs Act and previous years' appropriations acts, and encourage the subcommittee to continue supporting these programs. Western Governors also support the funding of Federal programs that promote non-federal water infrastructure investment, such as the Water Infrastructure Finance Innovation Act program. This important program provides flexible long-term, low-cost supplemental credit assistance for projects of national and regional significance.

States have exclusive authority over the allocation and administration of rights to groundwater located within their borders and are primarily responsible for protecting, managing, and otherwise controlling the resource. The regulatory reach of the Federal Government was not intended to, and should not, be applied to the management and control of groundwater resources. Western Governors encourage Congress to include express and unambiguous language protecting States' authority over groundwater resources in any water-related legislation, as well as clear direction to administrative agencies to respect such authority. Federal agencies should also work within existing State authorities to address their groundwater-related needs and concerns. Western Governors urge the subcommittee to ensure that Federal efforts involving groundwater recognize and respect state primacy and comply with all statutory authorities.

States also possess delegated authority from EPA to manage air quality within their borders. Congress and EPA should recognize state authority under the Clean Air Act (CAA) and accord States sufficient flexibility to create air quality and emissions programs tailored to individual state needs, industries, and economies. State CAA programs require financial support from Congress, yet funding has declined since the CAA's enactment. In addition, given the unique character of the West and the region's attainment challenges, funding should be appropriated for EPA to assist western States in research on background, interstate, and transported ozone. This is especially important as smoke from an increasing number of wildfires causes air quality to exceed the National Ambient Air Quality Standards for particulate matter and ozone, affecting public health, safety, and transportation. Western Governors' support full and consistent funding for Federal and State land managers to conduct prescribed fires and smoke management in order to protect public health alongside forest health.

The Missing and Murdered Indigenous Persons (MMIP) crisis continues to affect communities across the West. Sufficient Tribal and BIA law enforcement personnel ensure timely responses and adequate resources for MMIP cases, while victim support services provide crucial assistance to survivors and their families. Western Governors support funding to increase the number of Tribal officers and victim services advocates, as well as the pace of hiring officers.

Western Governors and Federal land management agencies deal with a complex web of interrelated natural resource issues. It is an enormous challenge to judiciously balance competing needs in this environment, and Western Governors appreciate the difficulty of the decisions this subcommittee must make. The foregoing recommendations are offered in a spirit of cooperation and respect, and WGA is prepared to assist the subcommittee in discharging these critical and challenging responsibilities.

[This statement was submitted by Jack Waldorf, Executive Director, Western Governors' Association.]

PREPARED STATEMENT OF WETLANDS PROGRAM DEVELOPMENT GRANT

The following is written testimony submitted by Alexander Funk, Director of Water Resources with the Theodore Roosevelt Conservation Partnership, for the subcommittee on Interior, Environment, and Related Agencies. It concerns an FY25 appropriations request for the Environmental Protection Agency's Wetland Program Development Grant Program.

On behalf of the undersigned sporting and conservation organizations, we urge Congress to provide robust funding for the Environmental Protection Agency's (EPA) Wetland Program Development Grant (WPDG) Program and encourage EPA to revisit current WPDG guidance restricting funding for the implementation of state, Tribal, and local wetland conservation programs. As such, our organizations support an FY25 appropriations request of \$30 million for the WPDG and corresponding report language clarifying Congressional intent that WPDG funds may be used to support both the development and implementation of wetland conservation programs.

Wetlands provide countless opportunities for outdoor recreation, from hunting and fishing, to observing wildlife. Wetlands also provide broad public benefits, including erosion control, flood control, groundwater recharge, water quality enhancement, and minimization of certain wildfire impacts. Recent research shows that the loss of one acre of wetland would result in increases in flood insurance costs of approximately \$800 each year, and more than \$3,000 per acre in more developed areas. Conservation of wetlands supports economic development, sustains fish and wildlife, and significantly reduces burdens on taxpayers and communities.

WETLANDS PROGRAM DEVELOPMENT GRANT PROGRAM

EPA's Wetland Program Development Grant Program provides critical funding to state, Tribal, local, and interState agencies to develop and refine comprehensive wetland conservation programs, including voluntary wetland conservation efforts. WPDG grant funding is divided among EPA's headquarters and 10 regional offices, according to the number of States and territories per region, providing important resources for capacity building efforts taken by State, Tribal, and local governments to increase the quantity and quality of wetlands. WPDG funding has been utilized by States and Tribes for wetland conservation and restoration efforts through the development of Wetland Protection Plans, which include wetland mapping and monitoring efforts. These plans and data management help inform strategic actions to increase the pace and scale of wetland conservation efforts. The Fremont County Soil and Water Conservation District in Iowa, for example, received WPDG funding to develop a program to support farmers and ranchers in evaluating financial incentives for conserving wetlands through conservation easements. WPDG program funding has similarly supported a wide range of wetland conservation efforts nationwide.

Oregon has used WPDG funds to develop the Oregon Wetland Program Plan (2017 -2021) for their restoration projects and provision of technical assistance to landowners participating in their state voluntary conservation programs. The Oregon Wetland Program Plan provides guidance on statewide efforts to sustainably manage and conserve wetlands. Oregon's government agencies and non-profit organizations involved have participated in capacity building to administer these programs successfully, including developing staff training and monitoring protocols to improve program efforts. Oregon's wetland mapping efforts and development of methods and tools for site assessment have enabled the State's existing voluntary conservation programs to effectively utilize changing regulations, policy prioritization, and technological advances in implementing their mitigation activities and investments. Inter-agency discussions resulted in the development of clear guidelines for roles, responsibilities, and procedures; and collaboration resulted in recommend strategies and policies for salmon recovery and watershed restoration. The WPDG Program has also funded Oregon Tribes in their water conservation and wetlands restoration projects, including the Klamath Tribes and the Confederated Tribes of Siletz Indians and Umatilla Indian Reservation (CTUIR).

Maine's Department of Environmental Protection (DEP) Biological Monitoring Program hosts invaluable wetland resources for future generations and the Maine Wetland Program Plan created interagency work groups to identify needed regulatory, management, conservation, planning and research measures to address increasing environmental threats and cumulative impacts wetlands. WPDG funds contributed to the Maine State Wetlands Conservation Plan (2001), which identified protection goals for specific wetlands systems of statewide significance and allowed for monitoring and assessment efforts critical to the development of the Maine Wetland Program Plan 2023-2028. Through diverse collection of biological sampling, from locations of high quality to locations that were severely degraded, DEP was able to capture a broad spectrum of existing human impacts to wetlands. DEP also developed the wetland linear discriminant model (LDM) to predict potential impacts to wetlands, effectiveness of applicable mitigation measures, and ensure compliance with the State's Water Quality Standards program.

The Washington Department of Ecology (Ecology), created in 1970, is the principal environmental management agency in Washington with the primary goals to pre-

vent pollution, clean up pollution and support sustainable communities and natural resources. Under the State Water Pollution Control Act, the agency's Shorelands and Environmental Assistance Program plays the lead role in protecting wetlands. Ecology provides technical assistance and relies on partnerships with other government agencies and communities to facilitate the effective management of these resources. Ecology engages with their partners by reviewing development proposals to ensure proper consideration of potential wetland impacts, aid in developing mitigation policies to offset unavoidable impacts, and provide support in obtaining funding for wetland conservation projects. Through WPDG funding, the development of such tools, resources and guidance encourages collaboration when establishing the existence (location) and physical limits (size) of a wetland in accordance with federal, State, and local regulatory standards.

FY 25 APPROPRIATIONS REQUEST

Funding under the WPDG program has been flat for more than a decade, maintained at approximately \$14.5 million per year. When adjusted for inflation, FY23 funding levels are at a 22% reduction from 10 years ago. Increasing funding for wetland conservation efforts can help reverse wetland loss trends and help meet the unmet demand for wetland conservation, given that all existing Federal wetland programs are oversubscribed without enough funding to address the backlog of wetland conservation projects seeking funding. Finally, States, local governments, and Tribes play an essential role in developing and implementing innovative wetland conservation strategies, such as the development of wetland ecosystem markets. Through these trading programs, wetland ecosystem markets have provided multiple benefits to landowners, while reducing water treatment costs for utilities.

Table 1, EPA Wetlands Grant Programs, includes the appropriations enacted from FY22–FY24 and the requested funding for FY25 to allow the program to continue fostering collaborative approaches taken by diverse applicants to protect and conserve our Nation's wetlands.

TABLE 1
EPA WETLANDS GRANT PROGRAMS

Grant	Statutory Authority	Program Area	FY22*	FY23*	FY24*	FY25* Admin Request	FY25* Conservation Request
Wetlands Program Development Grants ..	FWPCA, as amended, Section 104 (b)(3)	Categorical Grants, State and Tribal Assistance Grants	\$14,192	\$14,692	\$14,104	\$22,000	\$30,000

Note: *Funding amounts have been provided in millions.

Eligible recipients include States, Local Governments, Tribes, Interstate Organizations, InterTribal Consortia, Non-Profit Organizations to develop new wetland programs or enhance existing programs for the protection, management, and restoration of wetland resources.

Source: EPA FY 2025 Congressional Justification

REPORT LANGUAGE REQUEST

Currently, the Environmental Protection Agency interprets WPDG funding to be limited to the development of wetland conservation programs, although authorization of the Clean Water Act provision section 104(b)(3) is silent on whether funds can be used for program implementation. Given the limited capacity and resources within state, Tribal, and local governments, a lack of implementation support is a significant challenge in transitioning from program development to on-the-ground results. As such, we respectfully request that the following report language be included in the FY25 Interior, Environment, and Related Agencies appropriations bill.

“Categorical Grant: Wetland Program Development Grant.—The Committee recognizes the importance of the Wetland Program Development Grant Program in aiding States, Tribes, and local governments in developing efforts to protect, restore, and manage wetlands and aquatic resources to mitigate the impacts of natural disasters such as flooding, enhancing drinking water quality, and benefiting fish and wildlife. The bill clarifies Congressional intent that funding provided through the Wetland Program Development

Grant, authorized through Section 104(b)(3) of the Clean Water Act, can be used to develop new or refine existing State and Tribal wetland and aquatic resource programs, as well as the implementation of these programs.”

We urge you to prioritize increased funding for wetlands programs in the Fiscal Year 2025 appropriations bill. Your support in this matter is crucial for safeguarding our wetland ecosystems for future generations of hunters, anglers, and conservationists. We look forward to discussing these recommendations in further detail in support of restoration and conservation funding opportunities.

Thank you for your attention to this critical issue. Please get in touch with Alexander Funk, Director of Water Resources, (afunk@trcp.org) or Elle Benson (lbenson@trcp.org), Rio Grande Program Manager, at the Theodore Roosevelt Conservation Partnership with any questions.

Respectfully,

Alexander Funk
Director of Water Resources and Senior Counsel
Theodore Roosevelt Conservation Partnership

Marla Stelk
Executive Director
National Association of Wetland Managers

Jim Murphy
Senior Director of Legal Advocacy
National Wildlife Federation

[This statement was submitted by Alexander Funk, Director of Water Resources.]

PREPARED STATEMENT OF THE WILDERNESS SOCIETY

Thank you for the opportunity to provide testimony regarding the FY25 Senate Interior Appropriations bill and process. On behalf of our one million members and supporters, The Wilderness Society (TWS) respectfully urges Congress to sufficiently increase funding for the Department of the Interior (DOI) and the US Forest Service (USFS). Budget cuts and spending caps from the Fiscal Responsibility Act are hindering agency capacity to advance commitments to clean energy projects, environmental protections, and environmental justice for all our communities. When adequately funded, these agencies create jobs, foster climate resilience, save taxpayer money, and mitigate costly future harms.

Congress should support the following priorities to address critical programmatic funding needs in any appropriations package/legislation:

BUREAU OF INDIAN AFFAIRS (BIA)

Tribal Land and Water Conservation Fund (LWCF) FY25 Request: at least \$8 million

Tribal Nations and communities continue to highlight barriers to accessing LWCF funding with the existing program requirements to partner with or apply through States. To strengthen Tribal land management, TWS supports significant funding of at least \$8 million to create a new Tribal LWCF land acquisition program. The new program would protect and conserve natural resource areas of cultural importance or that have significant recreational benefits for Tribal Nations and communities.

BUREAU OF LAND MANAGEMENT (BLM)

Cultural Resources Account FY25 Request: at least \$25 million

We urge the subcommittee to provide at least \$25 million for BLM's cultural resources management account to inventory and protect cultural resources, manage paleontological resources, and improve government-to-government consultation with Tribes. We also request the subcommittee include \$1 million specifically for the National Cultural Resources Information Management System (NCRIMS) to support collaboration with Western State Historic Preservation Officers to standardize and integrate cultural resources data.

National Conservation Lands FY25 Request: at least \$78 million

The National Conservation Lands encompass more than 37 million acres of National Monuments, National Conservation Areas (NCAs), the National Trails Sys-

tem, and similar designations, as well as Wilderness and Wilderness Study Areas (WSAs). Further investment is necessary to ensure BLM can properly manage this system of critical landscapes, complete and implement resource management plans, and rebuild staffing needed to do this work.

Oil & Gas Management and Oversight FY25 Request: \$166.9 million, including inspection fees

We support the Administration's request of \$166.9 million to enhance capacity, perform inspections, and implement long-overdue reforms while enabling the continued permitting of renewable energy rights-of-way. TWS particularly supports the agency's proposal to implement inspection fees pursuant to language proposed in the FY23 appropriations bill to cover the costs of BLM's inspection activities—this would better align the onshore program with the offshore program and shift the cost burden of these critical inspections from communities to industry.

Renewable Energy Management Program FY25 Request: \$53.1 million

BLM is working to increase staffing and capacity to prioritize and improve permitting coordination on many utility-scale renewable energy projects. BLM's Renewable Energy Program has been critical to achieving, and exceeding, the statutory goal of permitting 25 gigawatts of renewable energy on public lands by 2025, and full appropriations are critical to meeting, and exceeding, the Administration's goal of carbon pollution-free by 2035.

Resource Management Planning, Assessment, and Monitoring FY25 Request: \$71.6 million

BLM faces a significant backlog of conservation, restoration, and planning needs, and about 80% of BLM's existing resource management plans (RMPs) are outdated or need revision, including:

Alaska: BLM's Alaska Native Claims Settlement Act 17(d)(1) Draft Environmental Impact Statement highlighted substantial deficiencies in the 5 underlying RMPs: Kobuk/Steward, Bay, East, Bering Sea-Western Interior, and Ring of Fire. TWS encourages allocating sufficient funding and resources for BLM's Alaska Office to undertake a programmatic RMP process to correct deficiencies, modernize plans, incorporate Indigenous and traditional knowledge, and make this plan climate ready.

High Divide: Idaho and Montana's High Divide is essential for maintaining continental-scale wildlife connectivity. With over 4 million surface acres managed through the Upper Snake, Challis, Salmon, Dillon, and Butte Field Offices, this region's land use plans have outdated migration data and fail to address wildlife movement, connectivity, and landscape intactness. TWS requests \$5 million additional planning dollars to address habitat connectivity threats and initiate preplanning to revise the Upper Snake and Lemhi RMPs and amend the Challis, Dillon, and Butte RMPs.

Nevada: BLM's Nevada State Office needs continued funding to successfully modernize Nevada's 12 RMPs through a single Environmental Impact Statement. A recent evaluation found planning issues related to cultural, ecological, economic, environmental, resource, scenic, and social values and uses. We request \$15 million be allocated through the appropriations process to continue and complete this effort.

FISH AND WILDLIFE SERVICE (FWS)

National Wildlife Refuge System FY25 Request: at least \$602.3 million for Operations and Maintenance (O&M)

The Refuge System is the largest network of public lands and waters dedicated to wildlife conservation in the world. However, after a decade of underinvestment, inflation, and soaring visitation, \$2.2 billion is needed for O&M. Within that, we request at least \$4.9 million for the Refuge System Conservation Planning line item. Comprehensive Conservation Plans (CCPs) are crucial to the purposes of each refuge unit yet 60% of refuges lack a current CCP.

NATIONAL PARK SERVICE (NPS)

Every Kid Outdoors FY25 Request: \$25 million

Every Kid Outdoors (EKO) provides fourth graders and their families with free access to any national park for an entire year, helping millions of children build lifelong relationships with their public lands. However, the EKO program has never been funded by Congress, leaving EKO unable to reach its full potential of reaching all families.

Outdoor Recreation Legacy Partnership (ORLP) Program FY25 Request: \$125 million

Established by Congress in 2014 and funded through LWCF's State and Local Assistance Program, ORLP is a national competitive grant program that provides funding to urban communities to create new outdoor recreation spaces, reinvigorate existing parks, and forge connections between people and the outdoors in economically underserved communities.

Rivers, Trails, and Conservation Assistance (RTCA) Program FY 24 Request: \$15 million

The RTCA program helps local communities and public land managers develop or restore parks, conservation areas, rivers, and wildlife habitats. The program bolsters community-led conservation and sustainable outdoor recreation projects.

US FOREST SERVICE (USFS)

Capital Improvement and Maintenance—Trails FY25 request: \$21.5 million

Recreational trails are the gateway to a wide range of activities in the National Forests System (NFS). Funding the trails program at this requested level will help to address the agency's significant trail maintenance backlog.

Collaborative Forest Landscape Restoration Program (CFLRP) FY25 request: \$34 million

The CFLRP successfully prioritizes holistic restoration at the landscape scale. Congress should fully fund and expand the CFLRP to increase essential science-based forest restoration projects on public lands.

Forest Inventory and Analysis (FIA) FY25 request: \$32.2 million for program; \$54.9 million for salary and expenses

The FIA's scientific knowledge on the current state of the Nation's forest is critical to support sound policy and forest management decisions. This requested increase reflects the many demands currently placed on the program, despite inadequate resources for implementation.

Joint Fire Sciences Program (JFSP) FY25 request: \$8 million

The JFSP is unique among Federal research programs in its focus on applied fire science through interagency partnerships. Fire and land managers from the Administration identify, with community and collaborator input, the most urgent research needs around fire management. The JFSP competitively solicits the best proposals, and research findings are delivered to fire and land managers and practitioners through the JFSP-funded Fire Science Exchange Network. The JFSP, with only a modest budget, is highly efficient and effective at meeting the needs of fire practitioners.

Land Management Planning, Assessment, and Monitoring FY25 request: \$32 million

One-third of management plans are over 20 years old and cannot provide adequate guidance in the era of climate change and unprecedented biodiversity loss. The 2012 planning rule was meant to speed up planning, engage communities, provide land designation opportunities, promote species recovery, and establish robust monitoring programs. Monitoring is essential to enable adaptive management in the face of changing conditions, but the NFS rarely has the funds needed to conduct adequate monitoring. We ask Congress to include report language that ensures 25% of planning funds is devoted to monitoring.

Legacy Roads and Trails (LRT) FY25 request: \$100 million, including salaries and expenses

The LRT program primarily addresses water quality problems caused by USFS' extensive road and trail network, particularly old logging roads. Decommissioning unneeded roads, restoring fish passage, and providing critically needed maintenance to roads and trails is essential to protecting water quality, recreational opportunities, and economic benefits in our National forests and adjacent communities. Congress should increase funding for ecologically beneficial road improvements and decommissioning.

Recreation, Heritage, and Wilderness FY25 request: \$94.367 million

National Forests and Grasslands provide a great diversity of recreation opportunities, connecting the American public with nature in an unmatched variety of settings and activities. Funding at this level will give the agency the resources needed to continue providing these opportunities.

Research and Development (R&D) Programs FY25 request: \$55 million

Restoring and maintaining healthy ecosystems across NFS lands depends on robust R&D to generate knowledge and technologies that will help protect habitat and recover at-risk species. We ask that the subcommittee also include report language to encourage funding to focus on science foundational to strategies to enhance the resilience of old-growth and mature forests to climate-induced changes in fire behavior.

Watershed Condition Framework (WCF) and Water Source Protection Plans (WSPP) FY25 request: \$30 million each

The WCF identifies and restores priority watersheds across NFS lands, and the WSPP encourages watershed restoration partnerships between the USFS and downstream water users. Increased funding for WCF would allow watersheds that are degraded or at-risk to be returned to a properly functioning condition, while also creating well-paying rural jobs. USFS also lacks funding to work with willing partners, such as water utilities, to fund and implement projects that protect water supplies.

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) IMPLEMENTATION

We ask the Appropriations Committee to provide funding to ensure all agencies adequate capacity to conduct environmental reviews under NEPA. We know that, despite widespread claims, NEPA is not the reason for permitting delays, and a more inclusive and meaningful environmental review process can save time, money, and lead to better decisions. It is therefore critical that agencies receive adequate resources to staff the positions responsible for shepherding the environmental review process.

[This statement was submitted by Lydia Weiss, Senior Director, Government Relations.]

PREPARED STATEMENT OF THE WILDLIFE SOCIETY

The Wildlife Society appreciates the opportunity to provide testimony concerning the FY 2025 budgets for the U.S. Geological Survey (USGS), U.S. Fish and Wildlife Service (FWS), the Bureau of Land Management (BLM), and the U.S. Forest Service (USFS). The Wildlife Society inspires, empowers, and enables wildlife professionals to sustain wildlife populations and their habitat through science-based management and conservation. Founded in 1937, TWS and our network of affiliated chapters and sections represents more than 15,000 professional wildlife biologists, managers, and educators dedicated to excellence in wildlife stewardship. As leaders in wildlife science, management, and conservation, TWS promotes the use of science in all aspects of policy and decision-making. Appropriations for the following programs within the jurisdiction of the subcommittee on Interior, Environment, and Related Agencies will affect current and future status of wildlife and wildlife professionals in North America.

FY 2025 Interior Appropriations Requests—The Wildlife Society

Agency	Program	FY 24 Enacted	FY 25 TWS
USGS	Climate Adaptation Science Centers	63.1 M	69.3 M
	Cooperative Research Units	28.2 M	36 M
	National Wildlife Health Center	—	66 M
USFWS	National Wildlife Refuge System	527 M	602.3 M
	State and Tribal Wildlife Grants	72.4 M	100 M
	Ecological Services	288.3 M	338.2 M
	NMBCA	5 M	10 M
	Partners for Fish and Wildlife	59 M	68.1 M
	Migratory Bird Joint Ventures	16.8 M	25 M

FY 2025 Interior Appropriations Requests—The Wildlife Society—Continued

Agency	Program	FY 24 Enacted	FY 25 TWS
BLM	Wildlife Habitat Management	143 M	153.4 M
USFS	Research and Development programs	300M	315.6 M

U.S. GEOLOGICAL SURVEY (USGS)—ECOSYSTEMS MISSION AREA

The Climate Adaptation Science Centers program addresses evolving challenges posed by climate change on regional wildlife, ecosystems, and community-based stakeholders. Modest budget increases in recent fiscal periods have bolstered the program's ability to swiftly respond to demands and expand its capacity, facilitating proactive engagement of Tribal communities in project design and resource allocation. Nevertheless, funding levels have failed to match identified needs, especially in equipping USGS with adequate resources to effectively convey scientific insights to stakeholders for actionable decision-making based on project outcomes. For FY 2025, we recommend the full realization of the Administration's proposal, reaching no less than \$69.3 million.

Located in Madison, WI, the Survey-wide National Wildlife Health Center is the sole Federal BSL-3 facility dedicated exclusively to scientific inquiry and exploration of wildlife diseases impacting human, animal, and environmental welfare. It is the only national center dedicated to wildlife disease detection, prevention, and control throughout the United States. TWS expresses gratitude to Congress for the allocation of \$55 million in FY 2021 towards phase one enhancements at the Center. However, an estimated \$135 million in no-year funding remains necessary for comprehensive fulfillment of the project. Progress towards modernization is underway at the Center, with contracts already awarded for architectural design and environmental evaluation. Construction is expected to begin in FY27, making FY25 appropriations especially timely. TWS advocates for the appropriation of at least \$66 million for FY 2025, available until fully expended, to allow continued modernization of the Center.

The Cooperative Fish & Wildlife Research Units (CRUs) foster federal, state, non-government organization (NGO), and academic partnerships to provide actionable science tailored to the needs of natural resource managers. This science plays a pivotal role in the implementation of State and Federal management decisions. CRUs are an exemplary model for cooperative natural resource science programming; with the support of collaborators this program leverages an average of three dollars in outside funds for every Federal dollar invested. The Wildlife Society extends appreciation to appropriators for recognizing this critical need and for increased funding allocated in FY 2024. Thanks to support from Congress, Indiana was able to establish the Indiana Cooperative Fish and Wildlife Research Unit hosted by Purdue University. Despite growing interest from other States, limited Federal funding has constrained the expansion of units and continues to result in vacancies at existing units. To address this gap, The Wildlife Society recommends a funding increase to \$36 million in FY 2025, enabling CRUs to capitalize on emerging partnerships and fill vacancies in an effort to meet long-standing commitments.

U.S. FISH AND WILDLIFE SERVICE (USFWS)

With 850 million acres of lands and waters spanning across every U.S. state and territory, the National Wildlife Refuge System (NWRS) plays a key role in conservation of native species and connects Americans to recreation opportunities such as hunting, fishing, hiking, and environmental education. The current NWRS Operations and Maintenance (O&M) budget fails to meet the needs of native species and the American public. In order to effectively conserve species on NWRS lands and align with the multiuse goals of the Refuge System, significant investments in O&M programming are required. Conservation planning, a core O&M subactivity that deals with the creation of multi-stakeholder Comprehensive Conservation Plans for refuge system units, has been chronically underfunded. As a result, 40 percent of these congressionally mandated plans are either out of date or do not exist. The NWRS has lacked funding to meet their own identified needs in bringing diverse audiences into USFWS programming. The Urban Wildlife Program, housed under NWRS O&M, seeks to target USFWS investments to underserved communities to bolster recreational access and conservation outreach. Through the Urban Wildlife Program, and more than 100 refuges located less than 25 miles from a city center,

NWRS is well-positioned to engage diverse constituencies in the conservation of our native species. Unfortunately, NWRS is not able to meet these needs given currently available funding. TWS urges Congress to consider the significant shortcomings of the budget of the National Wildlife Refuge System in FY 2025, and provide at least \$602 million in funding to begin making inroads on adequate visitor services, habitat management activities, and long-term conservation planning.

The State and Tribal Wildlife Grants Program (STWG) is the Nation's only program that encourages development and implementation of State Wildlife Action Plans. Collectively, STWG funds support strong partnerships among federal, state, Tribal, private, and nonprofit entities that enable wildlife professionals to implement on-the-ground conservation activities that benefit over 12,000 at-risk species, with the goal of eliminating the need to list them under the Endangered Species Act. In FY 2010, appropriations were at \$90 million for the program—allowing States to complete more projects deemed necessary for monitoring and management of at-risk species. Subsequent budget reductions in STWG, however, have not allowed this highly successful program to reach its full potential. TWS requests that Congress increase funding for the program to at least \$100 million annually.

Through the Ecological Services Program (ESP), USFWS works with diverse public and private partners to help identify species facing extinction, reduce threats to their populations, and return species back to the public trust responsibilities of States and Tribes. Wildlife professionals in USFWS are working on new strategies to increase efficacy of ESP, though the primary impediment to effectiveness remains inadequate funding. To effectively move species through all components of the ESA listing and delisting process, TWS requests full implementation of the Administration's FY 2025 request of no less than \$338.2 million for all subactivities.

Since 2002, the Neotropical Migratory Bird Conservation Act (NMBCA) has provided more than \$80 million in grants to support 686 projects in 43 countries. These grants have enabled partner entities and wildlife professionals to conserve approximately 400 migratory bird species across more than 5 million acres. Moreover, NMBCA has achieved a partner match ratio of nearly 4:1 despite requiring only a 3:1 match. The needs of U.S. migratory bird species and conservation efforts to keep these species common extends to landscapes far beyond U.S. borders. As a result, TWS recommends Congress increase funding to no less than \$10 million in FY 2025 to achieve greater proactive conservation results under the NMBCA program.

Further promoting USFWS' partnership with non-federal stakeholders is the Partners for Fish and Wildlife Program. This program allows voluntary habitat restoration goals, aligned with identified strategic priorities, on private lands to be achieved through cost-efficient financial and technical assistance. If adequately funded, this program has the potential to serve as a vital tool in implementing private land conservation efforts and proactively conserving at-risk species prior to reaching the point of Endangered Species Act listing. TWS supports an increase in Partners for Fish and Wildlife program funding to no less than \$68.1 million in FY 2025.

The Migratory Bird Joint Ventures (MBJV), part of USFWS' Migratory Bird Management program, are locally-directed partnerships that develop and implement science-based habitat conservation strategies for all species of birds across North America. These partnerships have leveraged Federal funds at 31:1 to enhance and conserve over 27 million acres of avian habitat. The MBJV's Urban Bird Treaties grant program supports partnerships to conserve birds in urban environments by conserving nearby wetlands and creating parks for local communities to learn about wildlife. TWS supports \$25 million in FY 2025 for the Migratory Bird Joint Ventures to enhance and promote the program's highly effective and collaborative partnerships.

BUREAU OF LAND MANAGEMENT (BLM)

The Wildlife Habitat Management program maintains and restores fish, wildlife, and their habitat across a large portion of America's western landscapes. This includes projects to balance effects of multiple public land uses, such as energy development and livestock grazing, with the needs of native species. This program also includes management of approximately 300 listed species under the Endangered Species Act. TWS recommends Congress support the Wildlife Habitat Management program with no less than the Administration request of \$153.4 million in FY 2025.

U.S. FOREST SERVICE (USFS)

Research and Development (R&D) programs within the USFS deliver science and science-based products that improve the health and management of forests and grasslands. These programs assist land managers in developing climate change ad-

aptation and resilience strategies, recovering from wildfire damages, and protecting watersheds and drinking waters. Increased funding for R&D programs is needed to achieve objectives such as better understanding ways to reduce community exposure to wildfires and improving tools to help land managers anticipate and manage for impacts of drought. TWS supports an increase in funding levels to \$315.6 million for USFS R&D programs to ensure the continued delivery of critical new science improving the health and use of our Nation's forests and grasslands.

[This statement was submitted by Ed Arnett, PhD, Chief Executive Officer.]

PREPARED STATEMENT OF WINNEBAGO TRIBE OF NEBRASKA TRIBE

Summary of Budget Requests:

- Bureau of Indian Affairs—Public Safety & Justice—Criminal Investigations and Police Services
- Bureau of Indian Affairs—Public Safety & Justice—Detention/Corrections
- Indian Health Service—Mental Health
- Bureau of Indian Education—Tribal Colleges & Universities
- Bureau of Indian Education—Tribal Colleges Facilities Improvement & Repair

Greetings, Chair Merkley, Ranking Member Murkowski, and Members of the subcommittee on Interior, Environment, and Related Agencies ("Subcommittee"). My name is Victoria Kitcheyan and I have the honor of serving as Chairwoman of the Winnebago Tribe of Nebraska ("Tribe"). Thank you for the opportunity to provide testimony on the Tribe's funding priorities, within the subcommittee's jurisdiction, for Fiscal Year 2025 ("FY25"). My testimony will focus on the need to increase funding for the following programs/accounts: Bureau of Indian Affairs ("BIA"), Public Safety and Justice ("PS&J"); Indian Health Service ("IHS"), Mental Health; and Bureau of Indian Education ("BIE"), Tribal Colleges and Universities ("TCUs").

INCREASE FUNDING FOR BIA PUBLIC SAFETY & JUSTICE

Everyone deserves to feel safe in their community, but that is not the case on many reservations throughout Indian Country, including the Winnebago Reservation. A major factor contributing to this unfortunate circumstance is the chronic underfunding of PS&J programs. Released in February 2024, the BIA's Office of Justice Services' Report to the Congress of Spending Staffing, and Estimated Funding Costs for PS&J Programs in Indian Country ("Report") found that PS&J programs are funded at just under 13% of total need and that an additional 25,655 personnel are required to adequately serve Indian country. The Report also stated that the 2021 unmet PS&J need for Indian country was just over \$3 billion.

The Tribe supports the Interior Department's request of \$651.2 million for Public Safety and Justice (PS&J) operations, which is an increase of \$95.7 million above the 2024 enacted level. However, a drastic funding increase is needed to fill the vast unmet needs for PS&J programs.

CRIMINAL INVESTIGATIONS AND POLICE SERVICES

To counter the steady decline in policing services, the Tribe has been forced to expend limited Tribal resources to perform the BIA's law enforcement functions. The Winnebago Tribal Council is doing all we can to avoid having a community where criminals feel emboldened and Reservation residents feel vulnerable. However, the Federal Government must fulfill its responsibilities to the Tribe.

The BIA law enforcement staffing shortages and the overall insufficient level of police services are longstanding issues on the Winnebago Reservation. In just the last year, there have been multiple times when the BIA Police Department in Winnebago was severely short-staffed for various reasons, such as positions being left unfilled for extended periods, officers detailed to other reservations, and officers on administrative or other leave. In September 2023, BIA District I detailed the current BIA Chief of Police to another jurisdiction for 120 days, leaving the Winnebago Reservation vulnerable. There was no notice to the Winnebago Tribal Council regarding this decision and there was no communication from District I about the rationale. This action resulted in one of the existing officers being appointed as the acting Chief of Police, and no action to backfill this position.

This situation was on the heels of the Tribe having to request that the acting BIA Chief of Police deputize the Tribe's conservation officers due to dangerously low law enforcement coverage on the Reservation. As a result of the BIA's failure to provide sufficient law enforcement staffing, the Winnebago Police Department has become

overly reliant on Tribal police officers and Tribal conservation officers. These officers, as well as law enforcement support staff, are paid entirely from Tribal resources.

The Tribe supports the Interior Department's request for a \$41.9 million program increase for Criminal Investigations and Police Services, which includes \$33.5 million specifically targeted to increase the number of officers and investigators on the ground in Indian Country.

DETENTION/CORRECTIONS

The lack of adult and juvenile detention facilities at Winnebago is further contributing to our serious public safety concerns. The closest adult detention facilities are located at the Omaha Tribe's Reservation, which is 11 miles away, and Thurston County, which is 20 miles away. However, the BIA often does not have an active contract with those facilities, or those facilities do not have availability. As a result, detainees are sent to the closest BIA facility with availability. The closest one is the BIA Corrections Yankton Sioux Agency in Wagner, SD, which is 122 miles away, and takes over 2 hours to travel one way.

Turning to juvenile detention, the BIA Chief of Police recently informed the Tribe that several juvenile detainees would have to be housed at the Tribe's Youth Crisis Intervention Center ("Center"). The Center is not equipped to provide housing for juveniles who require secure detention for extended periods. We are forced to resort to these measures because the closest BIA juvenile facility is 450 miles away in Standing Rock, North Dakota which is a 7-hour drive from Winnebago.

The Tribe needs the BIA to do a better job of ensuring that there are active contracts with detention facilities near the reservation. Therefore, we support the Interior Department's request for a \$20 million increase for Detention and Corrections programs.

INCREASE FUNDING FOR INDIAN HEALTH SERVICE—MENTAL HEALTH

There is a mental health crisis across the Nation, and it is no different in Indian Country. However, Tribal members in Indian Country who are in crisis often face an additional burden in receiving necessary and life-saving treatment outside of the reservation. The Tribe's Twelve Clans Unity Hospital is not able to provide the necessary treatment for these mental health crises. Therefore, like many other rural hospitals and emergency departments, treatment is sought elsewhere at locations that are equipped to handle these emergency situations.

The Tribe recently worked to enact legislation in the State of Nebraska ("State") that provides for the recognition of Tribal mental health commitment orders and for the transportation of and commitment of persons civilly committed under Tribal law. This newly enacted Nebraska law will help facilitate critical, timely evaluation and care of behavioral health patients; eliminate inefficient jurisdictional bottlenecks when attempting to find placement and effectuate timely transportation to treatment facilities; and provide for cooperation between Tribal and non-Tribal medical facilities and law enforcement agencies.

Now that the State acknowledges Tribal commitment orders, our Federal partners can no longer skirt their responsibility to provide and bear the financial cost for the healthcare of Tribal individuals as the Eighth Circuit Court of Appeals ("Eighth Circuit") has clearly laid out in *White v. Califano* ("Califano"). As a result of that case, the Great Plains Area administers an involuntary civil commitment program ("Califano Program") to pay hospital charges for American Indians who require involuntary psychiatric hospitalization, usually for short stays of one week or less.

The IHS has stated that the Califano ruling is an exception to the IHS policy regarding payment of involuntary commitments and that upon a State's request, it will pay for services provided by the state to involuntarily committed Indians who reside on reservations, over which the state has not assumed civil jurisdiction, but only in those midwestern States covered by the Califano decision. Although the Califano case applies to the entire 8th circuit, the Winnebago and other Tribes in Nebraska have never had access to the funding appropriated by Congress in response to this case.

The Tribe urges the subcommittee to increase funding for Mental Health and clarify that all Tribes in the Eighth Circuit are eligible for the Califano Program.

INCREASE FUNDING FOR BUREAU OF INDIAN EDUCATION

TRIBAL COLLEGES & UNIVERSITIES

Little Priest Tribal College ("LPTC") was established as an educational institution by the Winnebago Tribe to fulfill the goal of its namesake, Chief Little Priest, "Be

Strong and Educate My Children.” Its major focus is to provide a 2-year associate degree and certification and prepare students to transfer and successfully complete a major at a 4-year institution. Another equally important part of the college’s mission is to provide Ho-Chunk language and culture classes as well as provide training opportunities for upgrading job skills and improving employment opportunities.

In the last 4 years the college’s enrollment has almost doubled. The current spring enrollment is 209, which is the highest enrollment ever in a spring semester. The college also has doubled the number of programs from 6 to 12 in the last 4 years. Also, last year, the college celebrated the highest graduating group. To allow for LPTC’s continued growth and positive impact on the community, the Tribe urges the subcommittee to increase funding for Tribal Colleges and Universities.

TRIBAL COLLEGES FACILITIES IMPROVEMENT & REPAIR

Many LPTC buildings are 20 to 70 years old and in need of improvements and/or repair. Funding for large, deferred maintenance projects is needed for the Library and Museum/Student Services Building, Food Service Building, and Administration Building, which was built in 1954. In addition, funding is needed to address overcrowded classrooms, limited housing, and lack of office space. Funding is also needed for LPTC to implement its Master Plan that would expand the campus onto an adjacent 10-acre site. Five new buildings are planned at an estimated total cost of \$60 million. Planned buildings include Career & Technology Education Building, Cultural & Student Center, Dormitory, Wellness Center, and Day Care Center.

LPTC is thankful for recent Facilities Improvement & Repair funds that have enabled the College to respond quickly to routine repairs and maintenance. LPTC has also been able to use Federal COVID funds to begin the construction of a new Science building that will provide modern lab facilities for the new Biology and Chemistry programs. The Tribe urges the subcommittee to increase funding for Tribal Colleges Facilities Improvement & Repair.

The Winnebago Tribe appreciates the opportunity to share its Fiscal Year 2025 funding priorities with the subcommittee.

[This statement was submitted by Victoria Kitcheyan, Winnebago Tribe of Nebraska.]

PREPARED STATEMENT OF THE YAKAMA NATION

Chair Merkley, Ranking Member Murkowski and distinguished members of the Senate Appropriations subcommittee on the Interior, Environment and Related Agencies, I submit this testimony on behalf of the Confederated Tribes and Bands of the Yakama Nation (“Yakama Nation”). The Yakama Nation is an inherently sovereign Native Nation with reserved rights and privileges pursuant the 1855 Treaty between the United States and the Yakamas (“Treaty”).¹ A Federal treaty is considered the supreme Law of the Land under the U.S. Constitution.² Pursuant to its status as a sovereign Native Nation and its Treaty-reserved authority, Yakama Nation protects all of the natural and cultural resources in Yakama Nation’s Treaty-territory and provides for the health, safety, and welfare of the more than 11,000 enrolled Yakama Members. The United States has a duty to provide for the services set forth below.

APPRAISAL BACKLOG—‘COBELL’ PART TWO FOR PROBATE & LEASING (BIA).

The Yakama Nation Appraisals Program lacks sufficient resources to effectively manage an unwieldy appraisal workload. The Yakama Nation Appraisals Program is a Federal trust function administered through Federal contracts pursuant to Public Law 93-638, Indian Self-Determination and Education Assistance Act (“ISDEAA”). The Federal Appraisal and Valuation Services Office (“AVSO”), like many ISDEAA contracts carried out by the Yakama Nation, is “638ed” for the Tribal government to carry-out necessary Federal functions. The 638 contracts typically establish an organizational framework and performance standards, and are supposed to provide enough funding for the contracted Tribal department to perform the contracted Federal function. There are currently around 500 individual probates pending at Yakama that will likely require 1,500 to 2,000 appraisals. Today, current funding levels only provide for a single full-time appraiser whose workload is driven by requests made through offices operating under the Bureau of Indian Affairs (“BIA”).

¹ See Treaty with the Yakamas, U.S.—Yakama Nation, June 9, 1855, 12 Stat. 951.

² See U.S. Const. art. VI, cl. 2.

Appraisals are critical to many Federal functions, including probate, leasing, and trust transactions. In probate, without timely appraisals, heirs are left to wait for years until an appraisal is prepared and approved for use by the court. The Yakama Nation has engaged with AVSO in government-to-government consultation and initiated the process of developing the model for standardized mass appraisals. Mass appraisals will accelerate the completion and approval of appraisals, but only to the extent there is sufficient staffing; success depends on funding for additional appraiser training, and funding for additional appraisal staff.

IN-PATIENT TREATMENT CENTER (INDIAN HEALTH SERVICES).

On the Yakama Reservation, the opioid epidemic has had a profound impact, exacerbating existing social and health disparities among Yakama and non-Yakama Tribal members. The misuse of opioids has led to increased rates of addiction, substance abuse disorders, mental health issues, and social instability within the community. Additionally, barriers to accessing culturally appropriate and comprehensive addiction treatment services have hindered efforts to address the crisis effectively.

There is a dire need for facilities in the Central Washington region that can ensure a safe detoxification process through medical supervision and withdrawal symptom management. County jails are becoming the de facto holding facilities to address substance addicted and housing-insecure populations on the Yakama Reservation and nearby trust lands. The Indian Health Services needs to be authorized and funded to implement initiatives dedicated to addressing the opioid epidemic and improving healthcare services on the reservation.

NECESSARY PUBLIC SAFETY & LAW ENFORCEMENT FUNDING (BIA-OJS).

The Yakama Nation has roughly a quarter of the officers needed to protect communities that reside within the largest Treaty Reservation in Washington State. The Yakama Nation Police Department (“YNPD”) is 638ed under the BIA Office of Justice Services (“OJS”). That 638 contract currently funds 20 patrol officers for the 1.4-million-acre Yakama Reservation.

The Yakama Nation has experienced an increase in violent crime and property crimes and has the highest occurrence of Missing and Murdered Indigenous Women/People in the region. The alarming rise in Latin American based gang and cartel-related drug activities is terrifying and the fentanyl epidemic plagues our Reservation communities. There are simply not enough law enforcement resources to meet our public safety needs. The Federal 638 contract has been flat for the past two decades, despite requests even for staying consistent with inflation.

The YNPD needs more officers and more equipment. The region needs better public safety infrastructure to execute investigations and provide evidence for criminal prosecution. The OJS has their hands tied by budgetary constraints. The YNPD has had to figure out how to do more with less, year after year for decades. We need more law enforcement funding. We can no longer legitimately ask our People for patience when they reasonably demand public safety.

TREATY RESOURCES: COLUMBIA BASIN RESTORATION INITIATIVE (CEQ/BIA).

The Columbia River salmon fishery, Steelhead, Chinook, Sockeye, and Coho populations, are in jeopardy—for four decades the recovery funding has failed to keep pace with the required mitigation for the salmon lost each year to the hydroelectric system. Fishery returns have never come close to a Federal goal of 5 million salmon returning each year, the hydroelectric system continues to kill 5–11 million salmon per year, and the United States continues to fail its obligation to the Yakama Nation for 50% of the Treaty-era fishery harvest.

The Yakama Nation’s 638 contract funding levels for fish and wildlife programs need to increase inflation rates to ensure Treaty-resource protection. Salmon are experiencing additional climate change pressure, warmer water temperatures, and drought-level water levels in the rivers and streams. The Yakama Nation’s tireless work cannot reverse the effects of the Federal hydroelectric system’s annual unmitigated fish kill and its \$1 billion backlog in unfunded fish mitigation infrastructure, including but not limited to: hatchery projects; restoration work; and fish passage on the Columbia River and all of its tributaries.

The Yakama Nation’s fish and wildlife programs are also facing human resources challenges as intergovernmental efforts with Federal agencies, States, and Tribes continue to grow and as regional fish restoration efforts expand in scope to include energy, water, transportation, and recreation. Yakama Nation’s 638ed contract is inadequate to recruit additional personnel and expertise to address intergovernmental efforts and regional needs.

The Council on Environmental Quality (“CEQ”) and BIA need to exert their authority and funding to meet regional goals including the Columbia Basin Restoration Initiative. The Yakama Nation requests appropriations for the BIA grant and litigation support programs, and the Pacific Salmon Treaty program funding. The Yakama Nation further requests allocations for fish passages at hatcheries, like the critical Cle Elum hatchery. Congress needs a plan to fund the billion-dollar backlog to keep its Treaty-promises.

DEGRADED IN-LIEU & TREATY FISHING ACCESS SITES

The Federal management of In-Lieu and Treaty Fishing Access Sites (“Sites”) (see PL 116–99 and 25 CFR part 248) has been historically deplorable. More than \$40 million is needed to address the list of repairs that must be completed across various Sites to maintain public safety, sanitation, and Site access. These Sites host year-round residents, families, and children.

The Yakama Nation has Treaty-reserved rights to fish the banks of the lower Columbia River at all usual and accustomed fishing areas. The U.S. broke this Treaty-promise with the construction of the Bonneville Dam (1938), the Dalles Dam (1957), and the John Day Dam (1971), each inundating traditional villages and countless usual and accustomed fishing places. In response to these Treaty-breaches the Site improvements were made “to provide access to usual and accustomed fishing areas and ancillary fishing facilities” for Yakama People.

Operation and maintenance of the 28 Sites is 638 contracted with the Columbia River Inter-Tribal Fish Commission (“CRITFC”) to address infrastructure repairs, sanitation and safety needs, and property improvements. The Sites need improvement funding from Congress to ongoing operation and improvement obligations.

ALTERNATIVE FORESTRY HARVEST EQUIPMENT (DEPTS. OF INTERIOR & AGRICULTURE)

The Yakama Reservation encompasses the eastern slopes of the Cascade Mountains and a 650,000-acre forest. Federal forest practices and climate change have worsened the risk of insects, disease, and catastrophic fire in the Yakama Forest. Yakama Nation maintains a sustainable approach to forest management that addresses the needs of our resources and people. Steep slope harvesting is backlogged due to the limited availability of logging equipment.

Due to the complexity associated with steep slope logging in the Yakama forest, the Yakama Nation is pursuing the acquisition of logging equipment to address the Yakama Forest backlog and reduce potential impacts of extreme wildfire risk. One specialized yarder equipment can treat approximately 1,000 acres a year. Support the Yakama Nation’s alternative forestry harvest plan and help put the Yakama forest back to work.

FOREST MISMANAGEMENT—A DIRECT FEDERAL DUTY (BIA)

Last year the BIA only completed one (1) timber sale from the Yakama Forest. Under the National Indian Forest Resource Management Act and implementing regulations, express trust duties were established for Federal management of Indian forests. The BIA Forestry Program at the Yakama Agency has failed to hire many dozens of vacant forestry positions for more than a decade. In 2014, the BIA Director identified that BIA Forestry at the Yakama Agency is, in his words, “on the verge of collapse.”

The BIA is functionally abrogating its direct services obligation through its gross mismanagement. The Forestry program has nearly stopped functioning altogether, and the U.S. is forcing the Yakama Nation to accept lost revenue through sheer neglect. This is a dramatic breach of the United States’ trust obligations established by Treaty, statute, and regulation. Congress needs to fund maintenance and staffing consistent with the Federal obligation.

Forest mismanagement has put Yakama Member-owned logging companies out of business. The Yakama Nation’s commercial mill can no longer sustain itself on timber harvested from the Yakama Nation’s own forest—threatening over 200 Yakama Member-held jobs. Yakama Members are losing the trust revenues that they should be receiving from a viable timber economy. Increase the resources available to the BIA to ensure that Federal direct service programs are able to meet Federal obligations to the Yakama Nation.

WATER RESOURCES AND IRRIGATION (BIA)

The BIA has systematically decreased its support for natural resource management; core functions such as water measurement, crop reporting, and Wapato Irrigation Project (“WIP”) maintenance have been underfunded to the point of system

failure. The gross underfunding over the last 100 years has resulted in a shocking breach of the Federal Trust responsibility.

The Yakama Nation is committed to water management and restoration of instream flows on the Yakama Reservation, including a conservation effort of 165,000 acre-feet of water through the modernization of WIP. The total price tag for modernization of WIP is between \$165 million and \$200 million. Providing this and other natural resource funding is a step towards fulfilling the United States Government's trust responsibilities.

TRIBAL SCHOOL CONSTRUCTION (BIE)

The Yakama Nation Tribal School is a nearly 70-year old dilapidated facility and is evaluated in "poor" condition by the BIE's Facility Condition Index, yet under the available and projected BIE construction funding, the timeline for a new school facility is waitlisted for 25—30 years. The Yakama Nation cannot wait decades for a safe educational environment. The BIE school replacement funding needs a significant increase to address the more than 80 Tribal schools ranked in 'poor' condition and authority needs to be provided so that the BIE can prioritize construction projects with matching funding, which will save money overall and redress this breach of duty faster.

[This statement was submitted by Gerald Lewis, Chairman, Yakama Nation Tribal Council.]

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