

U.S. House of Representatives
Committee on Natural Resources
Washington, DC 20515

April 25, 2023

The Honorable Deb Haaland
Secretary
US Department of the Interior
1849 C St. NW
Washington, DC 20240

Dear Secretary Haaland:

Thank you for appearing before the Committee on Natural Resources at an oversight hearing on Wednesday, April 19, 2023, to present testimony at a hearing titled "*Examining the President's FY 2024 Budget Request for the Department of the Interior.*"

Your testimony was extremely helpful in defining the Committee's understanding of the issue and I appreciate the effort you took to prepare and present your testimony. While many questions were asked during the hearing, the Committee has additional questions, attached, for your reply.

Please forward your responses to Sophia Varnasidis, Director of Legislative Operations, Committee on Natural Resources at sophia@mail.house.gov by Tuesday, May 9, 2023. Your assistance in meeting this deadline is requested, as failure to meet it will be noted in the printed transcript.

Once again, thank you for your extensive effort in making this a valuable hearing.

Sincerely,



Bruce Westerman
Chairman

Enclosure

Committee on Natural Resources
Oversight Hearing
1324 Longworth House Office Building
April 19, 2023
10:00AM

"Examining the President's FY 2024 Budget Request for the Department of the Interior"

Questions from Rep. Westerman for The Hon. Deb Haaland, Secretary of the Department of the Interior.

BLM's Proposed Rule on Conservation and Landscape Health

1. In the recently published Conservation and Landscape Health proposed rule, BLM has two statements that appear to contradict each other. The proposal says conservation leases are "not intended to provide a mechanism for precluding other uses, such as grazing, mining and recreation. Conservation leases should not disturb existing authorizations, valid existing rights, or state or Tribal land use management." The proposal also says that once a lease has been issued, the "BLM shall not authorize any other uses of the leased lands that are inconsistent with the authorized conservation use."
 - a. Will conservation leases be in addition to other leases or issued in a way excluding other uses of the land?
 - b. How will BLM determine lands eligible for a conservation lease?
 - c. What will take priority if conservation leases overlap with other possible land use, such as the potential for oil and gas development leases or areas for timber or grazing?
2. The Inflation Reduction Act provided \$500 million for NPS and BLM for conservation, resiliency, and restoration projects. Recently, your staff briefed my staff on the implementation of this funding. The NPS and BLM are carrying out landscape sized projects to restore and conserve land, including post fire work. DOI confirmed their ability to carry out this conservation work without the need for any new rules, regulations, or authority. Why is the BLM pushing forward a proposed rule focusing on conservation and creating conservation leases when conservation work has been ongoing without such a rule?
3. How does the BLM statutorily justify the addition of a "conservation lease" and giving this designation an equal standing as other uses defined within FLPMA while maintaining the requirements of FLPMA's multiple-use and sustained-yield framework?

4. Is the overall intent of this proposed rule to reduce the acreage available for FLPMA mandated uses just as grazing, energy development and transmission?
5. How much staff time was used to write the recent proposed rule on conservation and landscape health?
6. How many taxpayer funds were used to write the recent proposed rule on conservation and landscape health?
7. Everything this rule allows BLM to do, they can already do.
 - a. Why spend staff time, resources, and taxpayer funds to create a rule that provides no new authority to do things already being done?
 - b. If you can implement conservation practices through other means, why is this necessary unless you are trying to retire multiple use through the back door?
8. How will the BLM evaluate and manage the conservation efforts that are laid out in the proposed rule? Will this process be done through RMPs and various land management plans, as prescribed by FLPMA, currently governing public land use?
9. It is clear BLM is already engaging in meaningful conservation work through stewardship agreements and other activities.
 - a. How many BLM acres have been conserved, restored, or treated with mitigation measures each year in the past 10 years?
 - b. How many acres does BLM expect this new proposed rule would include?
10. The recent proposed rule on conservation and landscape health defines conservation as "meaning maintaining resilient, functioning ecosystems by protecting or restoring natural habitats and ecological function."
 - a. Will you provide any other definitions of "conservation" used by BLM?
 - b. How much BLM land is currently considered "conserved" by BLM's proposed definition in this rule?
11. How many ACECs have been designated each year for the past 10 years?
12. How many acres have been designated as ACECs each year for the past 10 years?
13. Currently, ACECs can be nominated by anyone who believes an area is special enough to be protected. The agency's website says that these nominations are then "evaluated through... extensive public involvement" yet the proposed rule removes

the requirement to publish the opportunity for comment in the Federal Register. How will the agency take into account the public and local communities' input if the public comment period is removed?

14. In the recent proposed rule, the agency states, "...public lands are increasingly degraded and fragmented due to adverse impacts from climate change and a significant increase in authorized use."
 - a. How has climate change led to fragmented lands?
 - b. What is the agency referencing as "authorized use"?
15. In the briefing BLM staff provided Congress last week, they made it clear that grazing is compatible with conservation. How will the BLM proposed rule ensure grazing is not disturbed, displaced, cancelled, or otherwise impacted by any conservation leasing system?
16. During the hearing, Representative Lee wanted certainty that the BLM's proposed rule would not hinder renewable energy projects on BLM land. You responded, "Conservation and clean energy go hand in hand on BLM lands" and assured the proposed rule would not slow down these projects.
 - a. How will you measure the conservation factor of different types of energy and mineral production?
 - b. If conservation is purported to go hand in hand with clean energy – such as large-scale solar projects that can cover large swaths of land and prevent grass and trees from growing, would conservation then go hand in hand with conventional energy projects that have minimal surface area disruption?
 - c. While you said that the rule would not slow down renewable energy projects, would renewable energy projects be able to move forward on lands included in a conservation lease?
17. In developing the BLM's proposed rule, what stakeholders did you consult – such as existing leaseholders, stakeholders, state and local BLM staff, and state and local governments?
18. Will you commit to hosting multiple in person stakeholder sessions where BLM can hear from those impacted by this proposed rule?
19. Sadly, we see BLM has often failed to maintain healthy landscapes across much of the west. Areas are overrun and destroyed by wild horses and burros. Lack of active management on our timber and grasslands has led to catastrophic wildfires. The inability to actively manage lands has only furthered invasive species. These examples are the responsibility of the BLM and cannot be attributed to other

multiple uses. How would this proposal help BLM be a better steward of places like overstocked Herd Management Areas and overgrown, wildfire prone areas?

20. Will those that secure a conservation lease insist that after they have paid money to acquire these leases that they remain in conservation status in perpetuity, even after the initial 10-year lease?
21. If an oil and gas lessee is paying to produce energy with a royalty to the taxpayer and a solar right of way holder is paying rent to produce energy, is a prospective conservation lease holder paying to retire the land from multiple use?
22. Could BLM issue a conservation lease on surface estate when an oil and gas developer has leased the minerals below that surface?
23. Would an oil and gas company have to obtain a conservation lease or compensatory mitigation to develop minerals already leased below the surface?
24. If conservation use is to be on equal footing as other uses, why does the proposed rule state that the authorized officers will seek to prioritize actions that conserve (6102.1(b))?
25. Can you commit that the compensatory mitigation procedures outlined in the proposed rule would not be utilized with any existing lease holder, such as a company that holds an oil and gas lease? Can you commit to the Committee that your proposal would only be for future leaseholders, not those currently holding a lease?
26. Is active forest management consistent with the BLM's definition of "conservation", as proposed in this rule?
27. Can the Department commit that this rule will not affect the ability of the agency to manage its lands to reduce hazardous fuels to respond to wildfire, insects, disease, drought, and/or overstocked and unhealthy forests or rangelands?
28. Is the Department considering placing any restrictions on the management of "old growth and mature forests" as part of this rulemaking?

Southern Border

29. How much of the southern border is DOI land?
30. How are you prioritizing Southern Border Fuels Management Initiative projects? How much land has been treated so far and how much land is anticipated to be treated?

31. Federal lands along the border are specifically targeted by criminals, drug smugglers, and human traffickers because they are remote, uninhabited, and less frequently patrolled. There are devastating environmental consequences of illegal immigration. Illegal immigrants leave behind trash, including human waste, medical products, abandoned vehicles, and plastic. What is the Department's commitment to ensuring the safety and conservation of federal land at the southern border?
32. Has DOI conducted an estimate of how much money Mexican drug cartels are making annually as a result of illegal cannabis growth on DOI lands?
33. What is the effect of illegal methamphetamine production and marijuana cultivation on threatened and endangered species and critical habitat?
34. Does DOI have an estimate of how many new illegal methamphetamine production and marijuana cultivation sites are established each year on DOI lands? Approximately how many sites are going undetected annually?
35. Please provide the following information for illegal methamphetamine production and marijuana cultivation sites addressed by DOI staff and partners each year over the 2000-2022 period:
 - a. The number of illegal sites identified.
 - b. The DOI units where illegal cultivation sites were identified (delineated by bureau and individual unit).
 - c. The states where illegal cultivation sites were identified on DOI lands.
 - d. The pounds of trash removed.
 - e. The miles of plastic irrigation line removed.
 - f. The number of containers of banned and illegal pesticides removed.
 - g. The gallons of water diverted as a result of illegal sites.
 - h. The value of illegal marijuana seized from illegal cultivation sites.
 - i. The value of illegal methamphetamines seized from illegal sites.
 - j. The number of illegal cannabis plants removed.
 - k. The total amount of money spent addressing illegal sites.
 - l. The number of arrests made in connection with illegal methamphetamine production or marijuana cultivation on DOI lands.

30x30/"America the Beautiful"

36. The FY 2024 budget for the Department of the Interior continues to support the 30 by 30 Initiative, which seeks to "conserve" 30 percent of lands and waters by 2030.

- a. Since we are now 3 years into the implementation of this Initiative, can you please tell the Committee the baseline metrics for how many acres of land and water are considered "conserved" right now?
- b. Since DOI began implementing the 30 by 30 Initiative, how many new acres of land and water are considered "conserved"? Please provide locations for any such acres and information on what actions transitioned those acres from not conserved to conserved.
- c. Is DOI currently counting private lands towards the 30 by 30 goal?
- d. Does the administration plan to in the future count private lands towards the 30 by 30 goal?
- e. How does DOI define "conservation" for the purposes of 30 by 30?
- f. How does DOI define "restoration" for the purposes of 30 by 30?
- g. How does DOI define "30 percent of lands and waters" for the purposes of 30 by 30?
- h. How does DOI define "equitable access" for the purposes of 30 by 30?
- i. How does DOI define "underserved communities" for the purposes of 30 by 30?
- j. Can DOI please provide examples of what is and is not considered "conservation" for the purposes of 30 by 30?
- k. Over 1 year ago, the administration announced the \$1 billion "America the Beautiful Challenge" Fund with only \$440 million in identified funding. Yes or no, will DOI use any taxpayer resources to back fill the remaining \$560 million that have not been identified yet for this Fund?
- l. Please explain the methodology and criteria for how projects are selected for funding under the America the Beautiful Challenge Fund.
- m. Is DOI requesting any funds in its FY 2024 budget that it plans to use or transfer to support the America the Beautiful Challenge Fund? If yes, please provide the amounts and accounts DOI is proposing this money come from.

- n. Can funds from the America the Beautiful Challenge Fund provided by DOI be used by a recipient to fund projects that acquire new federal land?
- o. Can funds from the America the Beautiful Challenge Fund provided by DOI be used by a recipient to cover the costs of litigation in which the recipient is suing the federal government?
- p. Can funds from the America the Beautiful Challenge Fund provided by DOI be sent to a recipient who is under active investigation by Congress?
- q. Can funds from the America the Beautiful Challenge Fund provided by DOI be sent to a recipient with a history of human rights abuses?
- r. Can funds from the America the Beautiful Challenge Fund provided by DOI be sent to a recipient who also accepts funds from a hostile foreign nation?
- s. What procedures has DOI put into place to monitor waste, fraud, and abuse of funding it provides to the America the Beautiful Challenge Fund?
- t. Are national monument designations under the Antiquities Act of 1906 consistent with the principals of 30 by 30?
- u. Are wilderness areas consistent with the principals of 30 by 30?
- v. Are mineral withdrawals consistent with the principals of 30 by 30?

Wildlife Corridors

37. On March 21, the Council on Environmental Quality released new "Guidance for Federal Departments and Agencies on Ecological Connectivity and Wildlife Corridors." The guidance document shows your office – the Office of the Secretary of the Interior - as well as the Fish and Wildlife Service, were part of the interagency working group developing the guidance. You have been aware of this forthcoming direction from the White House.

- a. How is the implementation of this guidance reflected in the DOI's budget submission for FY24?
- b. If it is not reflected in your budget, how will it impact the budget request you submitted?

Energy and Mineral Development

38. For the last year, President Biden and Secretary Granholm have called on the oil and gas industry to increase U.S. production to help meet U.S. and global demand and both have acknowledged that oil and gas will be needed for decades to come.

- a. Do you agree with President Biden and Secretary Granholm that oil and gas will be needed for decades to come?
 - b. What are you doing to resume regular lease sales and expedite permitting timelines to increase U.S. production?
 - c. Have you met with Secretary Granholm and/or the White House to develop an energy plan to increase oil and gas production to and reduce gasoline and utility prices for American families?
39. Congress gave the BLM the ability to save the agency time and resources by Section 390 of the Energy Policy Act by allowing for full compliance with NEPA by categorically excluding from redundant analysis those areas that met certain agreed upon requirements. Can you provide the amount of Applications for Permit to Drill (APDs) (broken out by Field Office) over the last 5 years that have benefitted from the use of the statutorily authorized categorical exclusions under Section 390?
40. Can you speak to the Bureau's process and analysis for evaluating the current number of active or pending APDs to permitting staff ratios, and the process for ensuring that staffing numbers remain in parity with application volumes?
41. The Energy Policy Act of 2005 and more specifically, the BLM's Onshore Order No. 1, require DOI to approve or deny an APD within 30 days upon receipt of a complete APD package or defer the decision and list the actions needed for approval; however, the current review process frequently requires many months if not multiple years.
- a. What percentage of APDs has BLM approved within 30 days of receipt under this administration?
 - b. What is currently the reported BLM backlog of unprocessed APDs? Please provide a record of this by State Office, along with trends of such permit backlog over the past two Administrations.
 - c. What is the current APD issuance average timeline by Field Office?
42. The BLM recently released its oil and gas statistics and within that data it states that in 2022 BLM waited on operators for an average of 162 days. Can you define what is categorized as "waiting on an operator" and whether court delays or other matters outside of an operators control are included within this number?
43. The BLM and the EPA both recently issued regulations related to methane. These complex and lengthy rules have potential regulatory overlap, and the same industries were asked to assess these rules simultaneously with some public meetings even occurring at the same times. Why did the Department choose not to

extend the comment period for the BLM's "Waste Prevention, Production Subject to Royalties, and Resource Conservation" Rule?

44. In BLM's "Waste Prevention, Production Subject to Royalties, and Resource Conservation" Rule and EPA's NSPS 0000b/c Rule, both agencies are both proposing similar requirements in some cases. Not only does it create duplicative requirements on the same facilities AND for the same purposes, but also in the cost-benefit analysis each agency is claiming the same emission reduction and benefits of the same action occurring (i.e. double counting). Can you explain how BLM is expecting emission reduction if the EPA rule already requires the same action occur?

45. In regards to certain permits to drill:

- a. Why is the BLM not issuing permits to drill on the 3,300 valid leases sold between February 2015 and December 2020 after the settlement agreement issued by Judge Contreras' court, as allowed by such agreement?
- b. The court has never vacated these leases and there are no legal restrictions on issuing permits. Can you please provide this Committee with a State-by-State breakdown of how many permits are currently deferred due to this litigation?

46. When will the Supplemental Environmental Assessment Analysis for Greenhouse Gas Emissions Related to Oil and Gas Leasing in Seven States from February 2015 to December 2020; DOI-BLM-WO-3100-2023-0001-EA be complete?

47. With regard to the Expression of Interest provisions in the IRA:

- a. How does the DOI plan to spend money associated with the Expression of Interest provisions contained in the Inflation Reduction Act?
- b. Is there a plan to refund the EOI fees if multiple companies submitted EOI fees, and one of those companies lost in a multi-bidder scenario? If not, what is the plan for those funds?

48. BLM's APD reports are missing for October and November 2022, due to a database reconciliation error.

- a. Why are these reports not available on the Bureau of Land Management's website?
- b. Please provide these reports to the Committee.

49. In response to questioning at the hearing, you stated that BLM has approved 20 new mines or mine modifications or expansions since 2021.

- a. What were those new mines, mine modifications, or mine expansions?
 - b. How many were related to projects for critical minerals?
50. Have there been any new coal leases or lease modifications approved, either for thermal or met coal, under your leadership at the Department of the Interior?
51. How many coal lease or lease modification applications are currently pending before the Department of the Interior, and how long have those applications been pending?

Wildfires and Forest and Rangeland Management

52. Please provide the amount of acreage treated by the Department (delineated by bureau) to reduce hazardous fuels on DOI lands for each of the past 10 years.
53. How many acres of land does DOI plan to treat in FY 2024 on its lands?
54. Why does the Department not publish hazardous fuels reduction treatments completed in prior years on a publicly available website?
55. Will the Department commit to publishing hazardous fuels reduction treatments it completes on an annual basis on its website?
56. How many acres of DOI land does the Department plan to treat to reduce hazardous fuels on its lands over the next 5 years?
57. When the Department is reporting hazardous fuels reduction treatments it completes, does the Department ever record the same acre more than once? If yes, what is the acreage the Department treated last year, only accounting for each acre treated once?
58. The FY 2024 budget proposes extending Good Neighbor Authority (GNA) and Stewardship Contracting to NPS and USFWS.
- a. How will GNA help these agencies reduce wildfire risk and restore forest and rangeland health?
 - b. How will Stewardship Contracting help these agencies reduce wildfire risk and restore forest health?

DOI Telework and Personnel Policies

59. With regards to BLM onboarding procedures:

- a. Can you provide an overview of the current onboarding process for new hires within the BLM?
 - b. Will you provide an assessment of the current onboarding timeline associated with candidate recruitment for listed BLM positions? Please break out the results by State office and further by field office.
60. On July 23, 2021, the Department of the Interior released Personnel Bulletin No: 21-07, which outlined a Telework Program, not to be confused with a remote or mobile work programs, in response to the Covid-19 pandemic. The policy applies to all DOI employees, including supervisors. In the 4th District of Arkansas, many of my constituents, from farmers to front line health care workers to grocery clerks stayed on the job, not missing a beat, in person, day in and day out over the last three years. Unfortunately, the same cannot be said for the 70,000 plus employees of the Department of the Interior. Even in my hometown of Hot Springs, the local NPS Administration buildings remain frustratingly closed to visitors.
- a. Despite record investment in infrastructure, deferred maintenance, and staffing, reports of understaffing and closures continue. How many employees, or percentage of employees, are expected to report to their primary duty stations, not at home, in person, on a daily basis?
 - b. What percentage of public lands that are authorized to collect fees, such as parks and campgrounds, are currently staffed full-time, with hours that mirror the pandemic baseline?
 - c. For areas that are no longer open or have shorter hours, what factors do you attribute the ongoing closures to?
61. Two weeks ago, President Biden signed Dr. Gosar's bill into law ending the COVID-19 public health emergency and the Office of Management and Budget released guidance to Departments to bring employees back into the office. You testified during the hearing that you have not yet issued guidance directing DOI employees to return to the office.
- a. Will you commit to issuing guidance to DOI employees to return full-time to in-person work? If yes, when will you issue this guidance?
 - b. Please tell the Committee how many DOI employees worked in person at the Department of the Interior on April 19, 2023 and what percentage worked virtually from home.

National Parks

62. As the National Park Service continues to implement the Great American Outdoors Act and address its outstanding maintenance backlog, what steps is the Service

taking to ensure that its construction and maintenance cost estimating data is accurate and up to date?

63. The Department's deferred maintenance backlog has grown to a staggering \$31 billion, a \$14 billion increase since the passage of the Great American Outdoors Act.

- a. Have you issued any guidance to your senior department leadership or the heads of individual bureaus to start more aggressively implementing deferred maintenance projects to reduce the backlog?
- b. What is the Department doing to ensure that deferred maintenance backlogs at DOI agencies start decreasing?

64. During the hearing, you testified that you transferred \$200 million to the Presidio in accordance with the "Congressional intent" of the Inflation Reduction Act.

- a. Please explain why you believed this to be "Congressional intent".
- b. How did the Department come to the understanding this was the intent of Congress?
- c. Did the Department evaluate the fact that Congress specifically amended the language in the final, passed version of the Inflation Reduction Act to remove all references to the Presidio in determining "Congressional intent"?
- d. Did the Department evaluate any statements or amendments made during the September 2021 Committee markup of a draft version of budget reconciliation instructions (which later became the Inflation Reduction Act) when determining "Congressional intent"?
- e. Does the Department have any written policy on how it typically assesses and implements laws based on "Congressional intent"?
 - i. If yes, please provide that policy and explain how this transfer was consistent with the written policy.
 - ii. If no, please provide a justification of why the Department spent \$200 million of taxpayer funding based on a concept for which it has no written policy.
- f. Did anybody in the White House direct this transfer of funding or was this a decision made by the Department?
- g. Why did DOI not use the proper process typically used by NPS to select priority deferred maintenance projects under the Great American Outdoors Act?

- h. If DOI had used the process NPS typically uses to select deferred maintenance funding, would the \$200 million have still been transferred to the Presidio?
- i. Prior to the passage of the Inflation Reduction Act, was the Department planning to transfer any taxpayer funding to the Presidio Trust?

65. I have heard concerns from Members of the Montana delegation and would like to ask the following question on behalf of Congressman Zinke:

The rights of private property owners in Glacier National Park have been in the news recently. As you may be aware the Park has been locking private landowners out of their property and homes and going so far as to instruct the local public utility Co-op to turn off their electricity for months at a time. These are the very same homes these citizens pay property taxes on. These are citizens who under the Glacier Park enabling act are entitled to "the full use and enjoyment" of their land. And yet the Park has locked them out and denied them basic rights of access and enjoyment which should be available to all citizens. Do you condone the Park's actions of taking away the rights of these citizens and property owners?

**Committee on Natural Resources
Oversight Hearing
1324 Longworth House Office Building
April 19, 2023
10:00AM**

“Examining the President's FY 2024 Budget Request for the Department of the Interior”

Questions from Ranking Member Grijalva for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. In the hearing, Republicans claimed the administration is proposing major cuts to wildland fire funding. Would you please explain?

**Committee on Natural Resources
Oversight Hearing
1324 Longworth House Office Building
April 19, 2023
10:00AM**

“Examining the President's FY 2024 Budget Request for the Department of the Interior”

Questions from Rep. Bentz for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. Section 7.5.2 of the 2016 Klamath Hydroelectric Settlement Agreement¹ commits the Bureau of Reclamation to accept title to Keno Dam when the Klamath River Renewal Corporation gives notice that removal of the J.C. Boyle facility is ready to commence. Sections 7.5.1 and 7.5.2 provide several items of due diligence, “with specific focus on addressing water quality, fish passage, transfer of title to the Keno facility from PacifiCorp to Interior, future operations and maintenance, and landowner agreements.” Section 7.5.2 also conditions transfer of Keno Dam on the completion of necessary improvements to meet Department of the Interior Directives and Standards.

Reclamation’s FY 2024 budget justification states that title to the dam will be transferred in FY 2024. The budget justification also requests \$2.5 million for several Keno Dam studies that are required prior to Reclamation taking ownership. Specifically, the budget justifications state that “funding will support required studies and assessments associated with Keno Dam operations and maintenance needs, to include a condition assessment report (including seismic studies), appraisal study report (including physical design modeling for volitional fish passage options on alternative structures), and completion of a feasibility study.”² Estimates shared with the Committee suggest that the costs range from \$80 to \$100 million. With that in mind:

¹ <https://klamathrenewal.org/wp-content/uploads/2020/03/2016.12.31-Executed-and-Amended-Final-KHSA.pdf>

² USBR, FY 2024 Budget Justification at page 433.

- a) Given that Section 7.5 has been part of the KHSAs for over thirteen years, what studies, if any, has Reclamation already completed? Please provide a copy of those studies to the Committee. If not, will Reclamation complete these studies, which “are required prior to Reclamation taking ownership”³, prior to taking ownership of Keno Dam in FY 2024 as stated in the Budget Justifications?
 - b) If Congress provides no specific funding for identified studies, how will that affect Reclamation’s plans to take title of Keno Dam? For example, will the agency request reprogramming of all or some of the funding necessary from other accounts?
 - c) Without additional funds from Congress, or a determination/denial of reprogrammed funds, what actions will Reclamation complete in order to take title Keno Dam?
 - d) What improvements to Keno Dam has Reclamation identified as being necessary or potentially necessary for operations and maintenance needs?
 - e) Has Reclamation completed any estimate of the costs associated with the improvements referenced in question (d)? If so, provide a copy of the estimates.
 - f) Does Keno Dam currently have adequate anadromous fish passage necessary taking into consideration the pending Klamath dam removals?
 - g) Does Reclamation anticipate taking title prior to any improvements to Keno Dam?
2. For these questions, the term “Keno Costs” includes studies, improvements, rehabilitation, upgrades, operation and maintenance, and fish passage modifications including both investment and operation and maintenance.

³ USBR, FY 2024 Budget Justification at page 382.

- a) Does the Department of the Interior guarantee that the "covered contractors" under the Klamath Power and Facilities Agreement will not be responsible for paying any Keno Costs incurred?
 - b) Has the Department of the Interior identified who will pay for the Keno Costs? If so, who?
 - c) What level of certainty, regarding the incurred Keno Costs, does Reclamation expect to have when it takes title to the facility?
3. As it pertains to the entire Klamath River, has Congress been asked, or will Congress be asked, to provide funding for mitigation of the impacts to recreation connected to the Klamath dam removals, or the addition of any kind of new recreation facility that would not have been needed or proposed but for dam removal, and if so, what is the cost and when was or will the request for additional funding be made?
4. A 2008 U.S. Fish & Wildlife Service final rule applied the agency's Wildlife Import/Export Licensing requirements to U.S. commercially-harvested ocean squid, calamari if you will, which are marine species managed by the National Oceanic and Atmospheric Administration's (NOAA) National Marine Fisheries Service, not Interior. Since that time Congress, NOAA, and two Regional Fishery Management Councils with jurisdiction over this resource have taken issue with Interior's questionable definition of shellfish; the ongoing treatment of a sustainably-managed, edible seafood product as if it were a Lacey Act, CITES or ESA-listed species; and the associated inspection program which we are told is both cumbersome and costly to the U.S. fishing industry on the East and West Coasts. Clearly, this is a persistent issue and the intransigence of Interior to address industry concerns is well-documented. Please provide the Committee:
- a) The specific nature and amounts of fees Interior has collected annually over the past 5 years from the U.S. domestic squid industry under this program.
 - b) Documentation sufficient to show how those funds are used.

- c) Documentation sufficient to show any formally documented instance of edible U.S.-harvested squid being a danger to the marine environment or conservation under the Lacey Act, CITES or ESA.
- 5. In its July 2022 Feasibility Report on the Reintroduction of Sea Otters to the Pacific Coast, the U.S. Fish & Wildlife Service concludes this effort is feasible. In this report, the agency estimates the cost to U.S. taxpayers to be upwards of \$43 million.
 - a) Does this amount include the costs of research and annual population monitoring beyond 10 years?
 - b) Does this amount include the costs associated with NEPA analyses or for any future rulemakings and public engagement?
 - c) The same report states that “additional work is needed to reduce uncertainty in the area of risk with regard to the potential socioeconomic impacts of sea otter reintroduction.” How did Interior reach the conclusion that this action is feasible absent such critical budgetary and social and economic impact information resulting from a population expansion of such highly protected marine species in Oregon and California?
- 6. Within FLPMA there are certain Grant lands with specific management requirements that are unlike the Public lands. Will the management objectives for these Federally designated Grant Lands be maintained?

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“Examining the President's FY 2024 Budget Request for the Department of the Interior”

Questions from Rep. Case for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. How does the Department of the Interior’s budget further efforts to improve meaningful consultation between the federal government and the Native Hawaiian community as required by Executive Order 13175 dated November 6, 2000?
2. The Department of Interior’s budget does not include a request for either mandatory or discretionary Compact Impact funding. What are the current estimated financial impacts on states and localities from hosting citizens of the Freely Associated States and what proposed policies does the Biden administration support to mitigate these impacts?
3. Hawai‘i continues to be home to a large number of endangered species yet overall receives a low proportion of total endangered species funding. How does the Department of Interior’s budget seek to ensure that endangered species funding is equitably distributed among all listed species?

**Committee on Natural Resources
Oversight Hearing
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10:00AM**

“Examining the President's FY 2024 Budget Request for the Department of the Interior”

Questions from Rep. Fulcher for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. During the Committee on Natural Resources hearing concerning the FY24 Interior Department budget, I touched briefly on geothermal energy, however, I did want to clarify with you on one item concerning geothermal energy.
2. Geothermal energy is a carbon-free and baseload electricity resource, yet the permitting process for geothermal is more prone to delays than wind, solar, and other renewable resources. It is critical that the Department pursue common sense reforms to the permitting process for geothermal, such as expanding the use of categorical exclusions for resource confirmations. Is the Department working on updating its regulations to streamline the permitting process for geothermal resource confirmations? If so, what is the timeframe to finalize such regulations?

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April 19, 2023
10:00AM

"Examining the President's FY 2024 Budget Request for the Department of the Interior"

Questions from Rep. Jenniffer González-Colón of Puerto Rico for The Hon. Deb Haaland,
Secretary of the Department of the Interior.

1. I commend the Department of the Interior (the Department) for including a proposed allocation of \$41,662,000 to repair historic walls of the San Juan National Historic Site's fortifications as one of its Fiscal Year 2024 Great American Outdoors Act (GAOA) Legacy Restoration Fund (LRF) projects. However, I note that according to information published by the National Park Service, the deferred maintenance and repair backlog at park was approximately \$587 million as of September 30, 2022.

In Fiscal Year 2021, the Department proposed and secured congressional approval for an allocation of \$8.2 million under the GAOA LRF to stabilize the cliff at the San Fernando Bastion in the San Juan National Historic Site. What is the status of that project and projected timeline for completion?

2. In addition to the GAOA LRF funding, what other initiatives is the Department pursuing to address and reduce the \$587 million deferred maintenance backlog at the San Juan National Historic Site?
3. In Fiscal Year 2023, the Department proposed and received congressional approval for an allocation of \$3,763,000 under the GAOA LRF to replace the headquarters and visitor center of the FWS's Cabo Rojo National Wildlife Refuge. The Department had previously secured \$5,237,000 in Fiscal Year 2022 Emergency Supplemental Appropriations for this project.

What is the status of the project and projected timeline for completion? What efforts is the Department pursuing to ensure it is carried out in a timely manner?

4. According to information shared by the U.S. Fish and Wildlife Service (FWS) with my office last year, the deferred maintenance backlog for the National Wildlife Refuges in Puerto Rico totaled more than \$15 million. Per the FWS, this figure represented "an increase from the February 2021 total of \$4.8 million due to the most recent Comprehensive Condition Assessment conducted at Vieques NWR in Fall 2021,

which captured new deficiencies from real property assets that the Service has inherited from the Navy.”

What is the current deferred maintenance backlog for each of the five National Wildlife Refuges in Puerto Rico? What efforts is the Department currently pursuing to address and reduce it, particularly for the Vieques National Wildlife Refuge?

5. The FWS is including \$8 million for Maintenance Action Teams at multiple National Wildlife Refuges as one of its Fiscal Year 2024 GAOA LRF projects. Does the Department anticipate some of that funding will impact projects at the National Wildlife Refuges in Puerto Rico? If so, how much funding would be allocated for such projects and what is the estimated deferred maintenance that would be addressed?
6. In Puerto Rico, the FWS administers five National Wildlife Refuges: the Cabo Rojo, Culebra, Desecheo, Laguna Cartagena, and Vieques National Wildlife Refuges. In total they span over 22,000 acres, including approximately one-quarter of the Culebra archipelago’s total land mass and approximately two-thirds of Vieques. In addition to preserving important ecosystems, they support outdoor recreation activities vital for our tourism economy. However, I am extremely concerned about a staffing shortage. I understand the FWS currently only has 10 employees to oversee the five National Wildlife Refuges in Puerto Rico, whereas ten to twelve years ago it had 28 employees. This shortage creates a series of challenges that prevent the FWS from effectively managing the sites, protecting their wildlife and natural resources, and providing services to visitors who support the local tourism and outdoor recreation economy.

What efforts, if any, is the FWS currently pursuing to address staffing needs at the National Wildlife Refuges in Puerto Rico?

7. Last December, Congress appropriated \$275 million in disaster relief funding to the FWS to address damages from recent hurricanes and natural disasters. In September 2022, Hurricane Fiona significantly impacted the Cabo Rojo and the Laguna Cartagena National Wildlife Refuges in southwestern Puerto Rico, as well as some of the FWS-supported Puerto Rican Parrot aviaries.

Can you provide an update on the status of the \$275 million in supplemental funding provided to the FWS, including where those funds will be invested? Have any of those resources been made available to address hurricane-related damages at the FWS’s sites and facilities in Puerto Rico?

8. Last year Congress amended the *Outer Continental Shelf Lands Act* to provide the Secretary of the Interior authority to conduct offshore wind leasing in federal waters off the U.S. territories. According to the Fiscal Year 2024 budget request, the Department will begin moving forward with its lease planning process in Puerto Rico in the current fiscal year (Fiscal Year 2023.)

During the hearing you mentioned the Department and the Bureau of Ocean Energy Management (BOEM) plan to initiate the area identification process by forming an Intergovernmental Renewable Energy Task Force. Could you provide additional information about the work this Task Force will carry out, including a timeline of planned efforts, and any ongoing or planned engagement with other federal agencies, state authorities, and local energy stakeholders such as the Puerto Rico Electric Power Authority and LUMA Energy?

9. The Cabo Rojo National Wildlife Refuge is home to the Cabo Rojo Salt Flats, a system of shallow and hypersaline lagoons that are considered the most important stopover for migratory birds in the Eastern Caribbean. The salt flats are also an important economic asset for southwestern Puerto Rico, attracting thousands of visitors and supporting a local salt mining operation. Due to recent storms and seismic activity in the region, the coastal features (mangroves, dunes, berms) that protected the system have been compromised by erosion, resulting in extensive flooding to the salt flats, in turn negatively impacting habitat quality and the viability of the local salt extraction activities. Hurricane Fiona's impact in September 2022 resulted in further damage and flooding to the Cabo Rojo Salt Flats. The U.S. Fish and Wildlife Service secured an initial \$1.2 million to implement the necessary restoration efforts. An additional \$5 million was provided by the National Fish and Wildlife Foundation through the America the Beautiful Challenge, which includes funding allocated to the Department of the Interior by the Bipartisan Infrastructure Law.

Could you provide an update on the status of the restoration project at the Cabo Rojo Salt Flats? What is the expected timeline and what efforts is the Department pursuing—with its local partners—to carry out the project in a timely manner now that the necessary funding has been secured?

10. In both Fiscal Years 2022 and 2023—at my request—Congress provided the U.S. Geological Survey (USGS) a \$500,000 increase to update the combined national seismic hazard model for Puerto Rico and the U.S. Virgin Islands, which was last published in 2003. As you know, the national seismic hazard model for the contiguous 48 States is regularly updated every 6 years, and USGS has been working on updating the models for Alaska and Hawaii. These models describe the likelihood and potential impacts of earthquakes and serve as the basis for seismic provisions in building codes. According to information previously shared by USGS with my office, maintaining the funding level through Fiscal Year 2024 would allow them to deliver a draft Puerto Rico-U.S. Virgin Islands seismic hazard map in 2024 and a final, updated model in 2025. However, I am concerned the Department's Fiscal Year 2024 budget request for USGS now proposes a \$500,000 reduction and would delay the release of the updated seismic hazard model for the two territories until the end of 2026.

Could you please explain why the Department is proposing this \$500,000 reduction and delaying the release of the updated Puerto Rico-U.S. Virgin Islands seismic hazard model until the end of 2026?

11. Is the Department pursuing any efforts to align future updates of the seismic hazard models for the territories with the maps for all 50 States? What additional resources would USGS require to achieve this? I note that House Report 117-400, accompanying the *Department of the Interior, Environment, and Related Agencies Appropriations Bill, 2023* directed USGS to explore and submit a report on this issue.

Committee on Natural Resources
Oversight Hearing
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Questions from Rep. Huffman for The Hon. Deb Haaland, Secretary of the Department of the Interior.

Secretary Haaland, I want to share a few observations about recent Department actions regarding tribal consultation and gaming and get your thoughts on how we can ensure Tribal governments are properly consulted moving forward. Tribal economic development is of course important to me, but doing it the right way and ensuring the rights and sovereignty of other tribes are respected is equally important.

1. The Department is currently considering several controversial off-reservation gaming projects - in or near my district - where frankly, there has been a lack of transparency about what rules are being used using to process these applications, or even considering novel legal theories for the benefit of an individual project.
2. In some of these instances, the Department has not consulted with Tribes that will either have their land or government resources impacted by these projects. And;
3. The Department is actively considering new regulations that would make it easier to obtain land far off existing reservations for tribal gaming by removing a requirement for “greater scrutiny” the farther a project is from a Tribe’s existing land base.

Taken together, I see a concerning pattern. Will you commit to working with me, and more importantly the Tribes I represent, to ensure that off-reservation gaming projects are considered in a transparent manner, through legal means available to all Tribes, and with respect to the views of the indigenous inhabitants of the region?

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Questions from Rep. Doug LaMalfa for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. What steps is DOI taking to address the ever-increasing presence of illegal marijuana grow sites on federal lands, and can the Secretary agree that this is a high public and environmental safety concern?
2. In communication with the National Parks and monuments in my district, their big ask from us, is of course, more funding for staff. I have read that the National Parks have seen a 20% increase in visitation, but because of insufficient federal funding, NPS has lost 3,500 employees, or 16% of its staff capacity. From a safety perspective and effectiveness perspective such statistics are unacceptable. Recent regulatory changes to parks seasonal hiring has made retaining and rehiring seasonal employees more difficult. Is your office working at resolving these regulatory challenges? What steps are you taking to make rehiring seasonal employees easier?
3. Are seasonal regulatory hiring constraints harming Wildland firefighter seasonal staffing?
4. Is there concern that purchasing lands for tribes with Land & Water Conservation Funds will curtail their use in the future in a way that will prevent tribes from using these lands in a different way in the future?
5. It's my understanding that a lot of the funding for this program has only been put towards planning costs. Shouldn't the bulk of any money Congress chooses to appropriate for this purpose go towards implementing plan and providing tribal communities tools to use to address changes in their community?
6. What experience, if any, does Director Sams have working for the National Park Service?
7. When a national park is established by Congress, Congress drafts enabling legislation that explains the purpose of the park and the justification for why taxpayer dollars are being allotted to its administration. Historically, projects that

would not specifically meet the requirements of enabling legislation would rarely if ever receive funding. But now, under this administration, DEI and racial justice funding has worked its way into mandatory annual spending of parks, despite the fact that parks explicitly asked for permanent adjustment requests to fund staffing levels or infrastructure update needs, not DEI projects and fulfilling political agendas. These parks are in great need to complete deferred maintenance, improve visitor safety and carry out the basic functions the Park was entrusted to do. Do you read and consider enabling legislation when making decisions to fund DEI and racial justice programs over fundamental operational needs of the National Park Service?

8. I have learned that \$13,594,000 in additional funding for racial justice programs was approved last year on top of the funding already set aside for DEI Question: is DEI a new statutory authority that justified base increase request? And how does this massive funding diversion contribute to visitor experience or address the critical infrastructure backlogs?

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“Examining the President's FY 2024 Budget Request for the Department of the Interior”

Questions from Rep. Rob Wittman for The Hon. Deb Haaland, Secretary of the Department of the Interior.

1. The Chesapeake Bay is critical to the environmental and economic health of our region and the Commonwealth. Authorized in the bipartisan America's Conservation Enhancement (ACE) Act, the Chesapeake Watershed Investments for Landscape Defense WILD grants assist in administering habitat restoration, conservation, clean water, flood protection and other ecosystem services in our nation's largest estuary. Unfortunately, this program was not included in the Presidents FY 24 budget.
 - What was the reasoning for this program's exclusion?
 - What is the Department of Interior doing to ensure the health and sustainability of the Chesapeake Bay Watershed?

2. The Fish and Wildlife Service designates ports for the importation and exportation of wildlife and wildlife products. A 2019 study recommended increasing the total number of designated ports from 17 to 46. Despite this study, the Fish and Wildlife Service has failed to issue designations to the recommended number and currently only has 18 designated wildlife ports. From Fall 2019 to Spring 2021, the OMB Unified Agenda proposed an additional list of designated ports, which included Norfolk, Virginia. In Fall 2021, the FWS removed the proposed designated ports from the Unified Agenda citing issues due to the daily challenges Wildlife Inspectors faced during the COVID-19 pandemic.

- With President Biden Announcing the termination of the COVID-19 national emergency on May 11, how does the Presidents FY24 budget request address the need for additional designated ports?
 - What challenges remain in preventing the list of additional FWS designated ports?
 - When should we expect a Notice of Proposed Rule Making listing additional FWS designated ports?
3. Since coming into office, the Biden Administration has taken steps to depress domestic energy production, causing prices to skyrocket and making America reliant on our adversaries for energy.
- How does the U.S. Department of the Interior plan to engage with industry stakeholders and local communities to increase sustainable and responsible access to domestic minerals and natural resources for renewable energy projects?
 - What specific plans does the U.S. Department of the Interior have in place to facilitate and expedite the exploration, extraction, and development of natural resources and minerals on public lands, which are essential for the construction of critical infrastructure projects?