

**THE DEPARTMENT OF THE INTERIOR  
OPERATIONS, MANAGEMENT,  
AND RULEMAKINGS**

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**OVERSIGHT HEARING**

BEFORE THE

COMMITTEE ON NATURAL RESOURCES  
U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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Wednesday, July 17, 2013

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# **OVERSIGHT HEARING ON THE DEPARTMENT OF THE INTERIOR OPERATIONS, MANAGE- MENT, AND RULEMAKINGS**

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**Wednesday, July 17, 2013  
U.S. House of Representatives  
Committee on Natural Resources  
Washington, D.C.**

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The Committee met, pursuant to notice, at 10:02 a.m., in room 1324, Longworth House Office Building, Hon. Doc Hastings [Chairman of the Committee] presiding.

Present: Representatives Hastings, Young, Gohmert, Bishop, Lamborn, Wittman, Fleming, McClintock, Thompson, Lummis, Benishek, Duncan, Tipton, Gosar, Southerland, Flores, Amodei, Mullin, Stewart, Daines, Cramer, LaMalfa, DeFazio, Pallone, Napolitano, Grijalva, Costa, Sablan, Tsongas, Hanabusa, Cárdenas, Huffman, Shea-Porter, Lowenthal, Garcia, and Cartwright.

Also Present: Representative Smith of Missouri.

The CHAIRMAN. The Committee will come to order. The Chair notes the presence of a quorum. We easily exceeded that.

The Committee on Natural Resources is meeting today to hear testimony on an oversight hearing on the Department of the Interior operations, management, and rulemaking. Under Committee rule 4(f), opening statements are limited to the Chairman and the Ranking Member of the Committee. However, I ask unanimous consent that any Member that wishes to have a statement in the record have the statement to the Committee prior to the close of business today.

[No response.]

The CHAIRMAN. And without objection, so ordered.

I will now recognize myself for 5 minutes for my opening statement.

## **STATEMENT OF THE HON. DOC HASTINGS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON**

The CHAIRMAN. Our Nation's public lands and resources, from energy to minerals, timber, and water, are an essential component of our economy. They help power our homes and businesses, provide vital water supplies to farmers and communities, they enable high-tech manufacturing, and provide opportunities for all types of recreational activities. Most importantly, our resources help put Americans to work and increase our economic competitiveness.

The agencies and programs overseen by the Interior Department support millions of American jobs and bring in the second highest source of revenue to the Federal Treasury. The policies of the Interior Department directly impact the lives of every American in this country; which is why it is absolutely essential that the Department recognize and understand the importance of balancing the re-

sponsible use of management of our natural resources with conservation.

Unfortunately, under this Administration we have experienced 4½ years of flawed and economically devastating policies that have kept the American people's resources under lock and key. In my opinion, the direction of the Interior Department has veered far off course and clear, troubling patterns have emerged that I believe need to be fixed.

First, is the pattern of imposing new regulations and policies that directly cost American jobs. In no area is this more painfully evident than with the Department's energy policies. Under the Obama Administration, gas prices are up and Federal energy production is down. The Department has implemented one of the most restrictive offshore drilling plans that keep 85 percent of areas off limits, has leased the lowest number onshore acres for energy production, and canceled numerous lease sales. Now the Department is pursuing unnecessary and duplicative regulations on hydraulic fracturing on Federal and tribal lands that will add new layers of red tape to this job-creating practice that has been successfully regulated by States for years.

The Obama Administration is also aggressively pursuing a war on coal, which is really a war on jobs and energy prices. One of the most egregious examples of this is the Department's continual efforts to rewrite the Stream Buffer Zone Rule, even though this flawed and redundant rulemaking process has already cost millions of taxpayer dollars and will only cause further economic harm and job loss.

Second, the Committee has witnessed an alarming pattern of decisions being made either unilaterally without proper input from people and communities directly impacted, or policies being negotiated behind closed doors with environmental groups that have a penchant for lawsuits. Both ways of decisionmaking lack transparency and lead to bad policy decisions.

For example, over the past 4 years the Department has attempted to unilaterally impose land use designations, such as the Wildlands Secretarial Order, that would severely limit public access and multiple-use of our public lands. Similarly, the National Blueways Secretarial Order creates new unilateral authority to designate watershed as National Blueways and impose severe water and land restrictions.

The Endangered Species Act mega-settlements are an example of closed-door agreements with litigious environmental groups. These settlements will force decisions on hundreds of species listings and habitat designations across the country over the next few years. The threat of lawsuits should not drive public policy. But we have seen time and time again, from ESA to forest management, where that is, unfortunately, the case.

Finally, the lack of transparency has been another pattern that has emerged from this Administration's Interior Department. In the past 2½ years, the Department has refused to cooperate with the Committee's legitimate oversight efforts, has refused to provide documents, refused to comply with the Committee's subpoenas, and refused to answer questions, and refused to make witnesses available to testify or to answer questions by Committee staff. These ac-

tions are made worse by the fact that the Department still does not have a permanent inspector general.

These destructive patterns that cost jobs and block public input must come to an end. The Department must get back on track to being a job-creator for the good of our economy and our topics.

And I do very much want to welcome the Secretary of the Interior, newly on her job here, and I welcome you and I will make the proper introduction in a moment. But Secretary Jewell, thank you very much for being here.

[The prepared statement of Mr. Hastings follows:]

PREPARED STATEMENT OF THE HONORABLE DOC HASTINGS, CHAIRMAN, COMMITTEE  
ON NATURAL RESOURCES

Our Nation's public lands and resources—from energy to minerals, timber and water—are an essential component of our economy. They help power our homes and businesses, provide vital water supplies to farmers and communities, enable high-tech manufacturing, and provide opportunities for all types of recreational activities. Most importantly, our resources help put Americans to work and increase our country's economic competitiveness.

The agencies and programs overseen by the Interior Department support millions of American jobs and bring in the second highest source of revenue to the Federal Treasury. The policies of the Interior Department directly impact the lives of every American in this country, which is why it is absolutely essential that the Department recognize and understand the importance of balancing the responsible use and management of our natural resources with conservation.

Unfortunately, under the Obama Administration we've experienced 4½ years of flawed and economically devastating policies that have kept the American people's resources under lock-and-key. In my opinion, the direction of the Interior Department has veered far off course and clear, troubling patterns have emerged that I believe need to be fixed.

First, is the pattern of imposing new regulations and policies that directly cost American jobs.

In no area is this more painfully evident than with the Department's energy policies. Under the Obama Administration, gas prices are up and Federal energy production is down. The Department has implemented one of the most restrictive offshore drilling plans that keeps 85 percent of areas off-limits, has leased the lowest number onshore acres for energy production, and canceled numerous lease sales. Now the Department is pursuing unnecessary and duplicative regulations on hydraulic fracturing on Federal and tribal lands—adding new layers of red-tape on this job-creating practice that has been successfully regulated by the states for decades.

The Obama Administration is also aggressively pursuing a war on coal, which is really a war on jobs, energy prices and communities. One of the most egregious examples of this is the Department's continual efforts to rewrite the Stream Buffer Zone Rule, even though this flawed and redundant rulemaking process has already cost millions of taxpayer dollars and will only cause further economic harm and job loss.

Second, the Committee has witnessed an alarming pattern of decisions being made either unilaterally without proper input from the people and communities directly impacted, or policies being negotiated behind closed-doors with environmental groups that have a penchant for lawsuits. Both ways of decisionmaking lack transparency and lead to bad policy decisions.

For example, over the past 4 years the Department has attempted to unilaterally impose land-use designations, such as the Wildlands Secretarial Order, that would severely limit public access and multiple-use of our public lands. Similarly, the National Blueways Secretarial Order creates new unilateral authority to designate entire watershed as National Blueways and impose severe water and land use restrictions.

The Endangered Species Act mega-settlements are an example of closed-door agreements with litigious environmental groups. These settlements will force decisions on hundreds of species listings and habitat designations across the country over the next few years and disregard local input and ongoing conservation efforts. The threat of lawsuits should not drive public policy decisions, but we have seen time and time again, from ESA to forest management, where that is unfortunately the case.

Finally, the lack of transparency has been another pattern that has emerged from the Obama Administration's Interior Department. In the past 2½ years, the Department has refused to cooperate with the Committee's legitimate oversight efforts, refused to provide documents, refused to comply with the Committee's subpoenas, refused to answer questions, and refused to make witnesses available to testify or to answer questions by Committee staff. These actions are made worse by the fact that the Department still does not have a permanent Inspector General—a person needed to act as an independent watchdog.

These destructive patterns that cost jobs, block public input, and disregard transparency must come to an end. The Department must get back on track to being a job-creator for the good of our country and economy.

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The CHAIRMAN. And with that, I will recognize the Ranking Member.

**STATEMENT OF THE HON. PETER A. DEFAZIO, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON**

Mr. DEFAZIO. Thank you, Mr. Chairman. Secretary Jewell, thank you for being here today. You are my neighbor to the north, and a resident of the same State as our esteemed Chairman, Doc Hastings.

You know, I think it is extraordinary that you volunteered to leave a successful private-sector career and take on this public service. As you can tell from the opening remarks of the Chairman, I think it was a courageous decision, and it will be a bit difficult. There are differences of opinion on this Committee, pretty much divided one side to the other. Every once in a while we can reach across party lines, but we differ significantly.

I really want to hear today about your plans as a new Secretary, what the implementation we are going to move forward with, the President's agenda, alternative energy development, your plans for climate change, the acidification of our oceans. The fact that we are having record wildfires again this year in the West and we have very dry conditions are a challenge, in particular, to your agency, to this Government, and for our future.

I believe, and on our side we feel, that we need a new energy policy. We essentially are still under the Bush-Cheney energy policy, which was really designed to make us more dependent upon fossil fuels. Despite that, today we are less dependent on fossil fuels and we are less dependent upon imported fossil fuels. Last year oil production reached its highest level in 20 years, natural gas production an all-time high. Oil production, despite some protestations from the other side, is higher now than at the end of the Bush Administration, from public lands. We are less dependent upon foreign oil from a combination of production on public and private lands.

We recently held a hearing where there was an insistence by the industry, the American Petroleum Institute, and you, I know, have some expertise in this area in particular in your past employment, they claim that they need to lease more areas. And my question to that witness was, well, with 25 million acres of public land onshore, and 30 million acres of land offshore, why do you need more now? Why not perhaps develop those areas, and then, after those are fully developed, if we need more oil resources or gas resources, come and ask? His answer was not particularly satisfactory.



On our side of the aisle we have tried to have a use-it-or-lose-it policy. I would be interested in your thoughts on that later, where you just can't sit on these leases. And people say, "Well, why would the industry sit on a lease? You know, they won't do that." Well, of course they will. I mean it is money in the bank, and they pay so little per year, and the price of oil goes up so much every year, 20 years from today it is going to be worth probably 5 times what it is now. So I think we have issues regarding performance before we expand into sensitive areas. There is tremendous opposition on this side of the aisle from that.

Hydraulic fracturing, I would be very interested in hearing about the Administration moving forward with some standardization, a Federal floor of hydraulic fracturing. We had a hearing on that issue. I put it to the witnesses who came from four different States and one company that operated among the States, "How do you deal with this? I mean here in Texas you require pressure testing for casing. Here in, I think Wyoming, you require full disclosure of the chemicals before. Here you require enclosed storage of the waste above ground. And yet there is no uniform standard." And I have some interest from the idea of having a uniform standard as a floor. I would be very interested to hear about progress on that.

We had a hearing just last week on hardrock mining, or the week before last, and again I made the point I have been making since the early 1990s, when we did pass a meaningful mining reform on a bipartisan basis in the House, which included hardrock royalties. The Federal Government, which is often, from this side, being told to be run like a business, is the only business, the only entity, that does not charge a royalty for the extraction of depletable mineral, valuable mineral resources, hardrock, from its lands. States do, tribes do, individuals do, other governments around the world do. We don't. I would be very interested in your thoughts on mining reform and the potential for some revenues which we know we could use for other resource issues from those lands.

I mentioned earlier, obviously you have a very big portfolio: the near oceans, our concerns about the potential for drilling in sensitive areas, our concerns about the acidification. We have had shellfish farm failures in the Northwest because of acidification. What plans do you have to deal with that, in terms of your approach to global warming.

Hopefully we can find some ways to work together across the aisle and work in consensus with you on these extraordinarily critical issues to the American public and to the future of our country and the world. Thank you, Madam Secretary, for being here.

[The prepared statement of Mr. DeFazio follows:]

PREPARED STATEMENT OF THE HONORABLE PETER A. DEFazio, RANKING MEMBER,  
COMMITTEE ON NATURAL RESOURCES

Good morning. It is a pleasure to welcome Secretary Jewell to the House Natural Resources Committee.

The decision to leave a successful career in the private sector to enter public service, particularly during a period of deep division in American politics, is a courageous one and Secretary Jewell deserves our thanks for her willingness to serve.

It is my hope that the Secretary feels welcome here; the members of this Committee are among the few who fully understand how daunting it is to be responsible

to the American people for the stewardship of their natural, cultural and environmental resources.

Today's meeting is an opportunity for this Committee to hear more from Secretary Jewell regarding the President's environmental agenda. The devastating toll of wildfires, the challenge and promise of alternative energy development, and the ever more pressing need to respond to climate change are complicated problems requiring serious, balanced responses; we look forward to hearing the Secretary's thoughts on these and other issues facing the Department.

Perhaps more important, this hearing is an opportunity for the Secretary, and the American people, to learn more about the priorities of this Committee. With a new Secretary on the job, this Committee and this House have an opportunity to set a new course regarding the conservation and management of the incredible resources with which we have been blessed.

A new energy policy from this Committee is long overdue. Drill Baby, Drill proved to be an irresponsible failure, in large part because it was sharply at odds with the facts.

Last year, our oil production reached its highest level in 20 years and domestic production of natural gas is at an all-time high, including oil and gas production from Federal lands. Under President Obama, our dependence on foreign oil has fallen from 57 percent at the end of the Bush Administration, to 36 percent in 2013. These gains are in spite of the fact that the oil and gas industry is warehousing permits to drill on more than 25 million acres onshore and more than 30 million acres offshore, waiting for higher prices.

The Majority has ignored these realities and insisted that Big Oil needs more taxpayer owned areas in which to drill; they have stood guard to protect the enormous tax subsidies enjoyed by fossil energy companies and have thwarted the growth and development of an alternative energy economy.

The Senate, the Administration and the public have all, rightly, rejected this Republican energy plan; it is my sincere hope that this Committee will work with the Secretary in pursuit of a balanced, responsible approach that can achieve bipartisan support.

Likewise, the near-constant assault on the National Environmental Policy Act, and the other bed-rock conservation statutes that have served the National well for decades, must stop. Hearings and legislation premised on unsubstantiated anecdotes and misrepresentations of fact are not constructive. Real solutions to problems like fire, reduced water quality and quantity, invasive species and climate change will be developed through effective, efficient application of NEPA and other conservation measures, not politically motivated attacks.

This Committee has spent more than 2 years testing whether an agenda dominated by hyper-partisanship would be embraced by the American public. The results are in and, just like the Republican positions on immigration reform, women's health and nutrition assistance for poor families, the public views the Republican environmental agenda as extremist and out of touch.

With a new Secretary in place, we have an opportunity to hit the reset button, to commit to working cooperatively with her to craft responsible, bipartisan solutions to the enormous environmental challenges we face.

I hope we will take advantage of this chance to provide better service to the American people.

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The CHAIRMAN. I thank the Ranking Member for his statement and, really, for pointing out the obvious. There are differences of opinion on this Committee, there is no question about that. But, on the other hand, there is differences of opinion in America. So we reflect that on this Committee, and there is nothing unusual about that.

I do want to, by way of introduction, say that Secretary Jewell is the 51st Secretary of the Interior, and was sworn in on April the 12th. Prior to that she was a fellow Washingtonian, in that she resided in Seattle as President of Recreation Equipment, Inc. But prior to that she was a banker and, for a short time, lived in Duncan, Oklahoma, I found out earlier, in Markwayne Mullin's district, in the oil petroleum business. I should say she is a graduate of the

University of Washington, which, for some of us in eastern Washington, causes some heartburn, but that is the way it works.

Mr. DEFAZIO. Causes some heartburn in Oregon, too.

The CHAIRMAN. Yes, it causes heartburn in Oregon, too. OK, that is good.

[Laughter.]

The CHAIRMAN. Madam Secretary, thank you very much for being here. I know that taking over an agency that has 70,000 employees and then being called up on the Hill to testify is like probably drinking out of a fire hose, but that is the nature of the business.

The way our process works with the timing lights is your full statement that you have submitted will be part of the record. I would ask you to, obviously, keep it within the 5 minutes, and then we will have questions from all Members.

By way of scheduling, the Secretary said that she could be here until noon. And if we are flexible on that, we would appreciate that.

So, let's get started. Madam Secretary, welcome to the Committee, and you are recognized for 5 minutes for your opening statement.

**STATEMENT OF THE HON. SALLY JEWELL, SECRETARY,  
U.S. DEPARTMENT OF THE INTERIOR**

Secretary JEWELL. Thank you very much, Chairman Hastings, Ranking Member DeFazio, and members of the Committee. I just thought I would start with a quick overview of my background. The Chairman gave a little bit of it.

I have been in business for over 35 years. I started, actually, as an engineering student working on the Alaska Pipeline. I worked several years working for Mobil Oil in Oklahoma and later Colorado, and got exposure to oil and gas operations throughout 42 States with Mobil Oil. I then became a banker, as a specialist in natural resources. So, moved beyond oil and gas to mining and other mineral development to forestry to fishing to timber to agriculture, and then, of course, commercial and industrial activities that drive the engine of the economics of the West. So that was nearly 20 years of my career. The last 13 have been in retail, at REI, many of you probably know REI, a business that drives a lot of activities on our public lands, and drives a lot of business to local economies all over this country, and particularly rural economies.

So, I have just 3 months now in the Federal Government. And I will say that in that 3-month period of time, I have developed a tremendous appreciation for the hard work and dedication of the colleagues that I have met at the Department of the Interior. I know that Federal employees can be knocked around a little bit these days. The ones that I have met don't deserve that. They are really, really terrific in what they do.

So, I wanted to hit just a few highlights before I get to your specific questions. One is we have made material progress toward energy independence in this country, across an all-of-the-above strategy: onshore energy, offshore energy, and renewable energy. I have visited drill rigs, I have visited production facilities, I have visited renewable energy facilities, and it is pretty extraordinary, what is

happening in this country, conventional, unconventional, and renewable energy, that I think everybody can be proud of.

I have also had the privilege of speaking to the National Congress of American Indians just a couple weeks ago. A very, very important part of the Interior's portfolio is upholding the trust and treaty obligations to Indian Tribes and Alaska Natives in this country, and making sure that they know that I am affirming our commitment to self-governance, self-determination, and working with tribes in the areas that are important to them, like addressing legal decisions that have hindered efforts to restore tribal homelands, implementing the Cobell litigation settlement, and ensuring that we do a better job for students that are educated in the Bureau of Indian Education schools.

We are also, and this is certainly something I recognized in my last job, we are blessed with lands and waters that make this place America the Beautiful. It truly is from sea to shining sea. And privileged to oversee some of those assets. We have, in 3 short years, the centennial of the National Park Service. That will provide us a golden opportunity to work with private industry, corporations, communities, to not only highlight our national parks and celebrate them, but also recognize the importance of public lands and open spaces, from city parks to State parks and beyond. Because tourism and outdoor recreation, whether it is hunting or fishing, bird-watching, RVing, camping, these are all things that benefit from beautiful public lands and the things that I know you are proud of in each of your individual States. But they also drive a lot of economic activity, which was well quantified by the last industry that I represented.

And America the Beautiful is something we need to make sure the next generation is well aware of, and that is certainly part of my agenda, as well.

We are also, as the Chairman mentioned, operating in a time of drought. It impacts water supplies. It is also an important part of the portfolio of the Interior, the Bureau of Reclamation in particular, along with the U.S. Geological Survey, working on ways to conserve water, store water, facilitate the kinds of meetings that need to happen with States, tribes, local governments, and stakeholders, particularly in the West, to resolve some of these long-standing water conflicts.

I will also say that my colleagues and I are operating in a time of sequestration, which is difficult. As a business person, you would never run a business that way, with across-the-board cuts. So we hope to get beyond that.

And I just want to touch on a few issues that I know are of interest to you. Fracking, I have fracked wells, I understand it. We do need thoughtful updates to 30-year-old regulations, but in a way that supports the work of States and tribes, so that we have standards that will meet or exceed minimum Federal standards that we are coming out with on Federal lands.

Blueways is also something the Chairman recognized. This is a program that I was not familiar with, and I have asked the team to take a pause on it while I better understand it.

And last, and the reason I am wearing this purple ribbon, has to do with fire. We are in an extreme drought situation throughout

many parts of the country. I have met firefighters at the NIFC center in Boise. I was at the Yarnell Hill fire 2 days after the devastating accident that took the lives of 19 firefighters. The worst day on my job was attending the memorial for the 19 fallen firefighters. And they gave their lives because of very dangerous situations that we have in parts of the West. It is, I think, part of all of our jobs to recognize that, to address it, collectively, together.

So, my job is about balance. It is about the use of our resources with the protection of our resources, as the Chairman mentioned. It is about achieving greater energy independence, supporting a robust economy, upholding trust and treaty obligations to tribes, and delivering an intact America the Beautiful to future generations.

So, I thank you very much and look forward to your questions. [The prepared statement of Secretary Jewell follows:]

PREPARED STATEMENT OF THE HONORABLE SALLY JEWELL, SECRETARY,  
U.S. DEPARTMENT OF THE INTERIOR

Thank you, Chairman Hastings and members of the Committee, for inviting me to be here today to discuss the programs and activities of the Department of the Interior. This is my first appearance before your Committee since my confirmation in April. I look forward to working with you so that we can most effectively accomplish the preservation of our Nation's great heritage and history, manage our Federal lands, waters, and natural resources, ensure the delivery of water for diverse users, empower and support Native American communities and insular areas.

Since the time of my confirmation, I have come to see and appreciate the astonishing breadth of the issues and responsibilities located within this one Department, most of which fall under the jurisdiction of the Natural Resources Committee. The Department's complex mission affects the lives of all Americans; nearly every American lives within an hour's drive of lands or waters managed by the Department.

The Department's bureaus serve as stewards of the Nation's natural resources, parks, wildlife refuges, and national monuments and recreation areas, and as the keeper of the history of this country. We share responsibilities to protect and advance the role of public lands and Indian lands.

The lands and resources we manage are also a huge economic engine, powering our economy through energy development, tourism and recreation, logging, grazing and other uses. The Department oversees the responsible development of 23 percent of U.S. energy supplies, is the largest supplier and manager of water in the 17 Western States, maintains relationships with 566 federally recognized tribes, and provides services to more than 1.7 million American Indian and Alaska Native peoples.

We collect nearly \$13 billion annually through mineral extraction and other activities, and share nearly \$5 billion of these revenues annually with States, tribes, counties, and other entities. An additional \$2 billion of our budget is used in local communities across the Nation through contracts for goods and services. In many of your States, the revenues we share from energy production and other activities are a critical component of the local economy. Overall, the Department estimates the exploration and production of oil, gas, coal, hydropower, and minerals on Federal lands contributed nearly \$275 billion to the U.S. economy in 2011.

In 2012, there were almost 500 million visits to lands managed by the Department, and recreational visits to our lands contributed an estimated \$49 billion in economic benefits to local communities in 2011.

The Department administers the Federal Government's relationship with the territories of Guam, American Samoa, the United States Virgin Islands, and the Commonwealth of the Northern Mariana Islands, and financial assistance provided to the freely associated states of the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau under the Compacts of Free Association.

It is with this fitting introduction to the Department's significant responsibilities that I come before you to discuss the major programs and highlight some of the activities at the Department and my goal to ensure that it continues in its role as a resource manager, a job creator, and a partner to tribes and state and local governments.

## STRENGTHENING OUR ENERGY FUTURE

The use of rapidly advancing technologies, implementation of smart policies, and a commitment to the President's "all of the above" energy strategy will allow us to continue with the safe and environmentally responsible expansion and diversification of our Nation's energy production, further cutting our reliance on foreign oil, and protecting our land and water at the same time. We have been pushing forward with that goal.

*Onshore Energy Development*

Onshore, the Bureau of Land Management held 31 oil and gas sales last year and is scheduled to hold more than 30 this year. Oil production from Federal onshore lands is at its highest level in over a decade. The amount of producing acreage continues to increase, and was up by about 200,000 acres between 2011–2012. And the onshore leasing reforms put in place in 2010 resulted in the lowest number of protests in 10 years—fewer than 18 percent of parcels offered in fiscal year 2012 were protested, reducing costs and further speeding development.

The Administration is making more coal available as well, with the number of producing acres rising 4 percent from fiscal year 2009 to fiscal year 2012. The amount of coal the agency leased last fiscal year is the highest since fiscal year 2003. And through the Office of Surface Mining Reclamation and Enforcement, we are working to ensure that communities impacted by coal mining and the environment are protected during mining. We are also pursuing the reclamation of priority abandoned mine sites with a goal of reducing the number of remaining dangerous abandoned mine sites nationwide.

The Department has also improved onshore oil and gas permit processing. Secretary Salazar instituted reforms to the BLM's oil and gas program, including transitioning to an electronic system that will automate and streamline the application process and significantly reduce the time for approval of new projects. From fiscal year 2006 to fiscal year 2012, the amount of time it took for all BLM field offices to process and approve complete drilling applications fell by 40 percent and the number of inspections completed by all BLM offices rose 73 percent. The Administration has proposed extending and expanding the interagency permitting pilot office authority under the 2005 Energy Policy Act to allow BLM to focus pilot office resources in areas of highest demand. We are headed in the right direction and will continue to look at procedures, processes, and the regulatory framework to identify areas for further reform.

In mid-May the Department published a revised proposed rule on hydraulic fracturing on public and Indian lands. I have said before that it is important that the public have full confidence that the right safety and environmental protections are in place. This rule proposes common sense updates to 30-year old regulations that will increase safety in oil and gas production on public lands. Under the proposal, BLM will work with States and tribes to increase flexibility and reduce regulatory duplication. The revised version includes a variance process that will allow BLM in appropriate circumstances to defer to States and tribes that have standards in place that meet or exceed those proposed in the rule. We have also extended the public comment period to August 23, 2013, to ensure that we have input from the public and from key stakeholders.

Alaska is an important component of our Nation's energy strategy. The Arctic holds substantial oil and gas potential, but also presents unique environmental and operational challenges. The BLM recently finalized a new comprehensive plan—the first ever—for the 23-million acre National Petroleum Reserve—Alaska. This balanced plan provides access to over 70 percent of that area's estimated oil potential and provides for an important east-west corridor that could be needed for pipeline infrastructure to eventually carry Chukchi Sea oil to the Trans-Alaska pipeline. At the same time, it will protect the vital subsistence resources of Alaska Natives and the habitat of world-class wildlife populations.

The Department is also committed to assisting Indian tribes in expanding renewable, reliable, and secure energy supplies on Indian lands and safe and responsible oil and gas development. Including Indian Country in the "all of the above" energy strategy will help increase domestic energy supplies and improve the economies of many Indian tribes and Alaska Native villages.

*Offshore Oil and Gas Development*

We also are moving forward with oversight of the safe and responsible development of our offshore oil and gas resources. The first two sales of the 2012–2017 Five Year Program were held in the Gulf of Mexico in November 2012 and March 2013, and resulted in over \$1.3 billion dollars in industry investment and Government revenue through bidding on 436 tracts. At the end of April we announced the Pro-

posed Notice of Sale for Lease Sale 233, scheduled for this August, making available 21 million acres offshore Texas. With this sale, all available unleased acreage in the western Gulf of Mexico will be offered for leasing.

Over the past several years, since the *Deepwater Horizon* oil spill, the Department has reformed the way development on the Outer Continental Shelf takes place. The Bureau of Safety and Environmental Enforcement has implemented safety and environmental management system regulations; issued a new drilling safety rule to refine safety reforms and strengthen requirements; taken steps to hold contractors accountable for their actions offshore; conducted two full-scale capping stack deployment exercises to respond to potential future well blowout scenarios; and provided new guidance on oil spill response plans.

The Bureau of Ocean Energy Management has also significantly reduced the time for review of exploration and development plans for deepwater drilling in the Gulf of Mexico, with time from submission to approval down almost 35 percent from the period between October 2010 and October 2011.

BSEE has achieved similar, significant improvements in the processing of deepwater permits, with the average time for review reduced by about 37 percent between 2011 and 2012. This has contributed to the approval by BSEE of 112 new deepwater well permits, higher than in either of the 2 years preceding the *Deepwater Horizon* oil spill. There are more floating deepwater drilling rigs working in the Gulf of Mexico today than prior to the *Deepwater Horizon* spill, and we expect drilling activity to steadily increase over the coming year. And both BOEM and BSEE are working to modernize and streamline their data systems and the processes for the submission and review of plans and permits. When completed, this investment will achieve significant gains for both the rigor of analysis and the efficiency of review, saving time and money and enhancing accountability.

Science continues to drive decisionmaking for the OCS leasing program. BOEM conducts rigorous scientific and environmental analysis to support all stages of the OCS program, partnering with academic institutions and other Federal agencies to produce top-tier applied research to support decisionmaking. BOEM also conducts thorough assessment of resource potential to identify areas of the OCS that are most promising for exploration and development. Last year BOEM began a Programmatic Environmental Impact Statement to support permitting decisions for geological and geophysical surveys that will be used for assessing energy resource potential off the coast of the Mid and South Atlantic. The Department also uses the results of exploratory drilling to improve its knowledge of the resource potential. As part of this process, the Department oversaw the first new exploratory activity in the Alaskan arctic in a decade, with Shell Oil Company beginning limited preparatory drilling activities in the Chukchi and Beaufort Seas under strict safety and environmental oversight.

And we look forward to working with the Committee and your counterparts in the Senate to finalize implementing legislation for the Agreement between the United States and Mexico concerning Transboundary Hydrocarbon Reservoirs in the Gulf of Mexico. BOEM estimates that the transboundary area contains as much as 172 million barrels of oil and 304 billion cubic feet of natural gas.

#### *Renewable Energy Development*

The Department has a critical role to play in fulfilling the President's goal to double renewable electricity generation again by the year 2020 by permitting enough renewables projects on public lands to power more than 6 million homes. I will continue to build on the Department's successes and work to make sure we are accomplishing this in the right way and in the right places.

Securing clean sources of energy is good for the environment, creates American jobs, and promotes innovation. In 2009, there were no commercial solar energy projects on or under development on the public lands. From that time, the Department authorized 42 renewable energy projects on or through the public lands which, if constructed, will have the potential to produce enough electricity to power more than 4.2 million homes. The Department also plays a key role in efforts to strengthen the Nation's electric transmission grid, approving permits enabling several hundred miles of transmission lines in seven States across Federal lands in 2012.

BLM has focused on an accelerated, but environmentally responsible, permitting process for the development of renewable energy on public lands that ensures the protection of signature landscapes, wildlife habitats, and cultural resources.

Since 2009, BLM has authorized more than 12,000 megawatts of energy on public lands and waters, established a road map for responsible solar development in the West by designating energy zones, and flipped the switch on the first solar energy project to deliver power to the grid. BLM also released the Final Environmental Impact Statement for a proposed 750 megawatt facility in Riverside County that would

be one of the largest solar energy projects on public lands in the California desert. BLM is also moving forward on wind energy, with a proposed complex in Wyoming that would generate up to 3,000 megawatts of power, making it the largest wind farm facility in the United States and one of the largest in the world. BLM also expects to propose rules that would establish a competitive process for issuing rights-of-way leases for solar and wind energy development on public lands.

Significant progress has been made to advance offshore wind energy. BOEM issued the second non-competitive commercial wind lease off the coast of Delaware in 2012. I recently announced the first ever competitive lease sale, to be held in July, for a wind energy area offshore Rhode Island and Massachusetts, and BOEM will hold another competitive lease sale offshore Virginia this year. These sales involve nearly 278,000 acres proposed for development of wind generation to produce electricity to power as many as 1.9 million homes. We expect additional competitive lease sales to follow for wind energy areas offshore Maryland, New Jersey, and Massachusetts, and we continue to make progress on potential projects in areas offshore New York, North Carolina, and Maine.

BOEM has established renewable energy task forces with a total of 12 Coastal States, including recent task forces in the States of Hawaii and South Carolina, and is overseeing progress in the planning of a potential Mid-Atlantic wind energy transmission line, which would enable up to 6,000 MW of wind turbine capacity to be delivered to the electric grid along the east coast.

And the Bureau of Reclamation's 58 hydroelectric power plants generate more than 40 billion kilowatt hours of electricity to meet the needs of over 3.5 million households and generate over \$1 billion in gross revenues for the Federal Government.

#### MANAGEMENT OF OUR LANDS AND WATERS

I will also work hard to build on the progress that has been made in the management of the Federal lands and waters that make this "America the Beautiful."

One of the major goals of President Obama's America's Great Outdoors initiative is to better connect youth and families to nature and outdoor recreation. By engaging with America's youth through the outdoors, we are helping to lay the foundation for the next generation of our Nation's stewards, scientists, business leaders, teachers, and others who will understand the key role that national parks and public lands and waters play in conservation and preservation of our Nation's treasures and the significance they have for local communities, drawing visitors and boosting the economy.

With the National Park Service's centennial anniversary approaching in 2016, we have the opportunity to both celebrate and confirm the NPS's stewardship of our cultural, historic, and natural treasures and its role in building enduring connections and enriching experiences with its visitors, including the Nation's youth. I recently had the opportunity to meet students from Stonewall Middle School at Prince William Forest Park in Virginia to celebrate National Park Week and highlight the importance of outdoor recreation and education, especially to young people.

I have also had an opportunity in these first weeks on the job to work alongside young people in Gateway National Recreation Area in New York and in Portland, Oregon, where high school and college-aged young people were restoring habitat and engaging other youth in environmental education and stewardship—all great examples of our commitment to a 21st Century Conservation Service Corps. In an effort to learn from the Civilian Conservation Corps of the last century, this will provide a tangible way to boost youth employment, facilitate job training, and engage returning veterans, supporting our public lands infrastructure in a cost-effective way while giving youth a lifetime connection to public lands close to home and far away. It will also provide great opportunities for public/private partnerships with businesses and non-profit organizations.

Through partnerships with States, tribes, nongovernmental organizations, and concerned citizens, we will continue to expand opportunities for recreation and conservation and to promote America's parks, wildlife refuges, and other public lands and waters. These innovative partnerships help create great parks and green spaces in urban areas, expand access to rivers and trails, support the \$646 billion outdoor recreation economy (according to the Outdoor Industry Association's 2012 report), connect the next generation to the outdoors, create wildlife corridors, and promote conservation on large landscapes while working to protect historic uses of the land including ranching, farming, and forestry.

The Department and its land management bureaus also benefit from fee receipts that are collected and reinvested in visitor services under the Federal Lands Recreation Enhancement Act (REA). The Department currently collects over \$200 million



in recreation fees annually under this authority and uses them to enhance the visitor experience at Interior facilities. Surveys show that most visitors believe that the recreation fees they pay are reasonable for the amenities and services provided; in fact, 94 percent of visitors to NPS sites believe that the value for the entrance fee paid is “very good” or “good.” The Department encourages the Committee to reauthorize the REA, which sunsets in December 2014.

And we also proposed this year, for the first time ever, mandatory dedicated funding for Land and Water Conservation Fund programs, with full funding at \$900 million annually beginning in 2015. Enactment of a mandatory LWCF program will ensure continued funding for this program, which is designed to make investments in conservation and recreation for the American people to balance the development of oil and gas resources. Protecting this balance through mandatory LWCF funding will reduce landscape fragmentation, making it more efficient to protect wildlife habitat, respond to wildfires and other natural disasters, and increase recreational access on the lands and waters that belong to every American.

We recognize the challenges in establishing new mandatory programs in the current fiscal environment. That’s why as part of the fiscal year 2014 Budget we have also identified a variety of mandatory savings proposals that, while justifiable on their own merits, could also be used to partially offset a mandatory LWCF proposal. Detailed descriptions of all of these proposals can be found at:

<http://www.doi.gov/budget/appropriations/2014/highlights/upload/overview.pdf>.

I would also note that our legislative proposal to reauthorize the Federal Land Transaction Facilitation Act, which expired in 2011, provides a unique opportunity to supplement our LWCF resources to protect additional high-value conservation lands by selling properties that have been identified as better suited to other purposes. The proposal would use the sales revenues to fund the acquisition of environmentally sensitive lands and to cover the administrative costs associated with conducting the sales. We believe this is a win-win proposal that we hope would have bipartisan support in this Committee.

Our Nation’s public lands that are managed by BLM include rangelands, forests, deserts, and mountains, all administered for multiple uses. They support a variety of resources and opportunities important to Americans such as resource development, forage for livestock, water storage and filtration, carbon sequestration, habitat for an abundance of wildlife, scenic beauty, and many forms of outdoor recreation.

The National Landscape Conservation System, which includes 19 national monuments, 21 national conservation (and similarly designated) areas, and 221 wilderness areas designated by Congress offer a different conservation model where many traditional uses are allowed. These spectacular lands provide a multitude of benefits including scientific and historical resources, critical habitat for a variety of species, and diverse recreational opportunities including hunting, fishing, and hiking that generate millions of dollars for local communities.

The conservation and sustainable use of our rangelands is important to those who make their living on these landscapes—including public rangeland permittees, whose operations are important to the economic well-being and cultural identity of the West and to rural western communities. While significant workload and resource challenges exist, BLM is committed to reducing the backlog of grazing permit renewals and to issuing permits in the year they expire.

BLM manages the timber on its Oregon and California (O&C) Grant Lands according to the principle of sustained yield. We are increasing support in 2014 for resource management on the O&C lands to implement the Western Oregon Strategy, as well as increased support for the BLM to continue its comprehensive effort to prepare new Resource Management Plans covering six BLM Districts in western Oregon.

#### *Conserving America’s Wildlife*

Healthy populations of fish, wildlife, and plants provide a multitude of benefits to Americans. They provide opportunities for hunting, fishing, wildlife viewing, and other forms of outdoor recreation, as well as support jobs in the outdoor recreation industry. Maintaining healthy populations is important to the health of the ecosystems in which they live, the public, and to our economy.

The U.S. Fish and Wildlife Service is a leader in protecting and enhancing America’s biological natural resources for Americans to enjoy today and in the future. Faced with escalating challenges such as urbanization, invasive species, water scarcity, and a range of other complex issues, all of which are further stressed by a changing climate, FWS is taking a strategic approach to conservation and is working collaboratively with other Federal agencies, tribes, State and local governments, and project proponents to help ensure healthy wildlife populations while facilitating the successful implementation of projects that are important to the economy.

The Department's work to conserve wildlife is wide ranging. Highlights of recent accomplishments include bringing down an international rhino-horn smuggling ring in "Operation Crash;" expanding the historical commitment to conserving waterfowl breeding habitat in the prairie potholes; achieving voluntary conservation efforts from partners for species like the dune sagebrush lizard, lesser prairie chicken, and greater sage grouse; recovering wolves in the Northern Rocky Mountains and the Great Lakes; working as part of an integrated State-Federal team working to address invasive Asian carp; facilitating an important role in domestic energy project permitting; and using science to begin a process of refocusing our work on explicit biological goals that can best represent landscape conditions and habitat needs of larger groups of species.

The Department also has a special role to play in working with Indian tribes to safeguard resources and to maintain fish and wildlife needed for subsistence harvests. These protections are especially critical for Native Alaskan populations given the rate of change observed in the State's climate.

#### *Wildland Fire*

The Department's Office of Wildland Fire Coordination was before you just last week to discuss the outlook and planning for this fire season. In May, I had the opportunity to join with Secretary Vilsack to visit the National Interagency Fire Center in Boise to see this well-coordinated operation firsthand and discuss the efforts the Federal Government is making to protect citizens and property from wild-fire.

I recently visited the Command Posts for the Yarnell and Dean Peak Fires in Arizona, and attended the heartbreaking memorial service for the 19 firefighters that died fighting the Yarnell fire on June 30. This tragedy represents the worst in Arizona's history and the worst loss of wildland firefighters for our country since 1933. Federal wildland fire assets responded at the onset of the Yarnell Fire, and we continue to support the incident today. I speak for all Americans when I say that our hearts go out to the families and friends who lost these fine men.

After a decade of drought and the continued proliferation of non-native plant species and accumulation of hazardous fuels in our forests and rangelands, the 2012 fire season was one of the worst on record for BLM rangelands and woodlands in the lower 48 States. The 2012 season also impacted the other three bureaus with resource responsibilities, and with the outlook for the 2013 season to be as severe throughout much of the West, there may be record fires this year. To be prepared we are working together with other Federal agencies, tribes, and local governments to ensure that we're doing everything we can with the resources that we have. Additionally we are working with our partners to reach the goals of the National Cohesive Wildland Fire Management Strategy to restore and maintain resilient landscapes, create fire-adapted communities, and respond to wildfire.

The complexity and intensity of fires over the past 10 years present enormous budgetary challenges for the Federal Government. Because of sequestration we absorbed an overall \$37.5 million cut to the Department's fire program that resulted in a reduction of approximately 7 percent of the Department's firefighter seasonal workforce, with reduced lengths of employment for those hired. This reduces our capability and significantly constrains our work in fire response and in remediating land after fire damage.

#### *Water Resources*

The Bureau of Reclamation is the largest wholesaler and manager of water in the 17 Western States and the Nation's second largest producer of hydroelectric power. Its projects and programs are critical to driving and maintaining economic growth in the Western States. Reclamation manages water for agricultural, municipal and industrial use, and provides flood control and recreation for millions of people. Reclamation activities, including recreation, have an economic contribution of \$46 billion, and support nearly 312,000 jobs. As a result, Reclamation facilities eliminate the production of over 27 million tons of carbon dioxide that would have been produced by fossil fuel power plants.

Reclamation has a long-standing commitment to support the Secretary's goal to strengthen tribal nations, including through ecosystem restoration, rural water infrastructure, and the implementation of water rights settlements.

Population growth, development, and a changing climate are creating growing challenges to the Nation's water supplies. In many areas of the Country, including the arid West, dwindling water supplies, lengthening droughts, and rising demand for water are forcing communities, stakeholders, and governments to explore new ideas and find new solutions to ensure stable, secure water supplies for the future. The Department is tackling America's water challenges by providing leadership and

assistance to States, tribes, and local communities to address competing demands for water by helping improve conservation and increase water availability, restore watersheds, and resolve long standing water conflicts. Today, many of Reclamation's activities address drought through the use of enhanced water management that helps guard against and, to a certain extent, mitigate the devastating effects of drought. Water conservation by agricultural, residential and commercial users is a prime example.

Through our national water conservation initiative, WaterSMART, we are finding better ways to stretch existing supplies and helping partners plan to meet future water demands. In 2012 the U.S. Geological Survey, a key partner in the WaterSMART initiative, began a 3 year study of three focus areas in the Delaware River Basin, the Apalachicola—Chattahoochee—Flint River Basin, and the Colorado River Basin. The study will contribute toward ongoing assessments of water availability in these large watersheds with potential water-use conflicts, provide opportunities to test and improve approaches to water availability assessment, and inform and ground truth the Water Census with local information. This is in addition to focusing on water availability, and investigating the components of a regional water budget to understand the amount entering and leaving each basin.

This work also contributed to the Colorado River Basin Water Supply and Demand Study, the first of its kind, released by the Department in December 2012, which projects an average imbalance in future water supply and demand greater than 3.2 million acre-feet by 2060. The study projects the largest increase in demand will come from municipal and industrial users, owing to population growth, and estimates the number of people that rely on Colorado River Basin water could double to nearly 76 million people by 2060 under a rapid growth scenario. The Department, along with representatives from the seven Colorado River Basin States, the Ten Tribes Partnership, and conservation organizations, is facilitating a path for next steps to address these projected imbalances.

I am committed to continuing to work with our stakeholders to assess the implications of water shortages, develop flexible operational plans that account for expected periods of drought, and support projects that conserve water and improve the efficiency of water delivery infrastructure.

#### SUPPORTING TRIBES AND ALASKA NATIVE COMMUNITIES

Great progress has been made during this Administration, including passage of the Tribal Law and Order Act, the settlement of the *Cobell* case and tribal trust litigation and, more recently, the passage of the tribal criminal jurisdiction provisions in the Violence Against Women Act, all with the full support of the Obama Administration. As Secretary, I intend to carry on the Obama Administration's policy with respect to Indian Affairs. Let me mention several of a number of key priorities here.

##### *Self-Determination*

The cornerstone of the Administration's policy continues to be promoting tribal self-governance and self-determination and recognizing the inherent right of tribal governments to make their own decisions to strengthen their communities.

The Administration's commitment to advancing self-determination is further evidenced by the President's Executive order, signed on June 26, establishing a White House Council on Native American Affairs, which I will chair as Secretary of the Interior and that will include the heads of more than 30 Federal departments and agencies. The intent is to improve interagency coordination, efficiency, and expand efforts to leverage Federal programs and resources available to tribal communities. It will convene at least three times a year and will work collaboratively toward advancing five priorities that mirror the issues tribal leaders have raised during previous White House Tribal Nations Conferences, including promoting sustainable economic development; supporting greater access to and control over healthcare; supporting the efforts to improve the effectiveness and efficiency of tribal justice systems; expanding and improving educational opportunities for Native American youth; and protecting and supporting the sustainable management of Native lands, environments, and natural resources.

The Executive order also institutionalizes the White House Tribal Nations Conference as an annual event.

##### *Honoring the Trust Relationship*

One way that the Obama Administration has sought to advance a nation-to-nation relationship with tribal governments and the long-standing policy goals established in the Indian Reorganization Act is by protecting and restoring tribal homelands. Efforts to restore tribal homelands have been hindered by the U.S. Supreme Court

decisions in *Carcieri v. Salazar* and *Match-E-Bé-Nash-She-Wish Band of Pottawatomí Indians v. Patchak*.

The *Carcieri* decision has placed substantial administrative burdens on the Department and tribes, and has significantly increased litigation risks. The historical inquiry into whether an Indian tribe was “under Federal jurisdiction” in 1934 is often fact-intensive and can make the Department’s review process for acquiring land in trust under the IRA time consuming and costly for tribes and the Department. After the Department’s decision is complete, it is not atypical for lawsuits to be filed challenging the acquisition. The Supreme Court’s *Patchak* decision has exacerbated the problems created by the *Carcieri* decision. In *Patchak*, the Court held that, despite the Quiet Title Act, a plaintiff who was not claiming title to the land at issue could maintain a lawsuit under the Administrative Procedure Act against the Secretary’s decision to acquire land in trust for tribes could be challenged even after the land at issue was actually held in trust by the United States.

The Administration continues to support a legislative solution to address the negative impacts resulting from the *Carcieri* decision, and has included language in its fiscal year 2014 budget request that, if enacted, would resolve this issue. The Administration could also support a legislative solution to the *Patchak* decision that allows for judicial review of the Secretary’s decisions to acquire land in trust, while also protecting the tribal land base after title to the land transfers to the United States in trust for a tribe.

#### *Cobell Settlement Implementation*

Finalized on November 24, 2012, following the end of the appeal process, the \$3.4 billion settlement of the *Cobell* litigation addresses the Federal Government’s responsibility for trust accounts and trust assets maintained by the United States on behalf of more than 300,000 individual Indians. Implementation of this settlement will ultimately serve to strengthen the relationship between Native Americans and the Federal Government.

Most recently, after extensive consultation with American Indian leaders, the Department announced that efforts are underway to establish cooperative agreements with several tribal nations to facilitate the purchase of individual interests in highly fractionated trust lands for the purpose of consolidating ownership of these acres for the beneficial use of tribal nations. We have also established purchase ceilings to ensure that all qualifying tribes will have the opportunity to participate in the Land Buy-Back Program for tribal nations.

I am pleased to continue to make implementation of this historic settlement a priority at the Department, and the Department is moving forward on this.

#### *Education*

The education of Native American children is an issue of paramount concern. These children experience some of the highest levels of poverty in the United States, which not only affects the possibilities for their academic success but may also limit other possibilities for success later in life. The Administration is committed to ensuring Native American students receive an academically rigorous, culturally appropriate education that will prepare them to be productive citizens and leaders in their communities and help build safer, stronger, healthier, and more prosperous Indian communities. We are working in conjunction with the Department of Education to support these efforts.

#### *Energy Development*

As the President has stated many times, our success depends in significant part on pursuing an energy strategy that reduces our reliance on foreign oil and secures our energy future. As a part of this strategy, the Department is committed to assisting tribes in expanding on Indian lands renewable, low cost, reliable, and secure energy supplies as well as safe and responsible oil and gas development in accordance with tribal objectives.

The Department currently holds in trust 55 million surface acres and 57 million acres of subsurface mineral estate throughout Indian Country. The potential on Indian lands for the development of both conventional and renewable energy resources is significant.

Implementing the President’s all-of-the-above energy strategy in Indian Country will contribute to the goals of increasing our Nation’s domestic energy supplies and of improving the economies of many Indian tribes and Alaska Native villages.

#### *Regulatory Reform*

The Department’s process for acknowledging an Indian tribe provides for the Assistant Secretary for Indian Affairs to make a decision on whether to acknowledge a petitioner’s government-to-government relationship with the United States. Some

have criticized the process as expensive, inefficient, burdensome, intrusive, less than transparent and unpredictable. The Department is aware of these critiques, and we are reviewing our existing regulations to consider ways to improve the process and address these criticisms and concerns.

With this in mind, the Department is actively working to develop draft revised Federal Acknowledgement regulations and will be initiating the tribal consultation process soon. Pending the outcome of tribal consultation, the next step would be to release the proposed rule for public comment. While the current goal is to publish a final rule sometime in 2014, the timing for publication of a final rule depends upon the volume and complexity of comments and revisions necessary to address the comments received.

#### COMMITMENT TO SCIENCE

The Department's mission requires a careful balance between development and conservation, achieved by working closely with our diverse stakeholders and partners to ensure our actions provide the greatest benefit to the American people. The development and use of scientific information to inform decisionmaking is a central component.

Science at the Department promotes economic growth and innovation. At the Department, we use science to address critical challenges in energy and mineral production, ecosystem management, invasive species, oil spill restoration, climate adaptation, and Earth observation—such as satellite and airborne land imaging, and water and wildlife monitoring. And in support of the President's new Open Data Policy, the Department continues to make Federal data collected through these efforts publically accessible. For example, the Bureau of Ocean Energy Management and the U.S. Geological Survey have collectively contributed over 100 datasets to *ocean.data.gov*, to support regional efforts under the National Ocean Policy.

Scientific monitoring, research, and development play a vital role in supporting Interior's missions and Interior maintains a robust science capability in the natural sciences, primarily in the USGS. An example of how this expertise is applied is USGS's work as part of an interagency collaboration on hydraulic fracturing, which is aimed at researching and producing decision-ready information and tools on the potential impacts of hydraulic fracturing on the environment, health, and safety, including water quality and inducement of seismic activity. The USGS is also a leader in resource assessments, and just recently published an updated assessment of the Bakken and Three Forks Formations, finding greater resource potential there than previously thought.

The President has also made clear that climate change is an important issue for the Nation, especially as we face more frequent droughts, wildfires, and floods. Here at the Department, we are using the science expertise in our bureaus to assist our land managers to effectively prepare for and respond to the effects of climate change on the natural and cultural resources that we manage.

While USGS provides exceptional support to Interior bureaus, other Departmental bureaus work collaboratively to bridge gaps in knowledge, leveraging the complementary skills and capacity to advance the use of science to support management decisionmaking, ensure independent review of key decisions and science integrity, and adaptively use data to assist States, tribes, and communities throughout the Nation.

#### IMPACTS OF SEQUESTRATION

Finally, I want to mention the impact sequestration and uncertainty about the future has had on the Department and its programs. The sequester was designed to be inflexible, damaging, and indiscriminate, and it is. The process put in place by the sequestration undermines the work we need to do on many fronts, and we will continue to see impacts across the country in all of our bureaus during the coming months.

We are facing challenges across our bureaus to deal with the impacts of the sequester. We will survive these cuts this year by freezing hiring, eliminating seasonal positions, and cutting back on our programs and services, but these steps are not sustainable, as these actions which are eroding our workforce, shrinking our summer field season, and deferring important work cannot be continued in future years without further severe consequences to our mission.

#### CONCLUSION

Thank you again, Mr. Chairman, for inviting me to appear before your Committee. Achieving success in all of these important responsibilities on behalf of the

American people is the Department's primary focus. I look forward to working with you as we advance these important issues.

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The CHAIRMAN. Thank you very much, Madam Secretary, for your statement, and again, for being here.

Let me first make an observation with how the Department has been responding to the Committee's oversight requests.

At the first meeting that you and I had a month ago, I discussed the frustration that the Committee's oversight requests would often go ignored for months. In fact, in the 10 oversight requests that we have sent to the Department this year, the Department has not met one deadline for, and has not complied with, a single one of those 10 requests. Now, I know that overlaps between the time Secretary Salazar and you were here. Of those two requests were only partially responded to in the days leading up to this hearing, and one request from May has never been responded to at all.

Now, at that meeting, I asked that our staffs get together. And I know in the weeks since our staffs have had several follow-up conversations to get updates on the overdue oversight requests. Although the Department staff has said that they are working expeditiously on the Committee's requests, they have refused to say when we can expect additional responses, or even whether it is withholding any of those documents.

Now, from the standpoint of our responsibility for oversight, that, to me, does not make any sense. So it is my hope, as I mentioned to you when we first met, that under your leadership, the Department will have a better track record of complying with congressional oversight requests. But I want to stress, and I did this privately and I will do here publicly, that we are really running out of patience with the Department's delays. And the Committee will take whatever steps necessary, and that includes issuing subpoenas, to enforce these requests, overdue requests, for information.

Now, you mentioned ESA, and I mentioned ESA in my opening remarks. And one of the frustrations that I have is that mega-settlement, and then the deadlines that are ensuing from that mega-settlement. In my district, let me get personal, in my district, in Franklin County in central Washington, we recently had a public hearing on a plant subspecies called the bladderpod. Now, the deadlines that we see, that my constituency sees, is that there is going to be a decision made, not because of good science, but because of the deadlines.

I mean, for example, in this issue of bladderpods, none of the private landholders were notified prior to the listing. And at the hearing, ironically, and meetings I have had subsequently with the private land owners that were impacted, they said, "If they had contacted us earlier, we probably could have reached some sort of a settlement, but we knew nothing at all about it because of the settlement," of the mega-settlement.

So, I guess my first question to you, as we move forward with ESA listings, do you think that deadlines should be a part of it? If you had a choice between deadlines and good science, what should be the driving decisionmaking process? Good science or deadlines?

Secretary JEWELL. Mr. Chairman, I want to respond on both comments that you made. First, on the document request. As I asked for an update, we have provided over 10,000 pages of documents. I know our teams have met multiple times. And I will renew my offer to you, which is, before you feel a need to submit a document request, I am very happy to have a one-on-one conversation with you to understand, I appreciate the role of oversight of this Committee and I am committed to upholding that. And if there is a way we can do it without having people go through laborious document requests and then your having to review those document requests, that would be great. Because I think we share a commitment to a transparent relationship.

Second, on the ESA, we are bound by the laws. And the laws talk about using the best-available science. As I understand it, and I am coming into this relatively new, there were many, many requests for listings. It was very hard to keep up, and so there was a broad, multi—

The CHAIRMAN. Mega.

Secretary JEWELL. Mega, whatever. There were a lot of species. And those provided timelines that at least stopped things from being forced into listings by buying us some time. So I don't think it is an either deadlines or science. The law is clear: we must use best-available science. We are upholding that law. But I think one of the challenges is we were being overwhelmed by the numbers, and the settlement enabled us to actually have some timelines out there. And I am not familiar with the bladderpods that you referenced, but I can certainly check on that specifically and get back to you.

The CHAIRMAN. Well, the whole issue is making decisions based on deadlines, rather than good science. And it appears to be, at least in this case, and probably others, that deadlines are the driving force.

I know Members want to ask questions, so I will quit, because I am over time, and I will recognize the Ranking Member.

Mr. DEFAZIO. Mr. Chairman, I will take my turn a little bit later. So at this point I would recognize Mr. Pallone.

Mr. PALLONE. Thank you. Secretary Jewell, the Department of the Interior is currently deciding whether seismic air gun testing should be allowed to search for offshore oil and gas in the Atlantic Ocean. And I think you know I am staunchly opposed to drilling in the Atlantic, and believe that, rather than waste the time and money on seismic testing, the Department should be investing in the development and production of clean energy.

With that being said, I am troubled by the process the Department has been taking in developing its environmental impact study for seismic testing in the Atlantic. And let me explain. The Department's draft EIS estimates that 138,500 marine mammals will be injured or killed by this testing over the course of 8 years, and over 13 million more marine mammals disturbed. Yet NOAA is currently working on developing new acoustic guidelines for assessing the effects of sound on marine mammals that are likely to increase the current estimates for disturbances to vital behaviors of marine mammals. In other words, even more.

It would seem that these new guidelines would be very relevant to the final EIS your Department is compiling. And since any final EIS that does not include these new acoustic guidelines would be severely flawed, will you commit to waiting until these new NOAA guidelines are published and finalized before issuing a final EIS on this matter?

Secretary JEWELL. Congressman, I am familiar that the EIS process is underway, and that we are trying to do our part to understand the resources that are available on Federal property. I am not specifically aware of the NOAA study.

So, what I would like to do is look into that and better understand that and understand where it is in the process of the EIS, because I am not familiar with where they are in terms of receiving that information, but I know that we will use the best available information at the time we do that EIS, and certainly recognize the concern over marine mammals.

Mr. PALLONE. Well, let me ask you this. I understand that you are saying you can't make that decision now. But I just would ask, as you said, that you consider not proceeding with the final EIS until these new guidelines are published, and get back to me and tell me one way or another, whether you are going to hold off with the EIS until these guidelines come back. If you could, get back to me through the Chairman.

Secretary JEWELL. Absolutely.

Mr. PALLONE. Now, that is with regard to marine mammals. But with regard to fish, as opposed to marine mammals, commercial and recreational fishing off the Mid and Southeast Atlantic generates about \$11 billion annually and supports over 200,000 jobs. Meanwhile, air gun noise has been demonstrated to depress catch of several commercial fish species by some 40 to 80 percent. And for this reason and others, the Mid-Atlantic Fisheries Management Council has formally objected to DOI's plans to open up the Atlantic to seismic exploration. And yet, there doesn't seem to be anything, there is really nothing, in the draft EIS to reduce harm from seismic exploration to fish and fisheries, as opposed to marine mammals.

So, I mean, I just want you to understand it is really important to address this, not only for marine mammals, but for fishing as well, and focus on this. And I would ask that you do that, that the EIS not just look at marine mammals, but also focus on fisheries, and whether that is the right thing to do.

Secretary JEWELL. Happy to look into that, as well.

Mr. PALLONE. OK. And finally, I wanted to let you know that Sandy Hook, which is a national park at the Jersey Shore that is in my district and I care about a lot, is an important economic driver for New Jersey, and it needs attention from the Department. The park was hit very hard by Superstorm Sandy. And I have to commend the hard work of the National Park employees that got the park up and running again for this summer. But there are many aspects of Sandy Hook that need attention, such as Fort Hancock, which is a National Historic Landmark, which has been allowed to slowly degrade into really kind of a shameful sight.



So, I would simply ask if you would ensure the Department gives Sandy Hook the attention it deserves, and also perhaps come and tour the park with me at some time in the near future.

Secretary JEWELL. Congressman, I have been to the area, not specifically to Sandy Hook. The damage is certainly devastating throughout that region. I know that we have secured \$37 million for—

Mr. PALLONE. We did, and I appreciate that.

Secretary JEWELL. And I have been working alongside Director Jarvis on this program, and it is certainly something that we are interested in doing, and I would look forward to a visit to that region.

Mr. PALLONE. Thank you, very much. And thank you, Mr. Chairman, Mr. DeFazio.

The CHAIRMAN. The gentleman yields back his time. We recognize the gentleman from Utah, Mr. Bishop.

Mr. BISHOP. Thank you, Mr. Chairman, and welcome, Secretary. I want to first say how much I have appreciated the opportunity I had of meeting you in private. I realize you are having a difficult time kind of dealing with my sarcasm, but the Chairman has the same problem here as well. It will come in time.

[Laughter.]

Mr. BISHOP. And I do want to thank you in those private meetings of your emphasis on the idea of collaboration and your willingness to assist us in some things we are doing, and emphasizing that, obviously, a legislative solution is far better than a rule-making solution. So thank you very much for those efforts. I look forward to it.

I have a couple of parochial issues that I want to ask you about. And part of it is based on a FOIA request, I just received information about it yesterday, that comes on the idea of sage-grouse from your national technical team on sage-grouse report. And I was actually concerned with a couple of things about the science of this report, as it says things within the FOIA request from the report like I don't feel like we really got into the correct science out there on the sage-grouse.

Not sure we can say we did a review of existing literature, and I don't think so-and-so's group embarked on conservation science, they are just trying to fill holes for the citation.

Some of the longer-term concerned comments were not addressed, and can be discussed later to address some of the science shortfalls brought up by the science team. They fear they will be challenged, "blowback" was the word they used, by outside groups.

My favorite one is, because I don't understand it, is, "I am missing something. Is this anthropogenic feature section worded poorly, or is this a misapplication of professional judgment on science?"

So, here is my concern. Let me talk, first of all, about the Gunnison sage-grouse. Yesterday you received a letter, I think, from Senator Bennett and Udall and Representative Tipton, I don't know why Scott lowered himself to sign on to a letter with the Senators; you have got to fix that, about the substantial disagreement on the Gunnison. And you gave a 6-month delay from Fish and Wildlife to making a final decision, which I appreciate you doing that. My concern is they tend to go over the border. And even though there

is estimated about 5,000 of these damn birds running around, 100 of them are in Utah. Does Utah also get that same 6-month delay as the Colorado section?

Secretary JEWELL. I don't know. I believe that it is the species, and not the State, so it would be the listing around the Gunnison, and so I would assume it applies, but I will check into that for you.

Mr. BISHOP. Thank you. And I hope it does, because that would be the obvious right thing to do.

I do have a question, though, because San Juan County is the county that is impacted by Gunnison sage-grouse, and that is 95 percent federally owned. The 5 percent that is not is now covered by Fish and Wildlife in this sage-grouse proposal. They have planted fields, I am sorry, meadows, they have sold land for easement, they have done a lot to try and meet this situation. Can I get a guarantee that somebody from the Department will actually sit down with San Juan and review what they are doing before making a final decision?

Secretary JEWELL. I will ask my team to do that.

Mr. BISHOP. Thank you. Same thing deals with the greater sage-grouse for the State of Utah. We have a plan in the State of Utah that solves 90 percent of the problem. Fish and Wildlife has not endorsed it, nor have they given any feedback. Can I get a commitment that the State of Utah will be given a chance to actually go forward and let their plan succeed?

Secretary JEWELL. Congressman, I am not familiar with the exchange back and forth, but I do know this, that I have spent quite a bit of time on the greater sage-grouse issue, I have met with the western Governors when we last saw each other. Sage-grouse is a huge issue. It is a great illustration of States working together with the Federal Government and private land owners to try and address habitat so a listing does not become necessary for the species. And I know, from talking to my colleagues, they want to work very closely with the State. So I presume that that means a yes in the case of Utah's plans, that they want to know what you are doing and work alongside you to address that.

Mr. BISHOP. The State plan is a good plan. I want to have the chance of succeeding. And I do mention that some of these court sue-and-settle mandate dates that we have, like September 2014, is not going to be a necessary effort to do that.

Let me ask this one last thing, because I have obviously run way out of time. We had a hearing the other day about forest fires. I only got 40 seconds, and I am fumbling. See how bad this is? What we found out about then is that the budget for treatment and fire reduction has been cut by the Administration. But at the same time, the Secretary of Agriculture wants to spend \$400,000 to buy more property, which is, to me, a gross misuse of funds, and exacerbates the problem.

As we talk to the Forest Service, they don't have the legal authority of moving that money from land acquisition into forest fire suppression or fighting or treatment. Does the Department of the Interior have that same problem? Is there a legal impediment for moving land acquisition funds over into the fire-fighting process?

Secretary JEWELL. I believe that we are operating on a line-item-by-line-item budget. I am not aware of the ability to take a capital

project like land acquisition and move it into an operational item like that, but I will check on that.

Mr. BISHOP. Thank you. Obviously, I think that is something we need to look at.

I apologize for going 5 seconds over.

The CHAIRMAN. Well, Pallone gave you a little bit, so you are OK there.

I recognize the gentlelady from California, Mrs. Napolitano.

Mrs. NAPOLITANO. Thank you, Mr. Chairman. Welcome, Secretary Jewell. I look forward to working with you. I have a whole host of questions. Some of them will be submitted for the record.

Just on your statement about water on conserve and store, because of the drought issues, the climate change that we are facing, I would suggest that we start looking at water reuse, recycling, not only conservation but education. And that is just for starters.

We know that your WaterSMART program has been cut by 53 percent. That hits a lot of the programs that have been very, very successful in creating wet water. And we are hoping that we will be able to work to expand the program. I believe most of the programs have been zeroed out.

The defunding by the appropriators of the Indian water rights settlement, and you talk about hydraulic fracturing, which uses a lot of water and leaves contaminated water, even in areas where there is drought, and I think that is a serious issue that we need to maybe look at.

The San Joaquin Settlement under the WaterSMART, two decades of active litigation would probably be settled, or at least help to address those problems in California.

And then, of course, the traditional construction budget that my colleagues on the other side support, yet we are taking money out of one part of Rec's budget, it has to come out from another part of your budget.

Then the stream gauges, which are critical for farmers and for others, just continuing the support of those. Those are also things that we are very, very concerned about.

I mean I could go on. There are programs and authorizations that were vetted by Congress, and yet we are defunding them. And I would like to hear what we can do to be able to help motivate those.

And talk about energy projects that could be impacted by the permitting process.

We talk also the Bureau of Indian Affairs that count for energy initiatives. We have NECA, Electrical Contractors Association, working with IBEW, the electrical workers, to work with tribes to set up and manufacture solar panels on Indian Reservations, issues that we need to continue to ensure that we do not over react, and cut budget for, because this not only means jobs, it is also dealing with our future of being able to continue promoting renewables.

I would like to be able to hear anything that you might be able to help us out with. Yes, the Indian water rights settlement, of course, is one of the major ones that I have, zeroing out your funding for that.

Secretary JEWELL. Thanks, Congresswoman. As I understand, the budget includes close to \$80 million, \$78.7 million, for the im-

plementation of four Indian water rights settlements. So it is not zeroed out, but it may be specific. I know that we are working with Reclamation to establish an Indian water rights settlement account that ensures continuity in the construction of the authorized projects.

Mrs. NAPOLITANO. Yes, but if it zeroes out funding for the settlement, why is it important we prioritize their water rights settlements.

Secretary JEWELL. Well, I think it is——

Mrs. NAPOLITANO. In the House.

Secretary JEWELL. We are making lots of difficult choices relative to the budget, overall. And I think it is very important that we prioritize water, overall.

Mrs. NAPOLITANO. Well, they have been ignored for decades, and that is one of the reasons why we think it is important.

Secretary JEWELL. OK. On the WaterSMART, there is no question that it is very important we try to conserve, that we don't waste water, that we reduce leaks, which Bureau of Reclamation has done, that we reduce evaporation. And the best drop of water is the one that people don't use to begin with, because of effective conservation. So I support the concepts you are discussing, and hope that we can get to a budget kind of situation that prioritizes these. Because, as you know, they are very extreme——

Mrs. NAPOLITANO. Well, one of the ideas that has been bounced around is creating a fund to be able to help small communities that cannot afford to institute some water saving or recycling or education projects, that we be able to help them, assist them in being able to help themselves. And that is something that I think we haven't looked at.

And one other area that concerns me is that when we provide funding for any project, recycle water projects or otherwise, that we have some kind of oversight. There is a water basin in my area that is right now undergoing an FBI investigation because of possible abuse of Federal and State funds, a commingling of funds is fine, but they have been found to be not doing the best with the money that was given to them, which is taxpayer money, and I take great exception to that.

Secretary JEWELL. I certainly agree that we need to use taxpayer money in the most efficient, effective way possible. And I don't know the specifics of that circumstance, but if it involves Interior, very happy to look into that directly.

Mrs. NAPOLITANO. It does involve Interior. And thank you, Mr. Chair. Sorry I went over.

The CHAIRMAN. I thank the gentlelady. The Chair recognizes the gentleman from Colorado, Mr. Lamborn.

Mr. LAMBORN. Thank you, Mr. Chairman. And I wish you success in a difficult job. It is real important to our country. So thank you for taking this job. And I do have to bring up several difficult issues, given this opportunity I have to talk with you.

In audio tapes uncovered by the House Natural Resources Committee investigation on the Stream Buffer Zone Rule, the Office of Surface Mining's own career staff was highly critical of the proposed rule because its costs so significantly outweigh its benefits. In fact, they were quoted saying, "This will never sell to the public,

Congress, or to anybody that, if we have this huge rule that we are only going to save, say, 15 miles of stream, this is going to be a headline story.”

Anyway, this Committee has continued to request information from the Department about this rule, and the Department continues to withhold information from us for no apparent reason. Just yesterday the Department produced a series of documents claiming to be responsive to this oversight request, including emails from 2009 that were entirely redacted. Here is an example up on the screen. And it took the Department 5 months to produce these emails, which are 5 years old. And I just am very disappointed about the Department’s lack of responsiveness.

I know you have just gotten there, but do you condone this lack of responsiveness? And will you tell them to be more responsive, hopefully?

Secretary JEWELL. Congressman, as I said to the Chairman, I am committed to being responsive on requests, and also working with this Committee, hopefully outside of the need for requests, to understand what your concerns are and to address those concerns without doing it back and forth through FOIA requests. I know that there are legal issues, there are individual names, there are things that are not appropriate to provide in written form. What we want to do is get to the bottom of issues that are of concern to this Committee.

And with regard to the Stream Buffer Zone Rule, I know that the team is working diligently on coming up with a way to both protect the resources and provide clarity to the industry. So, we will be publishing the rule once we have had all those inputs. And to the extent that there is additional information that we can provide that is helpful, we will be happy to do so.

Mr. LAMBORN. Well, I know there can be legitimate reasons for not disclosing certain isolated facts. But I hope that we don’t see any cover-up just because things aren’t going well and there has been some poor management.

Secretary JEWELL. That is certainly not my intent.

Mr. LAMBORN. OK, thank you. Changing the subject, last year’s fire season burned a total of 9.3 million acres, including the Wild Oak Canyon fire in my district that destroyed 347 homes and killed 2 people. Also, this year there has been the Black Forest fire in my district that claimed 2 lives and destroyed about 500 homes.

However, the Administration’s budget proposed cutting hazardous fuels reduction funding by 37 percent, that is \$115 million in a decrease. And, at the same time, ironically, proposing to acquire more land and increasing that funding by 10 percent. So, I question that we are buying more land when we are not managing the land we already have very, very well.

In light of the catastrophic fire season, do you support the President’s desire to reduce funding by \$115 million for hazardous fuels reduction?

Secretary JEWELL. Congressman, as I said in my opening statement, fire is a huge issue. I am bringing awareness to the Administration and working alongside Secretary Vilsack, trying to prioritize how we do our work, and spread the dollars as far as we can. And I am making the Administration aware of those things.

I think that, as my colleague, Jim Douglas, I think, was before this Committee, explaining some of our work around fire, it is very important we raise awareness as we make hard decisions around the budget. And there have been many hard decisions made that I think nobody is going to be happy with, as we try and bring the budget down.

So, as I influence the first budget I will have an opportunity to be involved with, which is 2015, I am certainly talking about these issues.

Mr. LAMBORN. OK, thank you. And last, there has been some talk, in fact, the Acting Ranking Member brought up the proposed BLM rule on fracking. The States are already doing a good job of that. And some people around here talk about science. And you are an engineer. So you know that the hydrology and geology of every State is not the same. I mean Alaska is not the same as Hawaii, for instance. Why not let the States, who know their own hydrology and geology better, do their own regulation, instead of a one-size-fits-all imposed fiat bureaucratic mandate from Washington? Why not let the States do what they are already doing a good job of?

Secretary JEWELL. Mr. Chairman, can I just take 10 seconds to respond?

The CHAIRMAN. You can, very briefly, thank you, Madam Secretary.

Secretary JEWELL. OK, will do. As an engineer, I understand fracking. And I understand that there are baseline standards that apply, no matter the hydrology: wellbore integrity, flowback fluids, and what is in the fluids, themselves. Colorado does a nice job. Wyoming does a nice job. If the standards of the States meet or exceed the Federal standards, we are fully supportive of State or tribal standards. But some States do not have regulations and technologies moving into those States. So we are talking about baseline minimum standards on Federal lands.

The CHAIRMAN. I thank the gentleman. The Chair recognizes the gentleman from Arizona, Mr. Grijalva.

Mr. GRIJALVA. Thank you, Mr. Chairman. And welcome, Madam Secretary. Thank you for being here.

If I may, my friend, Mr. Bishop, talked about having to get used to his sarcasm. After many years of serving with Mr. Bishop, let me assure you, Madam Secretary, it is an acquired taste, it is not something you can get used to.

[Laughter.]

Mr. GRIJALVA. Madam Secretary, the Wild Horse and Burro Program managed by BLM has been a persistent source of criticism, controversy, and, I believe, in need of serious reform and an overhaul. And much of that criticism that has been leveled at the program was reaffirmed by an independent review by the National Academy of Sciences.

And so, in light of that independent review, do you see a need to restructure the program in order to both save money and, just as importantly, guarantee humane treatment of wild horses and burros in that program?

Secretary JEWELL. Congressman Grijalva, it is a very difficult situation. Yes, the National Academy of Sciences program validated one of the concerns that the BLM has had, which is a 20 percent-

per-year reproduction rate of wild horses and burros, and the way the program is currently being handled is very expensive and very challenging.

So, we are reviewing the report in detail. Things like contraception, figuring out what our options will be, and certainly the goal would be to address this in a way that is more effective than what has been done in the past. And I know the BLM is committed to doing that.

Mr. GRIJALVA. I appreciate that, and thank you. Look, climate change is a serious challenge. Our constituents expect us to be proactive and manage that. And that is something that I don't believe we could ignore, pretend that it doesn't exist. I believe Senator Boxer is holding a hearing tomorrow entitled, "Climate Change: It is Happening Now." It is a message that isn't quite getting across to the Majority on this side of the Capitol.

And I am happy that the Administration hasn't ignored the reality of the situation, and is managing our public lands to mitigate and to adapt to climate change. Can you discuss the importance of the role public lands have in the context of climate change adaptation?

Secretary JEWELL. Congressman, I will try and do that in a nutshell. Climate change is very real. Congressman DeFazio mentioned the ocean acidification, which is a big factor in the West. We see it in wildland droughts, we see it in water, as I had referenced to Congresswoman Napolitano.

We have a major role to play. We must adapt our landscapes, and that means understanding what is going on. Building natural resilient infrastructure, for example, for hurricanes. Think about natural ecosystems, mangrove swamps, dunes, those kinds of things both bring green space into communities, and also help adapt them. But also we have a lot of resource potential and renewables, particularly in the desert Southwest. So we have identified zones for both wind and solar, as well as we have for conventional means.

And so, it will be both supporting an energy future that fuels this economy, but does so in a less environmental impactful way, but also adapting our lands and waters for what is coming already, or what is upon us, with regard to changing climate conditions.

Mr. GRIJALVA. Thank you. And one last question. Sequestration and its impact. As you mentioned several times, that is something that you are having to come to grips with and deal with as you try to balance priorities in the Department.

One of the first areas hit the hardest was Indian country and the impact of sequestration. It hit the first Americans really hard. I think the story in the New York Times about Pine Ridge and the Oglala Tribe was a particularly important one, because 90 percent of their budget is Federal resources for social services, education, and health care. And I think, down the line, you can provide to the whole Committee, how we are going to mitigate that very, very harsh impact on Indian country down the road.

I think the other question that continues to persist is the issue of consultation, it is a major component, the relationship between the nations and the Federal Government. I think the question is,

what steps will the Administration take in order to uphold that trust responsibility of consultation?

And also, not only as it impacts tribal land and their homelands, but may extend beyond the reservation in terms of sacred sites, religious, cultural sites. And those are long-winded questions, and probably require a long-winded response. And I think the whole Committee would appreciate at some point something that we can disseminate among ourselves.

With that, Mr. Chairman, I yield back.

The CHAIRMAN. And if you could, Madam Secretary, respond to that in writing, that is a question I am sure that all of the Members would like to have.

The gentleman from Virginia, Mr. Wittman, is recognized.

Dr. WITTMAN. Thank you, Mr. Chairman. And Secretary Jewell, thank you, and welcome aboard. We are glad to have you here before us today.

And I want to begin with asking you some questions about the 2012 and 2017 Outer Continental Shelf oil and gas leasing program. As you know, unfortunately, Virginia was not included in that. And the Department's exclusion of Virginia has an economic impact. It delays or puts off thousands of jobs that could be created, about \$19.5 billion in revenue, both at the local, State, and Federal levels. And, as you know, the House recently passed the Offshore Energy and Jobs Act, which does include Virginia in that Outer Continental Shelf energy development program.

And in your testimony before the Senate, you said explicitly that the Department doesn't plan on undertaking any additional studies before the 2017 time period, when the current plan expires for the Outer Continental Shelf. And I just wanted to get your perspective on that. Knowing that it takes a significant amount of time for that 5-year plan process to take place, to gather information, to go through the public comment period, knowing the amount of time that it takes for that to happen, when do you see the process beginning for developing the 2017 to 2022 5-year plan, and how long do you expect that process to take?

And will you take into consideration in Virginia the broad, bipartisan support for energy development on the Outer Continental Shelf off of Virginia, understanding that both of our Senators and the vast majority of our Representatives, as well as the State body, are passionately in favor of developing our offshore energy resources?

Secretary JEWELL. Thank you very much, Congressman. Just to clarify, in the 5-year plan there is not a prohibition on studies. It is just that we would not start drilling on the Outer Continental Shelf in the Atlantic. Certainly, as was referenced in the exchange earlier around geological and geophysical surveys, there is a plan within the 5 years to do the G&G studies. It is obviously not non-controversial, just based on the earlier conversation.

So, I think that the potential needs to be better understood. There have not been studies done on that for something like 30 years. We need to assess the potential.

In terms of the timing to produce the study, I am not exactly sure how long it took to do the last 5-year study, and when that began. So that is something I will have to check into for you.



Dr. WITTMAN. OK, very good. Let me ask you this. Do you see any inherent conflict between the development of the 5-year OCS lease plan, as mandated by the OCS Lands Act and the National Ocean Policy, and its call for regions to develop marine spacial plans that you, as Secretary, are subsequently bound to follow per the Executive order establishing National Ocean Policy. I am just wondering if you see any potential conflicts as the decisionmaking goes forward.

Secretary JEWELL. I am not familiar with the second thing you referenced, so I am going to have to look into that and get back to you with a response, if that is OK.

Dr. WITTMAN. OK, that will be great, if you will take that for the record.

And just in going forward, you know that, obviously, for Virginia, there has been a definitive direction that Virginia seeks to take with offshore energy development, both for our fossil fuels, and obviously, for our alternative and renewable sources of energy. And we would like to see, obviously, all of those efforts ongoing, and would love to have the Department as a partner with Virginia in trying to move this forward.

Obviously, getting the developmental information there is important, but also making sure that is the conduit for making a decision about pursuing the development of those energy sources offshore, I think, is critical. I know from time to time issues come up with not just the Department of the Interior, but Department of Defense with those kinds of issues, and we want to make sure that conversation continues with all the different entities, to make sure that those energy resources in the Outer Continental Shelf continue to be developed, again, both the fossil fuels and the alternative and renewable sources of energy.

So, I appreciate your time and consideration with that, and your continued effort to work with Virginia, who has a keen interest in making sure that these resources are developed.

So, Madam Secretary, thank you. And, Mr. Chairman, I yield back.

The CHAIRMAN. I thank the gentleman, and recognize the gentleman from California, Mr Costa.

Mr. COSTA. Thank you very much, Mr. Chairman, and the Ranking Member, for this important hearing, getting a chance to meet the Secretary. Thank you, congratulations, Madam Secretary. You have a very important role in this Administration and a very diverse portfolio. I, like many of my other colleagues, have lots of areas that I would like to discuss with you, obviously, in 5 minutes you can't do it, from the Bay Delta Conservation Plan in California to the San Joaquin River restoration efforts, to the adoption of the new plan in Yosemite National Park, to dealing with the immediate drought conditions that we are facing in California.

I have been trying to reach you over the last 6 weeks. It is disappointing that, in repeated efforts we have not been able to have contact. But I am very pleased today that we get a chance to have a face-to-face conversation.

I want to put a human face on constituency I represent. As Tip O'Neill once said, "All politics are local," but mine, I think, like many of our colleagues, impact much of America. I represent the

San Joaquin Valley. It has been called the food basket of the world. Perhaps the most fertile agricultural soil. In the Valley we produce 13 percent of the Nation's food products on less than 1 percent of the land. We produce over half the Nation's fruits and vegetables, half the Nation's dairy products, 95 percent of the world's almonds, pistachios, and walnuts. It goes on and on and on.

But we are facing some of the most significant water problems because of a broken water system that hasn't met the needs of a growing State. And, therefore, we have a conundrum. Of course, without water, you can't provide food for folks.

Some communities all have 40 percent unemployment this year, as a result of lack of water. There are a lot of combinations of why that is occurring: lack of investment, challenges with the Endangered Species Act, focuses on just the regional differences that we have had in California for decades. And some people in this Committee, frankly, and we have a number of Californians on this Committee, prefer that we Californians not discuss the water issues in this Committee, because of the differences of opinion that exist.

I would like to get a sense from you on, notwithstanding that fact, what you consider your role to be. You have some good people with Mike Connor and with the Bureau. You have some good people out in California. How are you going to try to provide efforts to work with Governor Brown and those that would like to fix the broken water system?

Secretary JEWELL. Thanks for the question. I am fully committed to continuing the momentum that has already been in place in terms of working with Governor Brown, with States, with your colleagues who have different points of view. I have done business in the San Joaquin Valley with agricultural producers. I appreciate and understand the issues and the importance of water, and also that there are efforts that people are making and need to make to make the water go farther that they use. But there is no question—

Mr. COSTA. We have some of the most innovative conservation—

Secretary JEWELL. Yes, you do.

Mr. COSTA [continuing]. Methods, 80 percent of the largest water district uses drip irrigation.

Secretary JEWELL. Right.

Mr. COSTA. Water is a very, very valuable resource. Costs a lot of money these days.

Secretary JEWELL. Yes.

Mr. COSTA. And when you have a 20 percent water allocation, as we have this year, and 20 percent up to 55 percent, you have got to use that water very, very effectively and efficiently.

Secretary JEWELL. Right.

Mr. COSTA. And so, I would like to invite you out to the Valley. David Rubinstein told me last night that he climbed to the top of the Washington Monument with you.

Secretary JEWELL. Yes.

Mr. COSTA. If it takes that, I will be happy to climb to the top of the Washington Monument with you to get you out to the San Joaquin Valley.

Secretary JEWELL. I would rather climb around the San Joaquin Valley, but I——

Mr. COSTA. Well, we will take you up to our mountains in the Sierra Nevada.

Secretary JEWELL. That sounds great.

Mr. COSTA. Mike Connor says you are a good hiker.

Secretary JEWELL. Mike is terrific at this. His team has been briefing me, and I will stay very engaged in making sure that we make progress and move these really difficult issues forward. We have to. And it is——

Mr. COSTA. We are living on borrowed time.

Secretary JEWELL. I get that. And we are part of the storage opportunity and issue, as well, within——

Mr. COSTA. Central Valley Project is——

Secretary JEWELL. Yes.

Mr. COSTA [continuing]. Incredibly significant in California, and we are going to have to continue to work on that with the State water project and the Governor and all of the parties, to reach some solutions.

There are a host of other issues that I noted and I will send those questions to you. And hopefully this is the beginning of a collaboration and effort in which we will be seeing a lot more of each other.

Secretary JEWELL. Sounds great.

Mr. COSTA. Thank you.

Secretary JEWELL. Thank you very much, Congressman.

The CHAIRMAN. I thank the gentleman. I recognize the gentleman from Louisiana, Dr. Fleming.

Dr. FLEMING. Thank you, Mr. Chairman, and thank you, Madam Secretary, for visiting with us today.

Secretary Salazar, your predecessor, testified before this Committee that, when asked, "Has there ever been a human harmed or certainly killed by hydraulic fracturing or horizontal drilling, or even a groundwater contamination thereof, a documented case of either," he said no. Do you agree with Secretary Salazar?

Secretary JEWELL. I have not heard of any deaths associated with hydraulic fracturing. I will tell you, having done a large frac job myself, that there are certainly surface risks, so I can't say that hasn't ever happened at the surface, but——

Dr. FLEMING. Right.

Secretary JEWELL. Not a word.

Dr. FLEMING. And I am talking about documented cases, something——

Secretary JEWELL. Not a word.

Dr. FLEMING [continuing]. That would be evident to anyone. And with respect to groundwater contamination, do you also agree with Secretary Salazar that there has not been a documented case of that, as well?

Secretary JEWELL. I am not aware of documented cases. I will say that bad cement jobs cause communication between reservoirs that are exacerbated by fracks. And so, having wellbore integrity is absolutely essential.

Dr. FLEMING. Sure.

Secretary JEWELL. Having a good frac in the regulations help provide for that.

Dr. FLEMING. And as someone who is deep in the technology of this, you are aware that we have been fracturing for 60 years or so, it seems amazing to many of us that we have been doing something which has actually improved, in terms of its technology, over the years. What we are doing today is very much better than we did 30 years ago. And of course, now we have horizontal drilling. And we have State regulations. And we don't have any documented case of any serious problems. So, obviously, wellbore integrity and all of those important issues are being dealt with.

So, the question comes to, then, why do we need to put down an entire layer of regulation from BLM and also EPA, if we go to private lands, why do we need to do that when there appears to be no problem?

Secretary JEWELL. Congressman, the States vary in their ability and understanding of hydraulic fracturing in the oil and gas business. As you pointed out, technologies have moved us. Horizontal drilling, multiple fractures within a reservoir, much higher pressures than we have seen before. And these are things where minimum acceptable standards need to be out there, and part of my job is to make sure that we are watching over the Federal estate effectively.

And so, if the State standards meet or exceed the Federal standards, we will be going with the State or tribal standards. In many cases the standards don't exist, or are very old within States. And so we felt that they needed to be modernized on Federal lands.

Dr. FLEMING. OK. Now, shifting the subject a little bit here, one of the things that I am getting a lot of complaints about from my district, the fourth district of Louisiana around Shreveport, Louisiana, the Haynesville Shale, which is one of the top natural gas plays, is that on Federal land it takes up to a year to get a permit. It is costly, ridden with bureaucracy, paperwork. On the other hand, they can get a permit in 3 days on private land and, boom, they are off and going. And so, adding even more regulations on Federal land obviously is going to make that disparity worse.

The President boasts that, under his Administration, oil and gas production has gone up. And that is technically true. Unfortunately, production on Federal lands and offshore has actually gone down. So it is the private sector that has been out of reach of this Administration that is causing this very positive shift. And so, there is a definite disparity between what is happening on Federal and offshore and what is happening on private lands. It is really to the credit of the private sector that we are having such success.

So, my question is again, why do we want to add even more regulations that are going to create even more bureaucracy and create more problems, when things are doing so well? Do we, in fact, lack problems in the Federal Government and other issues that we need to deal with, that we have got to go after things that we really haven't established there is really a problem for?

Secretary JEWELL. Congressman, there is a brief period of time to address your questions, but our job is to ensure the safe and responsible development on Federal public lands. There are more rigs operating in the Gulf of Mexico than there were at the time of the

*Deepwater Horizon* spill. I think that highlighted the risk, of the industry, and we needed to address that. There is higher oil production offshore in 2012 than there was in 2008.

We are working hard to make sure that Federal lands are accessible, and that we streamline permitting processes. But the American people expect a fair return on their lands, and they also expect us to do things in a safe and responsible way. And some degree of regulation is appropriate.

I will agree that we have opportunities to streamline the process, and that is certainly something that my teammates, particularly BLM, are doing. And I think we have done a good job of offshore with the Bureau of Ocean Energy Management and the Bureau of Safety and Environmental Enforcement.

Dr. FLEMING. OK. I think I yield back, Mr. Chairman.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes the gentlelady from Massachusetts, Ms. Tsongas.

Ms. TSONGAS. Thank you, Mr. Chairman. And thank you, Secretary Jewell, for testifying before the Committee today, and congratulations on your confirmation as our country's 51st Secretary of the Interior. We may have had 51, but you are only the second woman. So it is great to see you in this role.

And, as you have heard here today from the questions of my colleagues, it is quite a portfolio of issues that you are charged with overseeing. And I appreciate the diversity of experiences that you are bringing to your role at the Department.

As you well know, sequestration is having a very serious impact on our national parks, not something we have talked about too much here today. My district is the third of Massachusetts, is home to two national parks. In my home town of Lowell, the Lowell National Historical Park was the first urban national park of its kind in the United States, commemorating the catalytic role the city played in spawning our country's Industrial Revolution. But in so doing, it has been instrumental in preserving and protecting the historic landscape of the city, while also acting as a partner in the city's ongoing revitalization. It has been a real model across the country.

Our second park is Minuteman National Historical Park in Concord, where visitors from around the globe see firsthand where the First Shot Heard Round the World was fired, and where the American Revolution began. It is a simple New England landscape that belies yet underscores the enormity of those nascent steps toward democracy. It is a remarkable place, very quiet, but very impactful.

My district is also home to three national wildlife refuges, all of which protect essential wildlife habitats and provide access to beautiful outdoor recreational spaces, which REI has played a role in allowing people to experience. And I have to say, I have a daughter-in-law who has worked at REI on and off over the years.

But when I talk with leaders of our national parks and wildlife refuges, they tell me the very same thing: sequestration is having a very serious impact on their operations, and must be resolved. They are experiencing staffing shortages, cutting back on facility hours, and will be limiting seasonal programming at a time of year when many Americans seek out our parks and seek to take advantage of them.

This message is most certainly not unique to my district. In fact, the Democrats on this Committee, led by our former Ranking Member from Massachusetts, Ed Markey, compiled a report on the impacts of sequestration on the National Park System. This report specifically includes the many challenges facing the Lowell National Historical Park, as well as 22 other representative parks. And I have the report right here.

So, my question is, could you speak a little on, as you have been there just this very short time, on how severely sequestration, and you have seen it undermine the mission of the National Park Service, as well as the Department of the Interior, as a whole, near term, but going forward, what you see as potentially happening down the road, should we not resolve it?

Secretary JEWELL. Thank you for the question. As I said in my opening statement, you would never run a business the way sequestration is forcing us to run our agencies. You would never make cross-the-board cuts in every category, whether it is in your firefighting line or your national park line, which is driving economic behavior in all of the areas which enjoy these natural resources.

So, I would say this, that across the Department of the Interior, people are doing everything they can to minimize the impact of sequestration. They are not trying to highlight it, they are trying to address it. They are leveraging volunteer resources, they are pulling people off maintenance projects where they can to address the visitor experience. But there is an impact.

If this persists, or if it gets worse, you take the things that you all care about, whether it is permitting on oil and gas wells, or it is taking care of our national parks, and all of them will be impacted, so it is very significant. Yet I am proud of my colleagues for working hard to try and minimize the impact on the visitor experience, and I think they are doing as good a job as they can with the limited resources that they have.

Ms. TSONGAS. Well, I know. I serve on the Armed Services Committee, where we have also heard from our bases, where it has come down to such things as, toward the end of the fiscal year, not picking up the garbage. So I am sure you are confronting those kinds of most basic aspects, as you try to find ways to move forward. I, for one, think we have to have a balanced approach that resolves this once and for all. Can't just be about cuts. We know we have ways to save money, but we have to bring revenue to the table and then engage in a thoughtful process as to how to go forward to protect our national parks, and to protect everything we all care about. Thank you, and I yield back.

Secretary JEWELL. Thank you. Can I just say one thing?

The CHAIRMAN. Briefly.

Secretary JEWELL. It has been in the newspaper. We are not picking up garbage in a number of the parks around Washington, D.C. in part to have people pick up their own garbage and try and save money.

The CHAIRMAN. The time of the gentlelady has expired. The gentlelady from Wyoming, Mrs. Lummis.

Mrs. LUMMIS. Thank you, Mr. Chairman. And welcome, Madam Secretary. I want you to know, first of all, that I have been pleas-

antly surprised by the response of stakeholders to your willingness to listen and your expertise. And so my compliments go out to you there. I hope that you will try to imbue the Department of the Interior with that same willingness to listen and communicate. That seems to have been missing of late. And so it is a welcome thing that you are doing.

My first question is about fracking, but it is more specifically about the variance proposal in the BLM fracking rules. There is some concern within my State about how the variance from the BLM rules will be administered, if the State rules are equal or stronger. We don't know how or when a State or the operator will be required to prove its worthiness. Once for a State? Will it be multiple times? Will it be well-by-well? Who receives the variance, the State or the operator? Who files for the variance?

So, can you describe exactly how the variance process will work? Who will seek it and when? Will States be involved, and how?

Secretary JEWELL. I know that in this comment period what we are getting are lots of comments on how this is actually implemented. So I don't think that has been finalized yet.

I will say that Wyoming is one of the States that leads, in terms of having sophisticated fracking regulations that are likely to meet or exceed the standards we are coming out with, and we will be working to accommodate those. So, as we take in this input, and it comes certainly from your State and people in the industry that are in the middle of this, we will be working to streamline that, to the extent that we can.

Mrs. LUMMIS. So it will be at the State level, rather than the operator level?

Secretary JEWELL. I don't know the specifics, I will have to look into that.

Mrs. LUMMIS. OK.

Secretary JEWELL. But I know that hasn't been finalized. It is during this comment period. So I will check into that and let you know.

Mrs. LUMMIS. That would be great. And I would also be curious about the well-by-well, or will it be on a lease level, or—we are very curious, very concerned—

Secretary JEWELL. OK.

Mrs. LUMMIS [continuing]. Because of the tendency, we believe, of the Federal Government not to recognize when a State has an aggressive, appropriate, and superior regulatory system.

Secretary JEWELL. I can assure you we understand that Wyoming has a great, sophisticated system. So I will check into the specifics for you.

Mrs. LUMMIS. Thank you very much, Madam Secretary.

Now, switching gears to the Endangered Species Act, that is a topic that many of us are concerned about. I would like you to just lay out for us your vision of how the Department can manage the Endangered Species Act, and especially the workload, in face of the continued influx of multi-species listing petitions, and pair it with the chronic litigation we are seeing over endangered species.

I am very much in favor of a 21st century vision for conservation in this country. And litigation, as we have seen in the past, oh, 30 years develop more and more, has become the manner in which we

conserve. So the money is going to lawyers, it is not going to on-the-ground conservation. It is going to Washington-based environmental groups, not to on-the-ground conservation. And I despair that where we have an area of agreement on conserving valuable lands, that we seem to suck all the money out of the Department of the Interior to pay lawyers and environmental groups who sue, rather than putting it on the ground for real on-the-ground conservation. Could you comment on that?

Secretary JEWELL. Happy to. I would say that probably one of the largest surprises for me walking in was the number of lawsuits that I face, and the fact they all go from “v. *Salazar*” to “v. *Jewell*” when I get sworn in. Lawsuits come at the Department from all sides. They are not unique to one particular group. And some of them have persisted for a long time. There is no question we would much prefer to spend our time out of court. We are abiding by the laws. The Endangered Species Act is an act passed by this body, the legislative branch, and we must uphold that law.

And so, that is the job that I have to do. And if we can work together—sage-grouse is a very good example of working together with States. Wyoming has done a terrific job identifying areas and making sure that a listing does not become necessary. It is a model, I think, that we can learn from and follow. And to the extent we can stay out of court, that is better for all of us, and that is certainly my desire, as well.

The CHAIRMAN. The time of the gentlelady has expired. The gentlelady from Hawaii, Ms. Hanabusa.

Ms. HANABUSA. Thank you, Mr. Chair. Thank you, Madam Secretary, for being here.

As you are very well aware, since about the year 2009, when *Carcieri* vs. *Salazar* was decided by the United States Supreme Court, a fix to *Carcieri* has been probably the number one priority of the Native Americans. You have stated in your testimony about how time-consuming that decision is to determine, really, the role of whether a tribe is under Federal jurisdiction, and therefore, meeting the 1934 requirement of *Carcieri*. And we also had Director Washburn here, making his statement about that, as well.

What was curious to me is in your testimony you said that language included in the fiscal year 2014 budget request, if enacted, would resolve this issue. Are you referring to the *Carcieri* decision itself, that there is some language that is in the budget document that would be a fix? So I would like an elaboration of your statement.

Secretary JEWELL. Happy to give you a quick one, and respond with more detail. There is *Patchak* and there is *Carcieri*.

Ms. HANABUSA. Right, right.

Secretary JEWELL. There are things we can do administratively that we believe will help address *Patchak*. *Carcieri* is a legislative fix. And in the context of my response to Congresswoman Lummis, it keeps us in court, it takes a huge amount of time to prove up whether a tribe was, in fact, established in 1934, and that is something that I think we share a common interest in addressing legislatively.

Ms. HANABUSA. So, when the statement in your testimony is, “The Administration continues to support a legislative solution to



address the negative impacts resulting from the *Carcieri* decision, and has included language in its fiscal year 2014 budget request that, if enacted, would resolve this issue," that is the statement that I was trying to get elaboration on——

Secretary JEWELL. OK.

Ms. HANABUSA [continuing]. As to whether, in the fiscal year 2014 budget request, is there a request that we do a legislative fix, or is there language contained in there that you believe would, in and of itself, resolve this issue?

Secretary JEWELL. I don't think that there is language in and of itself that will resolve the issue, and I will check into that, specifically, and respond in writing to your question.

Ms. HANABUSA. I appreciate that, because I went through it and I was looking for that specific language and I thought I must have missed it.

Along the same line, we do know that Patchak is also going to be a difficult issue, as well, because that, of course, gives an Administrative Procedures Act challenge to a decision by, technically, you, as long as the person doesn't claim title to the land. So, how do you perceive a resolution of Patchak? Is that an administrative function? Or do you also envision that as requiring a legislative fix?

Secretary JEWELL. I think, as I understand it, and I am not a lawyer, nor an expert on these things, but as I understand it, there are things we can do administratively to help, but it would benefit from a legislative fix. And that is certainly something we would love to continue to work with the Subcommittee here and in the Senate on.

Ms. HANABUSA. Thank you. If you could also provide whatever insight you have on that, in terms of whether or not it would be along the lines of an exemption from the Administrative Procedures Act, or what do you envision that or what the Department envisions that, I would appreciate that, as well.

Secretary JEWELL. I am going to have to defer to the lawyers in the Department that understand the details more than I do. So if you will allow me to respond in writing on that, I think that would be my preference.

Ms. HANABUSA. That is fine.

Secretary JEWELL. Thank you.

Ms. HANABUSA. Also in your testimony you refer to the Administration's commitment and an Executive order which was signed on June 26, which established a White House Council on Native American Affairs. You are the Chair. And I guess it includes about 30 different agencies, and it looks like an attempt to bring all the different relevant agencies together to deal with Native issues.

Along that line, though it addresses the Native American affairs, is it anticipated that all indigenous or Native people, whether you are Native Alaskan or Native Hawaiian, would also be addressed by this specific council? Or is this Executive order, in your opinion, limited to Native American-related matters?

Secretary JEWELL. I think that the tribal council has been designed predominantly around American Indian and Alaska Native issues. But to the extent that Native Hawaiian issues come to the fore and become a part of that, it would certainly be included. But I think that the focus has been on working across all the branches

of the Federal Government to ensure that the American Indian and Alaska Native issues are brought to the fore in all of those various agencies and the roles that they play.

Ms. HANABUSA. And—oh, I am out of time.

The CHAIRMAN. Yes.

Ms. HANABUSA. Can I submit one other question for the record?

The CHAIRMAN. There is no problem with any Member asking questions afterwards. And, obviously, we would like a timely response from any of our witnesses on that. So, yes, you can do that.

Ms. HANABUSA. Thank you, Mr. Chair.

The CHAIRMAN. The gentleman from Michigan, Dr. Benishek.

Dr. BENISHEK. Thank you, Mr. Chairman. Welcome, Madam Secretary, it is a pleasure to have you here today.

I represent northern Michigan and, you know, mining has been an industry in northern Michigan for over 100 years. And we don't have that much Federal land, I don't believe, that is mined. But, you know, I am concerned about the prolonged permitting timelines that are required for mining, maybe more out West than in Michigan. But in Michigan it is certainly a problem, as well.

And I keep hearing time after time about permitting delays for mining projects. And, as I understand it, since 2005, out of the 25 major mining countries, the United States has been ranked at the bottom with Papua New Guinea for permitting timelines that run 7 to 10 years, or even longer. I understand that the Department has taken some steps to begin a process of streamlining and fast-tracking certain projects, based on some internally developed criteria.

You believe that all the permitting and environmental laws should be enforced equally, right?

Secretary JEWELL. I would say, Congressman, that mines come in all shapes and sizes and complexities. And so it is certainly not one size fits all. And I support handling things in a rational way. If it is a one or two-person mining operation, and it is pretty straightforward, that should be done pretty quickly. If it is a very complicated mining operation, one would expect that might take a number of years because of the complexity.

So, I think what is important is we don't try and lump these all into one, but we look at them on a case-by-case basis—

Dr. BENISHEK. Well, of course, of course.

Secretary JEWELL. Yes.

Dr. BENISHEK. But, I mean, amongst all the mining countries, we are apparently very slow in our process.

And I guess my concern is that they developed a streamlined, fast-track ability within the Department for permitting. And when does the Department believe that a permitting strike team and special fast-tracking authorities are even necessary?

Secretary JEWELL. I am not sure. I think that we are trying to be responsive to industry in providing predictability and certainty to them, and don't know specifically the strike team you reference. But we have multiple strike teams that are in place when it appears that we are moving slower than people like to try and address that and accelerate that.

You may compare us around the world, and having done a lot of business with mining companies, particularly as a banker, we also

have a track record of making sure we are taking care of our natural resources, which is not the case across the world. So I think that we would all share a desire to make sure that our environment is not impacted adversely, and that mine lands are reclaimed when they are completed. And so perhaps that influences those international statistics.

Dr. BENISHEK. How do you decide whether to fast-track a project or not?

Secretary JEWELL. I will speak in generalities. I am not familiar with the details. I would say, from what I have heard in talking to people, is if a project is very straightforward, then it has a chance of being fast-tracked, as opposed to being something that is new, where you have to make sure that you understand the circumstances better.

Dr. BENISHEK. Well, I am just concerned that there is a political part to the fast-tracking of favorite projects by someone in the Department versus another issue. And apparently there is some evidence for that—

Secretary JEWELL. I have not seen any favoritism about some projects versus others, well, in any dimension. I mean I think we are trying to be responsive to business and industry by making Federal lands available for resource development and doing that in a safe and responsible way, and trying to not be a roadblock in doing our jobs. But beyond that, I am not sure I know what you are getting at—

Dr. BENISHEK. Do you have any direct knowledge of this process, then, or are you just—

Secretary JEWELL. Are you talking about specifically for mining?

Dr. BENISHEK. Right.

Secretary JEWELL. No. In terms of fast-tracking projects and specific items, I have not.

Dr. BENISHEK. All right, OK.

Secretary JEWELL. No.

Dr. BENISHEK. Thank you.

The CHAIRMAN. The gentleman yields back his time. The gentleman from the Northern Marianas—I am sorry, Mr. DeFazio. I am sorry.

Mr. DEFAZIO. OK. Thank you, Mr. Chairman. On our side we go—and I think on yours—in order of arrival. And obviously, people who were here at the beginning, by order of seniority.

Anyway, I am going to move very quickly. Hopefully we can cover a few subjects here in a short period of time. There are 160,000 estimated abandoned hardrock mines in the West, I know you have some familiarity with this issue. Thirty-three thousand have been identified as causing environmental issues, water pollution, other degradation. Do you have a budget to deal with these on Federal lands?

Secretary JEWELL. I understand that there is the Abandoned Mine Claims Act, or something like that, that does provide fees to support that—

Mr. DEFAZIO. Try to find a responsible operator, and then extract funds from them—

Secretary JEWELL. Exactly, and apply that to—

Mr. DEFAZIO [continuing]. No longer exist, so you don't have a substantial budget, though, to begin a major clean-up of these problems?

Secretary JEWELL. Not that I am aware of.

Mr. DEFAZIO. OK. I would like to know if the Administration would support a proposal that the Federal Government join every other American and Native American land owner in most other countries in the world in assessing a royalty for the extraction of hardrock minerals.

Secretary JEWELL. That is certainly something I don't know much about, Congressman, but I would look forward to doing that. I share your concern about the abandoned mines and the impact on water quality.

Mr. DEFAZIO. Right, and we could dedicate the funds raised for those reclamation projects. And at such a time if we ever finish that, then we could discuss whether we want to continue the royalty or defray the deficit with it. Thank you.

Then I mentioned earlier in my opening statement about the fact that there is some controversy on the Committee. You did address the gentleman from Virginia on the east coast issue, mid-east coast, on opening up major new areas for offshore oil drilling in the lower 48 and off Alaska. While we have 55 million acres, 25 terrestrial, 30 million in the oceans that are not developed, would you support a policy to provide more incentives to look at and utilize the existing leases before engaging in a broad, new leasing program?

Secretary JEWELL. There are many lands that are available for leasing, and I mean, that are available for development that have been leased, and we certainly are encouraging people to develop those lands, or to give up those leases if they no longer want them, so that we can put them back in the pool. And I think that there are lots of opportunities to develop what is currently leased before we lease other areas.

Mr. DEFAZIO. OK. I would love to work with you on that.

And then, there is a major mine proposed, at the moment I believe it is an EPA issue, but I think it will be an Interior issue, the Pebble Mine in Alaska. Sorry—oh, Don.

Mr. YOUNG. State land.

Mr. DEFAZIO. Oh, is it State land?

Mr. YOUNG. State land.

Mr. DEFAZIO. OK, all right. Well, then it will just be EPA. So, all right. I will just ask the EPA Administrator about it. Thank you, Don. Don is always good at correcting people. In any case, if there is jurisdiction, we will discuss it. Don says there isn't. I will believe him.

Then, in the last Congress, this was the first Congress in which we did not pass a bill to create a single new acre of wilderness since the Wilderness Act. So, I know that there has been some criticism on that side of the aisle of the President using the Antiquities Act to protect some special areas. There were 24 bipartisan wilderness bills proposed in the last Congress. Do you think the President would rather continue to single out things with the Antiquities Act, or would he perhaps be amenable to signing bipartisan wilderness bills that are put forward by the Congress?

Secretary JEWELL. I think there is no question that the President would support Congress's desires as it relates to legislation on wilderness. And things that come up from your districts, from your States that are important to you, as it relates to wilderness, national parks, and otherwise, is certainly the course of action on that is the authority vested in the legislative branch.

Mr. DEFAZIO. OK, thank you. One quick last one. We really haven't updated our fine structure for oil and gas companies who violate regulations. Do you support an update of that fine structure?

Secretary JEWELL. I am not familiar with the fine structure.

Mr. DEFAZIO. Well, the—OK.

Secretary JEWELL. So—

Mr. DEFAZIO. Well, we will be happy—

Secretary JEWELL [continuing]. I will have to look into that.

Mr. DEFAZIO. We will be happy to share concerns and educate you.

Secretary JEWELL. Thank you.

Mr. DEFAZIO. Thank you, Mr. Chairman. I yield back.

The CHAIRMAN. I thank the gentleman. The gentleman from South Carolina, Mr. Duncan.

Mr. DUNCAN. Thank you, Mr. Chairman. I just wanted to respond to the gentleman from New Jersey's comments about seismic testing in the Atlantic region. The environmental impact study will indeed account for potential impacts to marine mammals. But every single EIS conducted for geological and geophysical surveys in the Gulf of Mexico and Alaska for over the last 40 years have taken into consideration the impact of marine mammals.

For four decades of worldwide seismic activity and scientific research related chiefly to marine mammals have shown no evidence that seismic activities have resulted in physical or auditory injury to any marine mammal species. Nevertheless, industry implements mitigation measures to further reduce the negligible risk of harm to marine mammals.

It seems to me that the other side constantly tries to come up with ways to thwart activities relating to oil and natural gas, exploration and production, specifically in the Atlantic area. My State of South Carolina, and we heard from the gentleman from Virginia earlier, want to see those resources developed. The first stage of that is the seismic activity that will determine whether there are harvestable resources there or not.

But the concern raised by the gentleman from New Jersey over damage possibly to marine mammals is alarming to me, especially when the other side and, Madam Secretary, this is not directed to you, but the other side of the aisle ignores the fact that when energy harms birds of prey and species under the Endangered Species Act, but yet prosecution does not take place for the companies within the wind energy that harms those animals, those birds of prey, eagles, golden eagles, and other birds that are listed under the ESA.

And so, I am sitting here listening to the information especially when the gentleman from Virginia was talking about G&G activities, seismic activities, and I understand an environmental assessment needs to be done. An impact statement needs to be done. And

for all these reasons you have previously indicated your desire to quickly obtain new seismic data in the Atlantic to better inform the future decisions, and I appreciate that.

But we are still waiting on that environmental impact study. The initial work on the next 5-year plan for 2017 through 2022 will likely begin in 2014. That is awful late to try to get the environmental impact study completed, and the seismic permitting that is required in order to get the guys out there into the Atlantic to actually do the seismic work so that we can include that offshore area in the next 5-year plan. We would love to see our area in the Atlantic included in the next 5-year plan. And so, I am concerned about the delay.

So, can you respond? Let's just be honest. Do we think that for the Atlantic area, there will be an environmental impact study done? We think the areas in the Atlantic will be included in the next 5-year plan? Or should I go back home and tell my folks that it is going to be after 2022 before those areas are even considered?

Secretary JEWELL. Congressman, everyone that I have talked to about the Atlantic Seaboard believes that within this period of time, assuming there are no surprises in the environmental impact study, that there will be geological and geophysical assessments done to be able to include that area, if the oil and gas potential exists. So I haven't heard anything to suggest that, if the oil and gas potential is there, that it wouldn't be included in the next 5-year plan.

Mr. DUNCAN. OK. In my limited time I want to shift gears. And on page five in your written testimony you state that, "We look forward to working with the Committee and our counterparts in the Senate to finalize implementing legislation for the agreement between the United States and Mexico concerning the Transboundary Hydrocarbon Agreement." The House passed that 2 weeks ago, sent it over to the Senate. And, as you may or may not know, the biggest issue on the other side was, A, conflict with Dodd-Frank language, and reporting of payments to a foreign government.

The United States, I believe, I believe it is the court of appeals, but I could be wrong, one of the Federal courts just ruled recently that sharing information with another country is not a requirement. The API won a case against the SEC. So the whole argument from the other side that could thwart this implementing language, has been negated by the court.

So, I ask you today. Will you work with the Senate colleagues to try to fast-track that Transboundary legislation that we passed out of the House 2 weeks ago?

Secretary JEWELL. Congressman, Getting the Transboundary Agreement with Mexico is certainly important. The Interior Department will work to make sure that importance is known on the Senate side. I think I am probably not the best witness to be able to do that. There are people that understand the detail more. But oil knows no boundaries, and I think it is important that, if the resource is developed, that it be fairly developed between the United States and Mexico, and both will get their fair share, and that is what this will do.

So, we support the agreement with Mexico, and we will help in whatever way we can in making sure that happens.

Mr. DUNCAN. Absolutely. Thank you so much. And, Mr. Chairman, I yield back.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Pennsylvania, Mr. Cartwright.

Mr. CARTWRIGHT. Thank you, Mr. Chairman. And thank you, Secretary Jewell, for coming and joining us today.

I hail from Pennsylvania. And I heard a statement earlier this morning from the gentleman from Louisiana about how there have been no spills, no accidents, no deaths. And if we have nothing wrong, why do we bother cooking up Federal regulations and safety rules, if nothing bad is happening?

In July of 2012, in Bradford County, Pennsylvania, there was an explosion at a wellhead. And, as a result, 4,700 gallons of hydrochloric acid escaped. Were you aware of that incident?

Secretary JEWELL. Not specifically the hydrochloric acid spill, no.

Mr. CARTWRIGHT. OK. In March of this year, in Wyoming County, Pennsylvania, there was an explosion at a hydro-fracking gas wellhead. It resulted in a release of fracking fluid at a rate of 800 gallons per minute escaping. That is 48,000 gallons per hour. And it took 24 hours to cap the situation. So the estimates of how much of the fracking fluid escaped range between 400,000 gallons and 1.15 million gallons, fracking fluid that contained all sorts of other additives, solvents, additives that we were not privy to. Were you aware of that incident?

Secretary JEWELL. I have been aware that there are incidents with flowback fluids, the management of that, and accidents associated with those, yes.

Mr. CARTWRIGHT. OK. In January of 2013, there was a man from Deluth, Minnesota killed in a fracking accident in North Dakota. Were you aware of that one?

Secretary JEWELL. I was not.

Mr. CARTWRIGHT. Well, Madam Secretary, all I ask is for you to be sure to conduct thorough and real research from disinterested sources, and not simply take at face value the glib comments of spectators to the fracking industry before making a decision on whether national rules for fracking safety are appropriate. Will you do that?

Secretary JEWELL. I will. And I believe my colleagues have been doing that throughout the process.

Mr. CARTWRIGHT. Thank you for that. I also want to mention that the BLM's new draft fracking rule proposes to rely on the industry-funded FracFocus Web site as a mechanism for reporting to the public the chemicals that are used in fracking fluids on drilling projects on Federal lands. But the deficiencies of FracFocus as a mechanism for public disclosure of the millions of gallons of fracking fluids used each year on Federal lands is becoming increasingly apparent.

For example, a recent report from Harvard University concluded that FracFocus "creates obstacles to regulatory compliance" and seems "structurally skewed to delete records."

Another problem is that the rule does not require the disclosure of fluids prior to operations occurring on Federal lands, does not require the monitoring of groundwater in the vicinity of proposed fracking projects prior to operations commencing, and also allows

the operator to exempt from disclosure chemicals and formulas based on trade secret claims.

Madam Secretary, can you explain why these weaknesses remain in the BLM's proposal?

Secretary JEWELL. I will take a high-level shot at it in the few seconds I have. And if you want additional information, I am happy to submit that.

We are talking about minimum Federal standards. And they are out for comment. We don't believe it is practical in all cases to get advanced notice on what is in the frac fluid. But in the case of trade secrets, we reserve the right to request that information. And the operators are required to provide that to us.

We are certainly not going to stand in the way of States that want to be more stringent in their regulation. Having fracked wells myself, there are basics that you must have, and this is what the standards do. Marcellus Shale is predominantly on private lands. I think that States may choose to implement higher standards as those apply.

I would also note that we are coming up with standards that we believe are going to work effectively for the lion's share of the lands under our management. And we certainly are committed to working with States and tribes on customizing that and making it more stringent, if appropriate, and State regulations, and supporting those State regulations, if that is appropriate.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CARTWRIGHT. Thank you. I yield back.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Texas, Mr. Gohmert.

Mr. GOHMERT. Thank you, Mr. Chairman, and thank you, Madam Secretary. I appreciate your being here today.

I know there has been a lot of discussion about hydraulic fracking, including the previous questions. When Secretary Salazar was here, I had to ask him several times to finally get a direct answer was he aware of a single scientific study that showed that hydraulic fracking had polluted any groundwater, any drinking water. And finally, after several times of being asked, he finally had to say no, he was not, because there was not one.

And so, I am interested to look into the well in Pennsylvania. I am not aware of fracking used in that kind of—acid in those amounts. So I will be interested to see if this is another situation where the first report, as the EPA has done a number of times, they have shut down wells, saying it is polluting water, and when they get the study back, turned out it did not. It came from things that were not a part of the hydraulic fracking process.

I appreciated your comments. You have no problem with States that, if they want to be more restrictive in their requirements for fracking or anything else, that is why Jeff Sessions in the Senate, and I and several other lawmakers are pushing to just let States be the ones who oversee the hydraulic fracking process, because the EPA has not been, I don't believe, terribly accurate or proper in their exercise of oversight.

And, in fact, one thing I have to take very great exception to on page three of your written statement, you are talking about the proposed hydraulic fracking rule, and you say this rule proposes



common sense. And from what I have seen in dealing with the EPA, "common" has nothing to do with their sense. It is just not common there. And so, I know you are new in this position, but I think you will find that as you go along.

But I wanted to shift gears. I am sure, you have such an amazing background, you are aware of the origination of the agreement between the Federal Government and local governments that say look, OK, we are going to take these Federal lands, we are going to have national forests, national parks, and we are going to utilize what we know to be renewable resources, called timber, and we are going to share the proceeds of that locally, because by us taking it you will never tax. Otherwise, if we didn't share the proceeds of revenue off that land, your schools would suffer, the children locally won't get a good education, because there isn't money. So we will share the proceeds. And I am sure, as you get more into it, that you will be even more acutely aware those schools have suffered. The local governments have suffered as time has gone on. Timber has not been harvested, not been replanted.

And so, there are some that think, look, if we are not going to be sharing revenue, because there isn't any, of these lands, perhaps we ought to do an inventory and figure out what we don't need, and let's return it to the State or local government, so we don't continue to punish children who are trying to get an education, and the schools don't have proper money, or the local government, to have law enforcement. Your thoughts on that?

Secretary JEWELL. Congressman, I know that the PILT payments are very important, the payment in lieu of taxes, to rural communities where there are a lot of Federal lands, the Secure Rural Schools program, particularly in some of the Western States.

Mr. GOHMERT. I am glad you are aware of—

Secretary JEWELL. I am aware of those things. I will also say, leaning into my most recent job, that recreation on public lands also drives revenue to local economies, and they are all important. So the fact that you are not extracting resources doesn't necessarily mean that those public lands aren't actually driving activity—

Mr. GOHMERT. But you know on national forests they don't have a lot of recreation revenue come from them.

Secretary JEWELL. No, they don't have a lot of revenue, but they have a lot of people that are coming to them to recreate, supporting local towns and cities. So, it—you know—

Mr. GOHMERT. Not in my district. There are just not that many people that come to the national forests.

Secretary JEWELL. OK, I am not familiar specifically with your district. But I do know that we are very interested in permanent solutions on things like PILT. You may not like this, but I am advocating for full funding on the Land and Water Conservation Fund, and also tying that together with consistent funding for PILT and Secure Rural Schools. I think that they do go hand in hand, and I think that is important, that we continue to advocate for, and that is certainly my intent.

Mr. GOHMERT. Well, thank you, Secretary. And it is the children that suffer, and I hope that we can get a permanent solution.

Thank you, Mr. Chairman, for—

The CHAIRMAN. The time of the gentleman has expired. The gentleman from California, Mr. Lowenthal.

Dr. LOWENTHAL. Thank you, Mr. Chairman, and thank you, Secretary Jewell, for being here to testify before us. I first also want to congratulate you on your nomination and your confirmation. I believe, after listening to you, you have excellent conservation, technical, and business background to really do your job and to excel at your position.

I, too, want to continue on in the discussion about fracking, hydraulic fracking, and the BLM's current rulemaking. I want to be clear that I do not believe that hydraulic fracking is inherently bad. However, we need to be creating rules, I think, to make sure that it is done correctly. The public needs to be absolutely sure that fracking is done in a way that protects their health and their safety and the health of our ecosystem.

I am concerned about some of the things that are in the BLM's revised draft rule. You have touched on these, so I may be repeating some things, but I really want to be clear on these.

One, the first thing is the public disclosure of the toxic materials used in the fracking fluid. As you know, the disclosure of fracking chemicals was the top recommendation of the Energy Department's Shale Gas Subcommittee, which said that disclosure should include all chemicals, not just those that appear on the material safety data sheets, and that the chemicals should be reported on a well-to-well basis, and posted on a publicly available Web site that includes tools for searching and aggregating the data by chemical, by well, by company, and by geography.

Second, the blue ribbon panel went on to say that the bar for trade secret protection should be very high.

And finally, the Department of Energy Shale Gas Subcommittee notes that the industry's Web site, FracFocus, did not meet the Subcommittee's disclosure criteria, and needs to be upgraded.

So, this is all very concerning. I believe that the BLM is putting all of its confidence in the problematic industry Web site, FracFocus, for the disclosure of fracking materials. It is very lenient about trade secrets.

And so, the questions that I have for you are, one, how can the BLM guarantee that FracFocus and its data will exist in perpetuity if it is really a private Web site?

How can the BLM ensure that FracFocus has all the proper data search and aggregation tools that we have heard from other witnesses before this Committee? Members of this Committee are concerned that it still does not have the proper data search and aggregation tools.

And, finally, given these problems, how does the public or Congress have any real oversight over the chemical disclosure process, if a company can sign an affidavit asserting that their chemicals are all trade secrets? How is there any cross-check on whether these chemicals are, in fact, trade secrets? What mechanism does BLM entertain that will allow it to internally verify that the chemicals are, in fact, trade secrets? And will this completely leave Congress out and the public out?

Secretary JEWELL. The industry plays a role in this. And I think that, as I have met with industry leaders and actually visited an

industry-related trade show, I talked specifically about frac fluids. They had an example of the frac fluid I would have used, which was Guar, when I was an engineer 30 years ago. And they had their new formulation. And it was all organic substances. And I said, "Then why the argument about disclosing? Why don't you just say what is in there?"

Dr. LOWENTHAL. Right.

Secretary JEWELL. And I think that you will find that we will continue to encourage industry to be open.

We do have, in the fracking rules, regulation proposal, that we can ask for that proprietary information and get it. And if we feel that there are things in there that are of concern to the public, we have the opportunity to change the regulation to address that.

On FracFocus, yes, it is imperfect. The Harvard study pointed that out. It is also being updated. It is, you say, industry sponsored, but we are looking at cost-efficient, effective ways to do this, and believe that it is a tool that takes information and displays it without influencing it. If we find that it is not, in fact, a tool to display that information in an accurate, transparent way, then we will look at other alternatives to do that.

It is new. We are trying to find cost-effective solutions to address what you can hear already in this Committee are very different points of view to do the best job we can to carry our responsibilities out in a safe and responsible but also a predictable and cost-effective way.

Dr. LOWENTHAL. Well, I hope that we continue this discussion as it goes forward. I thank you and I yield back my time.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Colorado, Mr. Tipton.

Mr. TIPTON. Thank you, Mr. Chairman, and thank you, Madam Secretary, for taking the time to be here.

I would like to visit with you a little bit on Blueways. During your oral testimony you commented that you were taking a pause on Blueways. Does this mean that you fundamentally think that it is flawed?

Secretary JEWELL. Congressman, I am just beginning to understand what it is, and I think that there is still further definition. Blueways, as I understand it, and I have asked questions and read about it, is intended to be a bottoms-up, community focus to bring recognition to its rivers. There are no restrictions that are put on that by a Blueways designation. It is really an opportunity for a community to market its natural assets to drive tourism.

But, as you probably are aware, we had a request to designate a river in Arkansas as a Blueway, and then a subsequent request to remove that. So it is clear that there is——

Mr. TIPTON. Yes, there is a lot of concern.

Secretary JEWELL [continuing]. A lack of understanding. And that is why I put it on pause.

Mr. TIPTON. In fact, members of the Committee, we had sent a letter to you in regards to some concerns that we have on Blueways.

When you talk about a specific example, you had rescinded the Blueways designation on the White River. Is that going to be permanent?

Secretary JEWELL. At this point in time I am not going to be doing any other designations until we figure out the future of the program.

Mr. TIPTON. So will that one be permanent?

Secretary JEWELL. If the program continues, and the community says that they want it back on, I guess I would reconsider it. But at this point I am responding to community demands.

Mr. TIPTON. When we are talking about the community, can we drill down on that just a little bit? Do you think it is appropriate for non-local groups to be able to submit rivers for designation?

Secretary JEWELL. I get letters from all over the country about things that are outside of people's area—

Mr. TIPTON. Is that appropriate?

Secretary JEWELL. I will—

Mr. TIPTON. When we are talking about the local community.

Secretary JEWELL. I think local communities are local communities. They are communities along these waterways.

Mr. TIPTON. So we shouldn't allow people that are outside of the area to be able to submit designation.

Secretary JEWELL. Congressman, I don't mind people submitting comments. I will tell you that when I talk about local community input, I mean local communities, and that is where you want these things to come from, and that is my understanding of the program.

Mr. TIPTON. Great. When we are talking about the West, and you are familiar with it, does source-to-mouth on non-navigable rivers, does that really even make sense, in terms of designation, given what you know about the West?

Secretary JEWELL. I am not familiar with the details of the program. I think that if communities from the source to the mouth of a river together decided they wanted to highlight that river, that is OK.

Mr. TIPTON. And talking about local communities, you believe, you have grown up in the West, you have lived out there. Should we respect private property rights?

Secretary JEWELL. Of course we respect private property rights.

Mr. TIPTON. And should we respect State law?

Secretary JEWELL. Of course.

Mr. TIPTON. And so, with the Blueways designation, with the State of Colorado as an example, a big part of my district out there, you would support us in the position of being able to protect private property rights because private property rights include water in the State of Colorado and for most of the West. Also, we have State laws, priority-based systems. You will stand with us to make sure that those are protected?

Secretary JEWELL. Of course.

Mr. TIPTON. Great. I certainly appreciate that. I would like to go ahead and move on to the sage-grouse issue. We had Congressman Bishop bring it up. southern Utah, western Colorado. We have got a lot of programs that are going on and being very effective, in terms of recovery of the sage-grouse. We had sent you a letter, and I know you are probably being deluged with them, to be able to come out.

But we have had the suspension out of Fish and Wildlife for 6 months on the designation. In that 6-month period of time, would

you be willing to come to western Colorado to be able to see what we are doing at that local level, where we love the land the most, and want to be able to preserve it?

Secretary JEWELL. I have a tricky schedule. I will certainly endeavor to try and get out there in the next 6 months. I know I actually will be in Colorado later this week, in the Denver area, dealing with some other things. But I do know, having been recently in Utah with the western Governors and talking about sage-grouse, that there is a lot of really great stuff going on.

Mr. TIPTON. There is. And we would love and will try and work with your office to be able to do that.

One area that I do think is important, and I would ask you to look at it, the broad-brush stroke to where we have recovery in specific areas, and you know the geography, they will never come out from under designation. Let's get it localized. Let's use some common-sense business principles to be able to apply that.

And when we are talking about business principles that you had talked on in regards to line item budgets, you said with regards to sequestration, "trying to prioritize funds." Is it a priority, given the forest fires that we are having right now in the West, to be able to spend \$60 million out of the Forest Service to acquire new lands, when we say that we can't even manage the lands we have?

Secretary JEWELL. I would not put the two in the same sentence. I think that they are different, and I don't know the specifics of what the Forest Service is looking to acquire. But I do know that sometimes land acquisitions don't cost more, they cost less, because you are removing checkerboards, you are doing sensible things around land management. So I wouldn't actually equate the two.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from California, Mr. Huffman.

Mr. HUFFMAN. Thank you, Mr. Chair. And welcome, Secretary Jewell, to the Committee. It is good to have you, it is an honor to have you. I hope that, as you proceed with this time out on the Blueways program, that you listen to all the stakeholders. It strikes me as interesting that for years we have heard from my colleagues across the aisle that instead of command-and-control regulation, that we ought to be encouraging voluntary collaborations and best practices and watershed-wide voluntary associations. And now that the Department has tried to do that, there are new conspiracy theories about a program that creates no new regulatory authority, that doesn't affect private property interests, and certainly doesn't affect water rights. But I think all of that will probably become quite evident as you proceed, and I am hoping that you can continue to support those type of collaborations throughout watersheds.

I want to ask you about California water, because I represent the north coast of California. And my colleague, Mr. Costa, from the Central Valley, invited you down to the San Joaquin Valley. I hope you will go to the San Joaquin Valley, but I hope you will look holistically at the various interests and stakeholders in the California water challenge. Even in the San Joaquin Valley, where perhaps one junior contractor may be getting a 20 percent allocation in a dry year like this, if you look around the Valley while you are there, you will see right next door there are contractors from the

same Federal water project drawing water from the same Federal facility getting 100 percent of their allocation, getting it for free, each and every year, and irrigating with it at very lavish levels, without the kind of cutting-edge conservation that we like to see, and that we have seen in other areas that are driven by scarcity.

So, there is a lot to see while you are there, and I hope you will talk to everyone. I hope you will also consider the downstream interests, because this is not a one-dimensional situation, from the perspective of upstream diverters downstream. And I represent a district that is directly affected by the need for flows to come into the Delta ecosystem to sustain fisheries and provide clean water values. There are also commercial interests, recreational interests. The salmon that go into the Bay Delta system sustain commercial and sport fishing interests up and down the California Coast and into the State of Oregon.

So, there are a lot of perspectives, and I hope you will come to my district, too, and hear about how we have a very direct stake in the careful stewardship of these resources.

And then, last, I just want to flag for you another north coast issue that is related, and that is the Klamath River. Because we are, as you have heard and as you know, heading into a dry year. We are expecting, fortunately, a good salmon return. And yet, we may, if flows aren't managed carefully, experience the kind of fishkill that we saw previously because we didn't carefully manage these public resources.

My district includes Humboldt County, which has a statutory and contractual right to 50,000 acre-feet of water on demand from the Trinity River system. And this is a stakeholder that would like to use that water to prevent a fishkill this year. And yet, its inquiries to the Bureau of Reclamation have gone unanswered about whether that water will be made available so that we can avoid a horrific fishkill.

So, I would invite you to comment on that, and also perhaps speak to what you are doing to reach out to and include all the different stakeholders in these challenging water issues. Thank you, and I yield back.

The CHAIRMAN. I thank the gentleman, the gentleman——

Secretary JEWELL. You want me to respond now, or——

Mr. HUFFMAN. Sorry, I should not have yielded back, Mr. Chairman.

The CHAIRMAN. Well, go ahead. I didn't know if you wanted a response, but——

Mr. HUFFMAN. I would.

The CHAIRMAN. Go ahead, Madam Secretary.

Secretary JEWELL. Well, I will give you a broad response. And I appreciated our meeting with some of your colleagues.

The water issues of the West are extraordinarily complicated. And you brought up Klamath. We were personally impacted with Crater Lake National Park recently, and it is very, very tricky. I certainly will be in the region. I am very proud of the commitment of Mike Connor, head of the Bureau of Reclamation, his knowledge base, his depth of understanding, and a number of his colleagues that are working through these issues.

I appreciate the importance of agriculture throughout, and know that there are ways, and I have talked to Mike Connor about this, to bring incentives to reduce waste of water. Just because you have it doesn't mean you have to use it, if you can use it more sensibly. So we are certainly willing to do that.

Specifically on the release of the water for Humboldt County, I will have to look into that. I am not sure where that is in the process. So I will ask my team to take a look at that and we will get back to you. Thank you.

The CHAIRMAN. I thank the gentleman. This is kind of a programming note, Madam Secretary, but very kind with your time, and your staff says that maybe you can stretch it a little bit. The Members here obviously want to ask questions. And if we could confine the questions to just the Members that are here, it will go slightly beyond 12:30. If that is OK with you, we will try to work with that.

All right. In that case, we are freezing right now any questions except those Members that are here. And we will start with Mr. Southerland from Florida.

Mr. SOUTHERLAND. Thank you, Mr. Chair. Secretary Jewell, thank you very much for coming. I appreciate the spirit in which you have answered many of your questions today.

In your written testimony I just want to highlight some things that you have claimed, or stated. You said that healthy populations of fish provide a multitude of benefits to Americans. They provide opportunities for fishing and other forms of outdoor recreation, as well as support jobs and the outdoor recreation industry. Maintaining healthy populations is important to the health of the ecosystems in which they live, the public, and to our economy. I could not agree more.

My colleague from California just made reference to horrific fishkills. Nothing seems to be more horrific than the fishkills that we are observing in the Gulf of Mexico related to idle iron, which are oil rigs on the western side of the gulf, and when the Department, which you now have the privilege of overseeing, issues the permits and gives the OK for the idle iron.

Back in March we sent a letter to your predecessor asking questions regarding idle iron. We did receive a response in May. Unfortunately, I did not find the answers in that letter to be satisfactory.

One of the things I appreciate you doing today, first of all, is, as the Chairman acknowledged, that you have met with the Chairman, you have committed to meet with him again. And I think I understood you that you opened up that invitation to us, as Members. I would like to take you up on that, and like to address this issue, because I would like to make sure you see news stories that are broadcast through the television stations along the gulf coast, to see the horrific devastation to the red snapper population, floating dead fish, while NOAA and the National Marine Fisheries are continuing to put downward pressure on those who make their living in the Gulf of Mexico and enjoy fishing in the Gulf of Mexico, both recreational, as well as headboats and commercial fishermen.

And so, when you talk about horrific fishkills, these are avoidable. And so, even though I know you work hand in hand with NOAA on these, I find that the impact studies, we are not dealing

with those, we are not recognizing the devastation, while yet continuing to tell fishermen that we have to continue to put less days on their fishing season, while we, the Department, are rubber-stamping the execution of our fisheries.

So I just want to ask you a question or two. And I know this may be a new issue to you. And, if so, I want to be fair. Would you agree that the recreational fisheries in the Gulf of Mexico are valuable economic activity?

Secretary JEWELL. Certainly.

Mr. SOUTHERLAND. OK. Would you agree that the Department of the Interior should make every effort to help maintain, or at least not diminish, the valuable economic activity?

Secretary JEWELL. We are balancing a lot of interests there. We certainly have no interest in diminishing the economic activity.

Mr. SOUTHERLAND. Right, OK. Would you agree that the DOI should make every effort to lessen that impact on the red snapper as a particular resource?

Secretary JEWELL. I—we are getting detailed, and I don't—you know, I—

Mr. SOUTHERLAND. Well, the red snapper, clearly, is the fish in the Gulf of Mexico that has the highest economic value, both to commercial as well as to the recreational fishermen. So that is—

Secretary JEWELL. Congressman, what I don't understand, and I need to look into this, I haven't got a deep background on this, is the impact of idle iron on red snapper. Because, as I understood, we were permitting some wells to be abandoned, which encouraged fish habitat, which was good for fish habitat. So it sounds like you are saying the opposite, and I think I need to better understand—

Mr. SOUTHERLAND. Well, what happens here, just for your background knowledge, when there is idle iron, after decades and decades of that reef being in place, or that rig being in place, it becomes a habitat. It becomes a reef. And so, what they are doing, the Department, in the past, are having those rigs removed by dynamite and explosives. And so they are killing tens of thousands of fish. And, by the way, NOAA says it is OK to do that, as long as people don't collect the fish. So there are some inconsistencies there.

And here is what I would like to do in my closing seconds. Would you, in the spirit of your offer to the Committee this morning, would you agree to meet with me over, say, the next 90 days, to where you and I can just have a conversation so I can tell you what is going on in the gulf, and we could work together to solve this problem?

Secretary JEWELL. I will do my best to work that into my schedule. But I also would say I would not come without experts. And so—

Mr. SOUTHERLAND. That is fine.

Secretary JEWELL. You know, the Bureau of Safety and Energy—

Mr. SOUTHERLAND. No, that is fine.

Secretary JEWELL [continuing]. Environmental Enforcement is evaluating this. So if you would accept that if I am not available the person closest to that could come and meet with you—



Mr. SOUTHERLAND. How about 120 days to get you.

[Laughter.]

Mr. SOUTHERLAND. I mean you offered it.

Secretary JEWELL. I will do my best.

Mr. SOUTHERLAND. So——

Secretary JEWELL. I will do my best.

Mr. SOUTHERLAND. With that, I yield back.

The CHAIRMAN. The time of the gentleman has expired. The Chair recognizes Mr. Sablan.

Mr. SABLAN. Thank you very much, Mr. Chairman, and welcome, Madam Secretary, and congratulations. I apologize that I came a little late for this. But I have your written testimony and I will read it. I will also submit some questions, and I would like to soon get some answers.

But, Madam Secretary, I represent the Northern Mariana Islands. And obviously, in the territories, there are almost 4 million Americans. The Department of the Interior has oversight relationship with the Territories of Guam, American Samoa, the U.S. Virgin Islands, and the Northern Mariana Islands. And you have presently an Acting Assistant Secretary for Insular Affairs, and she has been doing a commendable job taking care of some of the issues that have come to us.

But, obviously, I stand ready to support the Administration's nominee for an Assistant Secretary. When that comes up we just like to try and urge that it come up soon, because if you can imagine here in Congress, for example, where we have five delegates or six delegates, including D.C. and the resident commissioner, we are here in this Committee, the territories, we have to compete with the interests such as the red snappers in the Gulf of Mexico or the Asian carp in the Mississippi River. The Madagascar wood that comes in here, used for gifts and guitars. So it really is difficult sometimes, to get our issues here. Can you just imagine in the Administration, the huge bureaucracy involved throughout the Administration? So the importance of getting a permanent Assistant Secretary for that office is really important.

And also, as you may know, I am sorry that I will not promise to walk up the stairs of the Washington Monument with you, like the gentleman from California offered. But I would like to invite you to visit, actually, America's most newest marine national monument. And you are going to have to come to my district to do that. And I say that in all sincerity, because your Department has an ongoing development of a 15-year management plan for the Marianas Trench Marine National Monument. And I will have a question asking you to explain what your agency intends to take, or currently undertaking to support the monument. Because we just named it. It is huge, and we like to make sure that we all work together and have a plan on how to promote this monument, that belongs to our Nation, but is presently in the Northern Mariana Islands.

I am very grateful Madam Secretary, that you were able to join Secretary of Defense Chuck Hagel and Secretary of State John Kerry in sending a letter to the Senate, Senate President Joe Biden and Speaker Boehner, in support of the ratification of the Compact

Review agreement, because the people of Palau are very patient people, but they have been waiting quite some time for that.

Mr. Chairman, I will submit questions for the record. But, Madam Secretary, I really like to eventually, we will work with your Office of Insular Affairs, but there will be times when we need to come to you and talk with you on issues that are truly important to us.

But again, congratulations, and I hope the opportunity will arise when you would be able to come out and visit, and I understand you like the outdoors. And you can't be farther into the wild than it is to come to the Northern Mariana Islands. I promise you that, Madam Secretary. So, I look forward to welcoming you to the Northern Mariana Islands. And before you go to his 120 days, maybe we can make it in the next 90.

Secretary JEWELL. Just if I could make a quick response, I have been to Guam. My brother flew for Air Mike. Haven't been to Saipan or Tinian or Rota, but he has many times. I am a diver, I know that some of the best diving in the world is there. And certainly that helps drive the local economy.

I also have intervened and spoken with Secretary Sebelius about some issues around hospitals, the hospital in CNMI. And we are in the process of working through a permanent Assistant Secretary. So I just want to reassure you that I am aware of the issues, and it won't fall off my radar, even though it is not as highly recognized a part of the Interior, perhaps, as some of the others. But thank you.

The CHAIRMAN. The time of the gentleman has expired. If there is any consolation, he has asked me, too.

So, the gentleman from Texas, Mr. Flores.

Mr. FLORES. Thank you, Mr. Chairman. Secretary Jewell, thank you for joining us. Before I start a dialog with you I would like to say that Mr. Cartwright went through a litany of accidents, and none of those were related to hydraulic fracturing, itself. And so, even though he was trying to create his own Gasland movie here in this hearing to cause hysteria, I want to correct the facts here and let everybody know those didn't come from hydraulic fracturing operations.

On page 17 of your written testimony you referred to national ocean policy. And I wanted to spend a few minutes to talk about that. The President signed Executive Order 13547 that sets out a scheme for ocean and special planning. He did that, even though the 108th, 109th, 110th, and 111th Congresses looked at this particular issues and made decisions to do nothing. In other words, the intent of Congress is to not have ocean zoning, if you will.

Mr. Wittman asked a question a few minutes ago and you weren't familiar with what the Department is doing on ocean zoning, and I do want to follow up on that by asking you some questions. I know you won't be able to answer them, and that is OK, but would like to have supplemental information from you about it.

The first thing is we had hearings in this Committee that talked about this issue from multiple stakeholders, from recreational fishing to commercial fishing to many other stakeholders that could be affected by ocean zoning. And to a organization, to a person, none of them said that they had requested that the Federal Government

come in and deconflict the ocean, that there was no Federal call to do that at this point in time. So, that, I think, is the reason those four congresses elected to do nothing.

The questions that we have asked in past hearings from your predecessor include the following. Number one is, what is the statutory authority for this process to be done, with respect to your Department?

The second thing is where is the spending coming from? Because I can tell you there have been no congressional appropriations for this purpose, whatsoever, over the past several years. So we need to find out where those precious tax dollars are coming from that are being used to do this. It might make the impact of sequestration a little easier on your Department if you would stop that and put it toward Congress' intent for that money to be spent.

How many personnel in the Department of the Interior are being tasked to work on this particular project?

And then, last, and possibly most importantly, where is the economic analysis of the impact of this process, should it go to its ultimate extension, as envisioned by the President?

So I know that you are not familiar with that at this point, based on the response of Mr. Wittman, but if you would supplementally respond, that would be great.

The other thing that I would say is that in your comments you talked about America the Beautiful, in the written comments. And it refers to President Obama's Great Outdoors campaign or initiative. And I would say this. High gasoline prices and high energy prices make it difficult for families and American youth to reconnect with nature. So I would urge you to do all you can to expand the energy footprint of this Nation on our public lands and on our offshore areas, so that we can have abundant supplies of clean and safe American energy.

The last thing is that you talked about the impact of sequestration on your budget. I agree, that has been difficult. I agree sequestration is an inappropriate way, it is a very club-handed way to cut costs across the board. But on the revenue side, we heard some comments about balanced approaches from the other side. One of the ways to grow our revenues is to have expanded access to leasing, expanded access for energy purposes, expanded royalty income. Those are ways I think we can help your Department deal with these sequestration issues, so you can self-generate the revenue you need so that you can get the boots on the ground that you can help to produce this energy in a safe and effective manner.

Given the shortness of our time, I will yield back, and I will look forward to receiving your written responses. Thank you.

Secretary JEWELL. If I can just add one comment, we have a lease sale 233 planned in the western Gulf of Mexico. It is an additional 21 million acres. So that is coming. And the rest of them I will look for in the record. Thank you.

The CHAIRMAN. OK. I thank the gentleman for yielding back.

The gentleman from Florida, Mr. Garcia.

Mr. GARCIA. Madam Secretary, I will invite you back to the Everglades. But I want to note to all my colleagues and create as much envy as possible that the first national park you visited was our park, the Florida Everglades, and in my district. So I am very ap-

preciative. I couldn't go out with you on that day, but I am glad you made it back safely from the wilds of our park.

I want to point out that, as you well know, this is one of the largest investments we made in our Nation, to restore this incredible and amazing place. And so there are a lot of little tricky things that go on as we go forward. Obviously, the flow-ways that were working, and I would love to know what our next plans are, as we try to keep what I think is a very good coalition together as we move forward on this. And as you do it, obviously, since I represent most of the southern Everglades, would love to continue to work with your office.

I also want to point out, I have had the Miccosukee Tribe also live in my district. But they have been having a great deal of problems with—we are holding back a great amount of water in their part of the reserve, as opposed to the park. Clearly, the park is functioning much better, we are having record catches of redfish. And this is from people who have been fishing there their entire life, that they are just amazed at how strongly Florida Bay is coming back. But clearly, I want to try to work with you because they have some very good issues about, that impact on their historic way of life. And I think they are part of the attraction and part of the lure of the Everglades, is the tribe.

Second thing I wanted to speak to you about is the use of technology, right? Your director of the park there is doing a fantastic job, and we are trying to figure out a way to preserve the historic grasses there. And he is trying to work with us on a plan that makes sense, and he has been just wonderful in getting public input, something that my colleagues in the past may complain about, but I just find that he has been very helpful.

But the idea of trying to use technology when you visit the park, one of the great problems of Florida Bay and the lower Everglades is that you really don't know where you are. There are no markers. And so, when I go out with the experienced guides, they know exactly where they are, "See that PVC pipe that is bent over there? That is the entrance to a channel." But we need to mark the park better, because I think we would be able to protect it better.

But one of the things that we can do is virtual marking, right? Think of an app. There is not a boater out there who doesn't have an app. There is a service throughout the park, and I think it would help us, right? To identify the fish that are caught on the app so that we can do research from the pictures, where they are caught, where you are in the park in relation to what you are doing, where you shouldn't be in the park, and we should let you know if we figure out that you are in the wrong place. And I think it could raise some revenue, at least to pay for itself, and it would help on the research side. And this is something suggested to me by commercial fishermen, not computer wonks.

And then, finally, if you could address, and I know everybody has talked about it, sequestration and how it is affecting us in Everglades National Park and national parks broadly. And, again, thank you.

Secretary JEWELL. Thank you very much. I will try and do those in rapid succession.

I am very committed to keeping the Everglades restoration going. I think that, first, bridging on the Tamiami Trail that has happened, already see the benefits. Did get the opportunity to fly over the region as I was there, as well as going out in an air boat. So I am committed to doing that.

The Miccosukee Tribe tribal issue, we are proving up what can happen when you allow water to flow in the Everglades, and it is just a great illustration between the Fish and Wildlife Service, the Park Service, the State, the tribe, local communities, working together to restore and recognize the importance of this ecosystem. So I will be supporting those efforts. And these are big-dollar projects, and will need legislative action, most likely, to make sure that they continue.

Use of technology. I have been a proponent of that for a long time. I think that the ability to use your device that is GPS-enabled to figure out where you are is something we have seen pilots of in different parks. It is a great tool that doesn't weather and age over time. You can know exactly where you are, and there are private apps that can certainly help us do that. And I see that being leveraged, and will encourage that development.

Last, the sequestration. As Congresswoman Tsongas was talking about, it certainly has impacted park operations, I think specific to the Everglades, reduced hours, visitors centers, reduced law enforcement, which also reduces the amount of time we can keep trails open safely for people. And, of course, you have the invasive species issues. I did hold on to a gigantic boa constrictor, even though it was a relatively small one. There are big issues that require resources to support. So we will need your support to be able to maintain those efforts.

Mr. GARCIA. Thank you, Madam Secretary, and I yield back the balance of my time.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from Oklahoma, Mr. Mullin.

Mr. MULLIN. Thank you. How is that? That work? Ma'am, thank you for taking the time to join us today, and thank you for taking the opportunity to visit with us, because you are in quite a hot seat. And I don't envy you at all, where you are sitting. But thank you, anyways, for making yourself available to us.

You lived in Oklahoma, and you have been part of the private sector industry. You made reference to that, and that is great. And I am glad to hear this Administration is taking on someone like yourself. The idea that you have been in the private sector, you understand about leadership, and you understand how important leadership is. But what we continue to see from the President and his type of leadership is that he is literally blindly leading his ideals down the road with the idea of trying to say that he has got the interest of the low-income individuals, the middle-class individuals, and jobs on mind every day.

And he constantly reiterates this over and over and over again. He says, "I have job packages, I have job packages," but yet his war on coal is going to punish exactly those people that he says on one side of his mouth he is trying to protect. And you, being part of the Administration, I find it hypocritical that they are going to punish the coal industry because of an ideological idea that he has.

He is going to take jobs away from that sector, he is going to punish those States. And that loss is going to be passed on to every individual that lives in this country through either paying energy in their house, or the products that we are already struggling to compete with other countries to make, they—I don't know, the mic is on.

Is it on? Off? Someone is trying to kick me out of here. Anyways—it may be my wife; I was supposed to have lunch with her an hour ago. So—but my question—let me—OK.

Secretary JEWELL. I can hear you.

Mr. MULLIN. I appreciate that. But the people watching this on CSPAN can't, and that is what is important.

The question that I have, is where do you fit in this Administration? I mean knowing that you come from the private sector, understanding that this price is going to be passed on to the consumer, knowing that we have to compete with the other countries, at the end of the day, if we destroy coal and we take it out of all of our power plants, and our energy starts going through the roof, and we are 100 percent dependent on, let's say, natural gas, and the price fluctuation that happens with natural gas, how can we deliver consistency across the board?

Secretary JEWELL. Well, Congressman, no question in my mind that I am working for a leader, and I am working for a leader that appreciates my background in business. And he has talked consistently with me about that. He knows that I employed 11,000 people in my prior job at REI, and also—

Mr. MULLIN. But with all due respect, this President hasn't employed anybody. And so I don't know if he understands the ripple effect that is going to happen. Or, if he does, he is not being honest with the American people.

Secretary JEWELL. Well, Congressman, he is elected to his position, and he chooses his team. He chose me to be on his team as a business person with a lot of experience in the private sector, and the breadth of experience that I expressed earlier.

The President and I believe in an all-of-the-above energy strategy. Coal is part of that. Oil and gas is part of that. Renewables are part of it.

Mr. MULLIN. Ma'am, when we say "all-of-the-above energy," we are attacking coal, so I don't buy that. It is all of the above as long as it is green, as long as it is his idea. Because all the other sectors are fighting it along the way. So those are just empty words that actions don't back up.

Now, I am going to switch on to fracking, because my time is running a little bit low, but maybe I will get a few extra minutes, or a few extra seconds here. We had talked about FracFocus several times in here, and I have heard you reply to it as not being perfect. Is that correct? Can you give me any branch of the government that is perfect?

Secretary JEWELL. FracFocus is not a branch of government.

Mr. MULLIN. I know that, but we are wanting to put it underneath government regulations, and we are saying that FracFocus isn't perfect. But I have, in my experience, every time the government gets involved in it they seem to make it a lot worse. And the way I like to deliver it in Oklahoma, they "screw things up."

Secretary JEWELL. Congressman, in the private sector I have never worked for a perfect business. I have never met a perfect person.

Mr. MULLIN. No, absolutely not. But we handle things better in the private world than they do in the government world.

Now, going on down that road, being that you are from Oklahoma, you lived in Oklahoma, you have worked in the oil industry, you know that Oklahoma has been fracking since 1949. We have over 193,000 current wells, 10,000 permits issued just last year alone. And we do a pretty good job regulating ourselves. And we haven't had one incident or anybody in the country that we can show that has contaminated any water. Can you show me or tell me any State that is not doing a good job regulating the industry?

Secretary JEWELL. Congressman—

The CHAIRMAN. Real briefly, go ahead.

Secretary JEWELL. OK. There are States that don't have regulations at all for fracking because it hasn't been done—

Mr. MULLIN. Because they are not fracking in that State yet.

Secretary JEWELL. Because it hasn't been done in the past, but it is something that is happening now, because of changes in technology. And they are asking for our support.

Mr. MULLIN. But if we put a one-size-fits-all across the board—

The CHAIRMAN. The time of the gentleman has expired.

Mr. MULLIN. OK. Thank you, ma'am. Thank you, sir.

The CHAIRMAN. The gentleman from Utah, Mr. Stewart.

Mr. STEWART. Thank you, Madam Secretary, for being with us. I know it has been a long 2½ hours or so for you.

I was a B-1 pilot for a lot of years, and we would go out and do a combat exercise, and sometimes I felt like everyone in the world was firing missiles at me. You might feel that way this afternoon. And we appreciate your patience. And having said that, now I have got a couple of missiles, if I could.

And, Madam Secretary, maybe these aren't big issues for you. I hope that they are, and I think they probably would be, but I can promise you they are big issues for tens of thousands of good people in my district. And if we could, just discuss two things very quickly.

The Utah prairie dog is listed as an endangered species under ESA. And the Federal Government regularly counts these prairie dogs, but they only count them on Federal lands. They don't count any of those prairie dogs that are existing on private lands. And surely you can see that doesn't make any sense. These prairie dogs are not like Occupy Wall Street individuals. They are not hanging out in public parks and in public lands. They like to be where you and I are. They like to be where there is water, where there is cover, where there is grass, where there are green things. And yet, the Federal Government doesn't count those prairie dogs. And again, it just simply doesn't make any sense. We can't delist them if we are not accurately counting them.

And so, very quickly, mindful of your time, would you be willing to commit to work with my office to resolve this problem so that we can count all of the prairie dogs, not just those that are existing on public lands right now?

Secretary JEWELL. Congressman, my understanding is that when we do Endangered Species Act assessments we count all animals on private or public lands, because we have many endangered species that are on private lands. So I will look into that with the Department.

Mr. STEWART. Please do. Because your response is the response that makes sense. But that is not what is happening in this case. And again, it simply is beyond reason, why they wouldn't do that. And I appreciate your response because, knowing that is your frame of mind, that makes me hopeful that we could have a more reasonable response on this.

The second thing, if I could, recently, March 20, the U.S. district court in Utah ruled that the State of Utah had established title to 15 roads that had crossed public lands, lands that were owned by the United States. The State of Utah had asserted that these roads were public highways under R.S. 2477, which I know you are very familiar with.

The troubling thing about that now, is we are hearing rumors that the Federal Government may take extraordinary measures, even perhaps the right of eminent domain, in order to close these public lands. And if that were to be the case, you could see the resentment and the frustration that many of these folks living in these rural counties would feel. They went through the court process. They had their day in court, and the courts found for them. And then, to feel like the heavy hand of the government had come in and said, "Well, we are simply going to claim eminent domain and shut these roads anyway," and it is just not healthy. It is not healthy for the relationship between any of us for people to be so distrustful and frustrated with their Federal Government.

Again, would you pledge to work with us to come to an outcome that didn't lead to that type of heavy-handed government claim?

Secretary JEWELL. It is my commitment to ensure that the decisions we make take into account the issues on the ground at a local level, and encourage the people that work for me across the country to work with local communities to understand what those issues are, while also upholding the laws that I am required to uphold.

Mr. STEWART. Yes.

Secretary JEWELL. Because, of course, if I don't, there is a lawsuit that results, and that doesn't help any of us. So——

Mr. STEWART. Exactly——

Secretary JEWELL [continuing]. Certainly support working with people on the ground.

Mr. STEWART. Thank you, Madam Secretary. And there are two things that you said that are very important. One of them is working with the people on the ground, because the local community really have a voice in this. They are the ones who are impacted by this.

And again, you talk about upholding the laws of the land. This has been through the court system. The Federal courts have ruled on this. And they ruled in favor of the local people who wanted access through these public roads. And it would seem to be completely beyond what you just expressed there to just say, well, we



are going to disregard the court rulings and we are just going to claim eminent domain.

So, thank you, Madam, for being willing to work with us on that.

Secretary JEWELL. Again, I am not familiar with that specific issue——

Mr. STEWART. I understand. And I didn't expect that you would be. Heavens, you are new to this job, and there are 8 billion things coming at you at any given time. I understand. But this is important and, again, we hope to follow up with you with that.

So, with that, Mr. Chairman, I yield back the remainder of my time.

The CHAIRMAN. I appreciate the gentleman yielding back his time. The gentleman from Missouri, Mr. Smith.

Mr. SMITH. Thank you, Mr. Chairman, Madam Secretary. You and I are both apparently some of the newest folks around here. I have been here 42 days, and I think you have been here just over 3 months.

One of the issues that has been one of the most important issues in my district is the Blueways. As you know, I sent you a letter on June 13th asking for it to be rescinded. And I want to thank you for rescinding it on July 3rd. Fourteen of my counties are affected in the White River designation with the Blueway.

Who is the lead individual in your agency that is in charge of the Blueways? You said that you are still learning about it, but who is the lead person that I could talk with?

Secretary JEWELL. Well, the program is under consideration right now. I think the lead person has been Rebecca Wodder, who has been involved in the program. It is being reviewed right now, and we will get back to you with the name of the right contact for you.

Mr. SMITH. But Rebecca Wodder has been the person in the past?

Secretary JEWELL. She has been involved in it in the past.

Mr. SMITH. OK. We are having a Subcommittee hearing today at 2 p.m. Are you sending anyone from your agency to testify in regards to the Blueways program?

Secretary JEWELL. Turn to my staff. No.

Mr. SMITH. Why is that?

Secretary JEWELL. I didn't know there was a hearing, so I will have to check in with the staff.

Mr. SMITH. We actually, our staff, requested Ms. Rebecca Wodder to be present, and you said, someone responded back and said that she wasn't able to testify. I really hope that maybe at 2 p.m. someone from your agency can be at that Subcommittee, because there are a lot of questions that need to be addressed in regards to the Blueways and how it affects the 14 counties that I serve. I was hoping to ask you today, but maybe someone on your staff can answer those.

Secretary JEWELL. Well, Congressman, I put the program on pause, as I referenced. So I hope that helps address some of the concerns that you are bringing up. And if you have specific items that you think will help advise me in this process, I would be happy to hear them.

Mr. SMITH. I was quite concerned. I felt good about you rescinding the designation for the White River Blueways, until the Con-

gressman, I think Mr. Tipton, asked you if it was a permanent rescinding, and you couldn't answer that.

And that causes great concern to me, because your definition of a local shareholder, I really don't understand what it is. Because in your Executive order rescinding the designation you said letters from June 28 and July 2 of the local stakeholders is why they requested for it to be rescinded. You didn't note in there on June 13 that a local Congressman that represents 14 of the counties wanted it rescinded, or 3 of the Senators that represent Arkansas and Missouri wanted it rescinded. So I am wondering who the local stakeholders are. Can you tell me who that is, in your Executive order that you signed on July 3rd?

Secretary JEWELL. I don't have the specific names with me, but I am happy to get those to you.

Mr. SMITH. I would love to have those. And you know, I cannot express enough how big of an issue this is to the folks that I represent, and the fact that we don't want a part of it. I am the Congressman for 14 counties in Missouri where there were no public meetings, no open, transparent comments of whether we wanted to be in this designation or not. And I am telling you right now we do not want a Blueways designation that affects our 14 counties. So, as a local stakeholder that represents 14 counties, we do not want it in our area.

Another question in regards to the National Park Service management plan. Do you know when that is going to be released that is affecting the Ozark National Park Service riverways?

Secretary JEWELL. I don't know specifically, but we, again, can get back to you with an answer on that.

Mr. SMITH. I would love to. And in regards to that, representing the fine folks of the Eighth Congressional District, I want to pass on to you any proposal that limits access points along our national riverways, any points that closes horse trails or other trails, or changes the horsepower, or even promotes wilderness areas, we cannot support in the Eighth Congressional District. That river is the life blood for the Eighth Congressional District, and is the life blood for the western portion of that area. And I am asking in the general management plan for none of that to be included. Thank you, Mr. Chairman.

The CHAIRMAN. OK, the gentleman yields back his time, and the Chair recognizes the gentleman from Nevada, Mr. Amodei.

Mr. AMODEI. Since it is just you and Don Young, you want to go to lunch somewhere and kind of knock this out?

[Laughter.]

Mr. AMODEI. My Committee dues must be in arrears, or something like that.

First of all, Madam Secretary, thank you for coming. As a guy who represents a State that you are the landlord of, well over 80 percent is federally owned, Neil Kornze is probably the portfolio manager, and Amy Lueders is the property manager, so it is a big deal, and it is a pleasure to be able to speak with you.

I also want to say that your predecessor was very good about maintaining the policy of the Department, the groundwater of individual States was within State jurisdiction. We appreciated that; I hope to see that continue.

I want to talk with you about just three issues, real quick. And there is going to be a question in there, but it is not going to be one that requires you to be nimble after what you have gone through. And I respect you staying over.

And the first one is, obviously, permitting. And as we look at the permitting process, and you have talked about some of the issues already in terms of energy and stuff like that, I would just submit to you that the permitting process, especially when you control upwards of 4 out of every 5 acres in my State, that timeliness. You will never hear somebody say you ought to be granting permits, or you will always hear people say you ought to be granting them or denying them, but the timeliness.

And so, those efforts to provide some stability and predictability to the length of time in the permitting process, not that you get a nice, crisp no; sometimes it is appropriate you get a nice, crisp no, but when you look at NEPA to try to find authority for indeterminate amounts of time where administrative siege is laid, I would just submit to you that it undermines the credibility of the process from everybody. And I would also submit to you that your Federal land managers need the tool as much as applicants do, in terms of being able to say to everybody, "Here is the road map. If you want to play, here is when your opportunities are to play. Let's do it in a reasonable amount of time."

I would also say that the recent stuff that was done that picked winners and losers in energy, as far as designating solar areas, I listened to your comments on energy and all-of-the-above, and I appreciate that, and I agree with all-of-the-above. But when we pick winners and losers, permitting-wise, then it tends to be harmful for the C-word, credibility. So, just food for thought on that, as we go forward.

Land disposal. Interesting to hear you bring up checkerboard when you talk about there are times when checkerboard is something that should be addressed in terms of how you manage or turn that over to the private sector. I would also submit that in other opportunities in those resource management plans, when we identify areas for disposal, especially in a State where you have the absolute super-majority of control of it, that it ought to be something that, with no disrespect to you, Mr. Chairman, that a person shouldn't have to bring a bill in the U.S. Congress to transfer 60 acres of land to a tribe, or something like that.

So, there are going to be some opportunities to play on that in this Congress. I hope there is constructive input from the Bureau and the Department and things like that, and hopefully we will go from there.

Finally, when we talk about, and you talked about a little bit, wildland fire. Some of the other Members have talked to you about sage-hen. We call it sage-hen in Nevada. I know grouse is the official term. And we talk about regimens of regulatory. In Nevada it is 85 percent fire. So when we talk about fire, I know that your land managers are capable of doing the mining, the ag, all the recreational stuff, all that. But when they go to your folks at Fish and Wildlife, and we haven't talked about what we do before the fire starts or what we can do after it is over, it scares the heck out of me to think. Because if I am them, it is like, "Hey, guess what?

You are listed." Because there are days when, quite frankly, no disrespect, you can't manage fire.

And so, when I hear about the fuels management stuff and where it has gone, my question is this. I would really appreciate the contact of your budget person that I can go sit down with them, I am not going to ask you to come to a park or get on your schedule, but I would really like to get on that person's schedule and say, "Help me understand how those decisions are made," when we talk about climate, when we talk about warming, when we talk about an ESA designation in a State that, quite frankly, it is the Federal Government's yard work because we own so much of it. To sit there and say, and no disrespect to you, and I know you got to deal in generalities, but just, "Hey, we have had to make some tough decisions in a tough budgetary climate," I would really like the opportunity to sit down with whoever the person is at Interior and understand how those are made.

Thank you. Hope to get that information from you, and I yield back 2 seconds. Mr. Chairman, thank you for your patience.

The CHAIRMAN. Thank you. Do you want to respond at all, or leave him hanging? And I would recommend you leave him hanging, but no, go ahead, if you would like to.

Secretary JEWELL. Well, I just want to say that I, we are working hard to streamline the permitting process. I have got some statistics, I won't go through them, but it has been improving, and it will continue to improve, and I am committed to doing that.

I won't touch the disposal of properties and congressional approval, because I am less familiar with that than you all are.

Sage-grouse, Nevada is a very important State for that. I was just there a couple of weeks ago. Fire has a big impact on sage-grouse habitat. It is something that we talk a lot about within the agency, and must work together effectively. Cheatgrass is also a problem, an invasive species that comes in after fire. So post-fire remediation is also something that is critical.

So, we are working hard on the future for managing fire. I know that my colleague, Jim Douglas, addressed this Committee on that. He is a great focal point on fire for us, and happy to take input from you on what we could be doing in that regard.

The CHAIRMAN. Madam Secretary, you have been very kind with your time. The last questioner is somebody that you may not know, but he is a gentleman from Alaska, Mr. Young. He used to chair this Committee, he is very kind, however. So I will recognize the gentleman from Alaska.

Mr. YOUNG. Thank you, Mr. Chairman. Madam Secretary, condolences. Everybody is congratulating you. I have a series of questions that I will not ask at this time, but submit to you.

But I would make a suggestion that you read the Alaska National Interest Lands Conservation Act. Under that act there is some requirements you have to meet. If a State makes a proposal, you have to respond. We will be watching this very closely. Because if you don't, you will be breaking the law. And you know, this is not the correct way to handle things. This is utilization of lands on Federal lands and how you develop them.

Second, I make a suggestion you get a hit man. You listen to all these programs here, and a lot of your lesser secretaries under you,

they won't pay any attention to you. I have been under, I think, 16 Secretaries of the Interior since I have been in Congress. Fish and Wildlife, Park Service, you know, BLM, they will do as they damn well please.

So, I want to suggest you have somebody by your side to make sure that you don't get yourself in a hot seat down the line because maybe you weren't aware of something. And they have done things, very frankly, against the wishes of the people, against the wishes of the State, and done it without any consultation. And you can't know all these things. So you have some staff in the back of the room, and they know what I am talking about. And I don't know how many people you have got working in the Department of the Interior now, but you can't fire them. That is the sad part. Only those political appointees. So I am just making that suggestion.

I would like to be your travel agent. Everybody is requesting you. You have made a commitment to Senator Murkowski about going up and seeing the road in King Cove. What is your timeframe on that?

Secretary JEWELL. September.

Mr. YOUNG. September? Not too late in September. On the other hand, end of September is just right.

Secretary JEWELL. They wanted the fishermen to be back in town. I have been working with the Senator's office on the right timing for that region.

Mr. YOUNG. I want you there when that northwest wind comes in. I want you to have to ride across that body of water. I want you to have the experience. I really think you will enjoy it.

I yield back the balance of my time.

The CHAIRMAN. I thank the gentleman for yielding back. And, Madam Secretary, you really have been very, very kind with your time. And let me say that you have heard a diverse view of observations and questions. Those questions that you are going to follow up in writing, make that to the whole Committee, if you would. And be prepared, there may be some follow-up questions from other Members. Typically what happens is, gee, I didn't bring this up, and so those questions will also be forthcoming.

But once again, I sincerely thank you, and you have been more than generous with your time. And that does not go unnoticed. So thank you very much.

If there is no further business to come before the Committee, the Committee stands adjourned.

[Whereupon, at 12:53 p.m., the Committee was adjourned.]

QUESTIONS SUBMITTED FOR THE RECORD TO THE HONORABLE SALLY JEWELL,  
SECRETARY, U.S. DEPARTMENT OF THE INTERIOR

QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE PETER A. DEFazio, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF OREGON

#### DRILLING SAFETY

*Question.* Secretary Jewell, in February 2012, the House Natural Resources Committee Democratic staff released a report that examined safety and environmental violations that occurred relating to oil and gas drilling on Federal lands over a decade beginning in the late 1990s. The report indicated that significant and potentially dangerous activities were occurring on Federal lands without consistent or adequate Federal oversight and enforcement. Since this report was issued what poli-

cies has the Department put in place to strengthen the inspection, oversight and enforcement program for onshore oil and gas activities?

*Answer.* The Bureau of Land Management places a high priority on the oil and gas Inspection and Enforcement program. In July 2012, the BLM issued policy and guidance requiring additional oversight of the inspection and enforcement program. The BLM's fiscal year 2013 oil and gas inspection and enforcement strategy uses a risk-based system that identifies high priority drilling wells for technical inspection. In addition, the BLM is drafting comprehensive replacement regulations for Onshore Oil and Gas Orders 3 (site security), and 4 (oil measurement). The replacement regulations will update the minimum operating requirements as consistent with current law, technologies, and industry best management practices. Additionally the BLM is preparing a new Onshore Oil and Gas Order 9 (waste prevention) to establish standards to minimize the amount of venting and flaring of natural gas that takes place on oil and gas production facilities on Federal and Indian lands. The BLM is also updating internal automation technologies, increasing the effectiveness and efficiency of inspection staff. In addition, the BLM is drafting a final rule regulating hydraulic fracturing that will establish a baseline standard for safety and environmental protection across all Federal and Indian trust lands throughout the country.

*Question.* Secretary Jewell, the report indicated that monetary penalties for safety violations were almost never issued, and when they were issued, they were issued inconsistently and amounted to very little. Over the 13 year period evaluated in the report the average fine was only \$135 per violation for an industry where the top 5 companies made \$119 billion last year. That is not a real deterrent for these companies.

The fines that BLM can levy on oil and gas companies who violate regulations are set by a 30 year old law that has not been updated. The Interior Department and the American Petroleum Institute have both agreed that these low fines are not a sufficient financial deterrent for companies who violate the law. Former BLM Director Bob Abbey agreed that fine amounts are too low, and former Secretary Salazar committed to reviewing and evaluating ways the Department could increase the dollar amounts of fines. Do you agree that these fines are too low and has the DOI instituted any changes to provide additional deterrents for bad behavior?

*Answer.* The BLM shares your concern over safety violations. The BLM has demonstrated a commitment to levy major fines for non-compliance. For example, in April 2011 the BLM announced the largest civil penalty settlement in the bureau's history, a \$2.1 million settlement by Berry Petroleum Company that resolved a proposed civil penalty the BLM had issued in July 2009. BLM is also always looking for opportunities to enhance accountability and make greater use of best management practices. While the dollar amount of civil penalties is set under the Federal Oil and Gas Royalty Management Act and, thus, any change would require amendment to that law, the BLM plans to evaluate increasing the dollar amount of assessments under its regulations and expanding the categories of violations that result in automatic assessments.

#### FRACKING RULE

*Question.* Secretary Jewell, isn't it true that there is currently a wide variety in the stringency and efficacy of State regulations with respect to drilling or hydraulic fracturing on State lands? For example:

Wyoming requires pre-fracking disclosures of all hydraulic fracturing chemicals, no other State requires pre-frack disclosure of everything (some States have more limited disclosure requirements).

Colorado and West Virginia require advanced notice of fracking to landowners and/or residents, no other State has this requirement.

Wyoming has strong rules for surface casing setting depth and protecting drinking water and Texas has good rules for intermediate and production casing cementing. Other States do not have these prescriptive requirements. Furthermore, the existence of these requirements hasn't hindered oil and gas development in Colorado and Texas.

Colorado and New Mexico have tight restrictions on the use of wastewater pits, New York has proposed rules require that all flowback be collected in tanks rather than pits. Other States do not have these requirements.

Despite the claims of the Majority, isn't it true that the revised draft proposed BLM hydraulic fracturing rule would not be a duplicative layer of regulation but would rather be implemented by individual State BLM offices in a way that dovetails with existing State standards not on top of them?

Answer. The BLM's proposed regulations are expected to integrate with existing State standards for hydraulic fracturing by establishing consistent standards for wellbore integrity, chemical disclosure, and flowback fluid management on public lands. While certain states have an established regulatory framework addressing hydraulic fracturing, a number of States with Federal oil and gas leases do not. The revised proposed rule would allow for variances to allow the use of an alternative standard, technology, or process that meets or exceeds the hydraulic fracturing rule's protections of the public's resources and lands, but variances are not necessary in many of the situations where a State's regulation meets or exceeds standards in the hydraulic fracturing rule. If an operator, through compliance with State rules, is automatically meeting the requirements of the hydraulic fracturing rule, no variance is necessary. BLM is coordinating with the appropriate State regulatory agencies to minimize duplication and redundancy in the regulatory processes and to provide clarity to the industry.

*Question.* Secretary Jewell, the discrepancies in State standards are why a Federal standard, to act as a floor, is needed. But the revised draft rule BLM recently issued is weaker in a number of important ways that the draft rule issued last year. For example:

In the revised draft rule, cement evaluations don't have to be submitted until after the well is fracked (vs before in the last rule).

In the revised draft rule, operators don't have to provide BLM with information (depth, volume of fluids, chemicals, water source, size of fracturing) about each well and instead can just use one packet of generic information to be submitted for all "similar wells."

In the revised draft rule, disclosure of fracking chemicals would not have to be disclosed until after a well is drilled and could be done using the Web site FracFocus, which, while it is undergoing changes, remains a data base not run by the Federal Government that has been criticized for preventing easy access, aggregation, and download of data.

The waiver provisions (called variances) have been expanded to allow entire areas or States to be exempt from some requirements.

I am concerned that despite the fact that a number of Democratic Members wrote to then-Secretary Salazar calling for the initial draft rule to be strengthened, the revised draft rule appears to have been weakened in these critical ways. I would hope that as you continue to work through this rulemaking process you incorporate suggestions of members of this Committee and the public to strengthen the rule to protect public health and the environment.

Answer. The Department and the BLM have made clear that it is important that the public has confidence that the right safety and environmental protections are in place. The revised proposed rule will modernize BLM's management of hydraulic fracturing operations and help to establish baseline environmental safeguards for these operations across all public and Indian lands.

BLM believes that the post-fracturing disclosures and certifications contained in the revised proposal would provide adequate assurances that fracking operations protect public health and safety and protect Federal and Indian resources, and will ensure that the public is informed about the specifics of the actual fracking operations which are ultimately performed.

The BLM proposed for comment that where the cement evaluation log (CEL) data for a "type well" shows no indications of cement problems, the operator could construct the other wells in an approved group within the same field using the same well design and construction without getting prior approval for the other wells. However, the operator would be required—for all wells—to monitor and record the flowrate, density, and treating pressure, when cementing well casings and to submit a cement operation monitoring report to the BLM. The required monitoring data would provide important indications of problems with the cementing of casings and would help to verify the results of a CEL and for wells where no CEL is required and will provide the primary assurance that cementing operations conformed to those of a proven type well. If the monitoring information provides indications of an inadequate cement job, the operator would also be required to notify the BLM within 24 hours, submit a written report within 48 hours, and to certify that the inadequate cement job had been corrected and that usable water zone isolation had been achieved prior to starting hydraulic fracturing operations.

The BLM took comment on all aspects of the rule including whether this approach is sufficient to determine adequate cementing to protect usable water aquifers.

Regarding the use of FracFocus, BLM recognized and understood that FracFocus is in the process of improving the data base with enhanced search capabilities to allow for easier reporting of information when including submission of data through this system. Moreover, information submitted to the BLM through FracFocus will

still be required to comply with this Federal rule, including its requirements that the operator must certify the information submitted is correct. For operators and the public, FracFocus provides a consistent venue that allows for ease of reporting and accessing data.

Finally, as noted in the question, the revised proposed rule would allow the BLM to approve a variance that would apply to all lands within a field, a basin, a State or within Indian lands and that would be based on the BLM's determination that it will meet or exceed the objectives of the regulation. The variance process would allow the BLM to work with States or tribes to appropriately adapt the regulatory requirements to the unique geology of an area or defer to a standard, technology, or process required or allowed by State or tribal government, as long as application of the standard, technology, or process meets or exceeds the objectives of the hydraulic fracturing rule. The BLM would issue the variance in cooperation with the State or tribe. The variance would apply only to the requirements of the hydraulic fracturing regulations, and all requirements of the Mineral Leasing Act, or the Mineral Leasing Act for Acquired Lands, other Federal statutes and all other regulations, would continue to apply to all lessees and operators.

#### MINING REFORM

*Question.* As you know, the Mining Law of 1872—a law signed into law by President Ulysses S. Grant—allows free hardrock mining on Federal public lands.

Oil and gas companies have to pay the American taxpayers a royalty when extracting oil and gas from Federal lands. Coal companies have to pay a royalty when mining coal on Federal lands. But if you are mining for gold, silver, copper, uranium and other valuable hardrock minerals—you pay nothing.

Of course, States, tribal nations, and private landowners aren't foolish enough to give away their hardrock minerals for free—they all charge a royalty—some as high as 12 percent.

We also have the issue of abandoned hardrock mines. According to the GAO there are more than 160,000 abandoned mines in the West alone—some estimates put that total as high as 500 mines—and each can cost tens of millions of dollars to clean up.

Secretary Jewell, would your department support—and will you commit to working with this Committee on—real mining reform that includes royalties as a source of income for the U.S. Treasury and abandoned mine reclamation?

*Answer.* Yes, the Department looks forward to working with the Congress on reform of the mining law. The Administration supports legislative efforts to address the problem of abandoned hardrock mine lands, and has proposed creating a program similar to that for coal mines for abandoned hardrock sites. The Administration also supports efforts to provide a fair return to the taxpayer from hardrock production on Federal lands, and has proposed developing a leasing program under the Mineral Leasing Act of 1920 for certain hardrock minerals including gold, silver, lead, zinc, copper, uranium, and molybdenum, currently covered by the General Mining Law of 1872.

#### OIL AND GAS DEVELOPMENT

*Question.* The Majority has brought a number of bills to the floor to require new oil and gas leases on lands under your jurisdiction. These efforts have included bills to require leasing off the west coast, Atlantic coast, and in sensitive areas like Bristol Bay—home of the most productive salmon fishery on the planet.

But the truth is that a substantial portion of Federal lands—both onshore and offshore—are already under lease for oil and gas development. As I mentioned in my opening statement, there are currently 25 million acres onshore and 30 million acres offshore—for a total of 55 million acres—already under lease that are not producing a drop of oil and gas.

Would your Department and President Obama support legislative action to incentivize the development of existing oil and gas leases? In other words, do you believe we should be pushing the industry to use what it already has—55 million acres—or giving them access to more access to Federal land?

*Answer.* Yes. The Administration has proposed legislative reforms to bolster and backstop administrative actions being taken to reform the management of Interior's onshore and offshore oil and gas programs, with a key focus on improving the return to taxpayers from the sale of these Federal resources. This includes proposals to encourage the diligent development of oil and gas leases (e.g., requirements for shorter primary lease terms, stricter enforcement of lease terms, and monetary incentives to get leases into production).



## PEBBLE MINE

*Question.* As you know, a Canadian mining corporation is proposing to develop “Pebble Mine,” which would be the largest open pit gold-copper mine in North America in the headwaters of two of the most critical wild salmon producing drainages in the world that help support a \$2 billion per year sustainable fishery.

Although the Department of the Interior is not directly involved in the approval process of the proposed mining operation, I would strongly encourage you to engage with the EPA and to get involved in this issue. The sheer size of the mine has implications for BLM holdings along the potentially impacted rivers and tributaries of the region as well as the fish and wildlife—like moose, caribou, ducks, geese, and other migratory birds.

And, if the native salmon populations are impacted you potentially have repercussions for the many wildlife species in the food chain that salmon support. If you haven’t already, I would encourage you to have a conversation with Gina McCarthy—if and when the Senate does its job and confirms her—and stay active on this issue.

*Answer.* This is an important issue for the Department. While the proposed development is on land owned and managed by the State of Alaska and the watershed assessment is being carried out by the Environmental Protection Agency, the assessment does include some lands managed by departmental agencies. As such, the Department and its agencies will continue to monitor the process closely.

## PUBLIC LANDS/WILDERNESS

*Question.* In 2011 DOI issued a report highlighting 18 backcountry areas deserving congressional protection as Conservation Lands or Wilderness, including 2 of my bills in Oregon—the Rogue Wilderness Area Expansion Act and Devil’s Staircase Wilderness Act.

At that time, former Secretary Salazar noted the local and bipartisan support for these proposals and challenged the 112th Congress to pass them, stressing the importance of balancing land conservation with energy development. Unfortunately, not a single one of these bills passed either the House or the Senate—the first time Congress failed to protect a single acre of wilderness in seven decades.

The Obama Administration has been under pressure from the Majority over its use of the Antiquities Act. But I assume the President would much prefer to sign bipartisan conservation bills—passed by Congress—into law instead of using the Antiquities Act as the sole means available in the last 2 years to preserve and protect sensitive areas and landscapes.

*Answer.* The Administration has testified in support of both the Devil’s Staircase and Rogue Wilderness Expansion Acts, and we encourage the Congress to move these bills forward. The Administration is committed to engaging local citizens and getting public input; to understanding how communities feel; and to connecting with local communities in an effective way so that local sentiments about these spectacular places inform decisions about recognizing American treasures. The monument designations the President has made under Antiquities Act authority have followed this community-based approach. It is also worth noting that the Antiquities Act has been used by 16 Presidents, from both parties, to recognize the importance of such areas as the Grand Canyon and the Statue of Liberty.

## ENDANGERED SPECIES

*Question.* I am concerned about the Fish and Wildlife Service’s proposal to delist the gray wolf from the Endangered Species list throughout the United States. Before the proposal was released, I organized a letter signed by more than 50 of my House colleagues to Service Director Dan Ashe urging him to keep protections for wolves in place as they continue to rebound. The lack of sound scientific evidence to support the Service’s claim that the wolf is recovered, even though it only exists in a small portion of its historic range, indicates that a decision has been made to shift the goalposts and declare a victory. What are you doing to review this decision? Will you require the Service to produce additional scientific evidence to prove that wolves no longer warrant protection under the ESA?

*Answer.* The Fish and Wildlife Service evaluated the classification status of gray wolves currently listed in the contiguous United States and Mexico under the Endangered Species Act. Based on that evaluation, and consistent with the ESA, the FWS published two proposed rules on June 13, 2013, to remove the gray wolf from the List of Threatened and Endangered Wildlife but to maintain endangered status for the Mexican wolf by listing it as a subspecies. These actions are proposed because the best available scientific and commercial information indicates that the

currently listed entity is not a valid species under the ESA and that the Mexican wolf is an endangered subspecies.

On September 30, 2013, the FWS announced that it has reinitiated a scientific peer review process to obtain an independent and objective peer review of the science behind the proposal. The peer review process will be sponsored and conducted by the National Center for Ecological Analysis and Synthesis, a respected interdisciplinary research center at the University of California—Santa Barbara. The center will vet prospective reviewers to verify that they are able to provide an objective review and have no conflict of interest, culminating in the selection of 5 or 6 well-qualified scientists with professional qualifications and relevant experience.

The Department recognizes the significant public interest in this issue and is focused on ensuring that all interested parties have the opportunity to provide comments concerning the proposed rule. With that in mind, FWS extended the public comment period on the proposed rule for a second time. In addition, to provide a forum for additional stakeholder input, the FWS also held five public hearings on the proposal, including in Sacramento, CA, Denver, CO, Albuquerque, NM, Pinetop, AZ, and Washington, DC.

Additional details of the proposed rules and public hearings, and links to submit comments to the public record can be found here: [www.fws.gov/graywolfrecovery062013.html](http://www.fws.gov/graywolfrecovery062013.html).

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE DON YOUNG, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ALASKA

*Question.* As you know, the State of Alaska recently submitted a very comprehensive Exploration Plan and Special Use Permit Application to the Department pursuant to section 1002(e) of the Alaska National Interest Lands Conservation Act or “ANILCA.” Section 1002(e) is very clear on what must happen when such a plan is submitted, including a requirement that the Secretary of the Interior “shall promptly publish notice of the application and the text of the plan in the Federal Register and newspapers of general circulation in the State.” When do you anticipate publishing this notice?

Section 1002(e) also states that “the Secretary shall hold at least one public hearing in the State for purposes of receiving the comments and views of the public on the plan.” When do you anticipate holding such a hearing (or hearings)?

*Answer.* Based on long-standing legal interpretation, FWS has found that the underlying statute and its 1983–84 implementing regulations bar the Service from considering the exploration plan and permit application.

*Question.* In June 2013, during a speech, former Deputy Secretary, David Hayes, announced that the Interior Department will soon be asking the general public to identify areas that should and should not be open to oil and gas leasing. While listening and receiving feedback from the public is important, without access to extensive data and teams of biologists, geophysicists, engineers, and geologists, what level of importance will be placed on an individual’s suggestions in determining where is most appropriate for oil and gas leasing? Can you provide more information regarding this change in policy?

*Answer.* The Department, as steward of our public lands and waters and through rigorous dialog with stakeholders, must strike the right balance of meeting the interests of local communities and public owners of the resources as the President’s “all of the above” energy strategy is advanced. The Department’s management actions will continue to be developed and implemented in accordance with applicable law and regulations and supported by the best available science.

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QUESTION SUBMITTED FOR THE RECORD BY THE HONORABLE DOUG LAMBORN, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF COLORADO

*Question.* In reviewing permits, the U.S. Fish and Wildlife duplicate the efforts of State agencies. Shouldn’t Federal Fish and Wildlife avoid duplication and waste of taxpayer resources by delegating permit review to State agencies? State Fish and Wildlife agencies are in the best position to understand what is appropriate for their State.

*Answer.* The U.S. Fish and Wildlife Service’s permit issuance and review is carried out in accordance with Federal laws and therefore in most cases cannot be delegated to States. The FWS works closely with local, State, and Federal Government partners to ensure that review processes are conducted in a timely manner, making the best use of taxpayer resources. The Department agrees that it is important to

seek ways to increase efficiencies, including by institutionalizing best practices and strengthening collaboration with local and State stakeholders, as well as tribes.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE ROBERT J. WITTMAN,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF VIRGINIA

*Question.* Do you see any inherent conflict between the development of the 5-year OCS leasing plan as mandated by the OCS Lands Act and the National Ocean Policy (NOP) and its call for regions to develop marine spatial plans that you as Secretary are subsequently bound to follow per the Executive order establishing National Ocean Policy? What impact would NOP have on permitted activities like energy development?

*Answer.* Neither the National Ocean Policy nor marine planning creates or changes existing regulations or statutory authorities under which the Department's bureaus operate. The final Implementation Plan for the NOP was developed with extensive stakeholder input and gives States and communities greater input in Federal decisions, among other things. The Implementation Plan supports voluntary regional marine planning, which will bring together ocean users to share information to plan how we use, sustain and better understand our ocean resources.

*Question.* Do you support the goal of wetland restoration and would you support continued authorization of the North American Wetlands Conservation Act?

*Answer.* The Department supports the goal of wetland restoration and reauthorization of the North American Wetlands Conservation Act. The Department testified in strong support of H.R. 2208, the North American Wetlands Conservation Extension Act, at a hearing before the House Natural Resources Subcommittee on Fisheries, Wildlife, Oceans and Insular Affairs, on August 2, 2013. The Department also supports legislation to increase the price of the Federal Duck Stamp, funding from which is also critical to protecting wetlands that offer breeding, feeding, and resting areas for migratory waterfowl.

*Question.* In June the Wildlife and Hunting Heritage Conservation Council (WHHCC) Federal advisory council sent a letter to you asking for the creation of a dedicated spot for hunting and recreational shooting on the Bureau of Land Management Resource Advisory Councils (RACs). What is your position on providing sportsmen with this opportunity to have a dedicated voice in policy decision impact Federal lands?

*Answer.* The Bureau of Land Management takes seriously the work of the Resource Advisory Councils, which provide an opportunity for individuals from a wide-range of backgrounds and interests to have a voice in the management of public lands. Under BLM regulations, each RAC must include balanced representation of the following three broad categories: Commercial/commodity interests; Environmental/historical groups (including wild horse and burro and dispersed recreation); and State and local government, Indian tribes, and the public at large. Hunting and recreational shooting interests may be represented in any of the three categories (as noted on the RAC application):

- Category 1: Developed outdoor recreation, off-highway vehicle users, or commercial recreation activities
- Category 2: Dispersed recreation interests
- Category 3: Public at large

One-third of RAC member positions become open each year, generally between January and March. The BLM's senior management will continue to consider changes to categories or the addition of special subcategories for interests like hunting and shooting sports. The Department recognizes that sportsmen and women care deeply about the public lands and we encourage them to apply for RAC appointments.

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QUESTION SUBMITTED FOR THE RECORD BY THE HONORABLE TOM MCCLINTOCK, A  
REPRESENTATIVE IN CONGRESS FOR THE STATE OF CALIFORNIA

*Question.* Madam Secretary, you may be aware that FWS recently proposed a rule for Categorical Exemption from NEPA mandates regarding "Injurious Wildlife Listings" under the Lacey Act. This Committee understands well the challenges in dealing with invasive species, however, I am concerned that exempting the FWS from addressing the environmental, economic and social impacts of proposed additions to the list could be extremely damaging to small business; as several of the species FWS seems to be targeting are widely traded and would have a significant economic

impact. I'd like your commitment to look into this matter and get back to me before the service finalizes their rulemaking on this issue. Do I have that commitment?

Answer. A final determination on this proposed rule will be made once the public comments received are analyzed and addressed. Regardless of whether or not a categorical exclusion is finalized and applied to the listing of injurious wildlife under the Lacey Act, the Fish and Wildlife Service will continue to carry out the analysis required under the National Environmental Policy Act and other laws applicable to Federal regulatory action, including the Lacey Act itself, the Administrative Procedures Act, the Regulatory Flexibility Act, and Executive Order 12866, Regulatory Planning and Review. These laws account for much of the analyses made when carrying out the regulatory listing process.

The proposed categorical exclusion would give FWS the flexibility to forego the preparation of an Environmental Assessment under NEPA when, absent extraordinary circumstances, listing a species as injurious under the Lacey Act. The proposed categorical exclusion meets the Council on Environmental Quality guidelines, which provide that a categorical exclusion may apply to actions that are administrative and repetitive in nature and for which Environmental Assessments continually result in "Findings of No Significant Impact."

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE PAUL A. GOSAR, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

#### GRAND CANYON AIR TOURS

*Question.* The 1 year anniversary of the passage of the Moving Ahead for Progress in the 21st Century Act (MAP-21, Pub. L. 112-141), recently passed. Senator McCain and I have inquired several times about the delay in the implementation of the law as it pertains to the quiet technology incentive requirements of the act. As of March of this year, we were told that the National Park Service and the FAA were still working to identify options to implement these incentives. I believe a year is more than enough time. Coming from the private sector, I am sure you would not have stood for this type of delay. I know I wouldn't have in my dental practice.

Can you please tell me when my colleagues and I can expect to hear from the NPS and the FAA that the incentives are ready for implementation? We have been very patient but our patience is running thin. These incentives are critical to the long term economic health of Northern Arizona and Southern Nevada.

Answer. Effective January 1, 2014, the NPS has implemented air tour fee adjustments as an initial incentive for operators conducting air tours at Grand Canyon National Park to convert to the use of quiet technology aircraft. These fee adjustments will also be made available to air tour operators who already have converted to the use of quiet technology aircraft. The FAA plans to announce a second incentive that would release FAA held allocations for the use of quiet technology aircraft in time for the busy part of 2014 tourist season. The NPS and FAA are continuing to work together on additional incentives that will require noise analysis to ensure compliance with the mandate set forth in MAP-21 that the impact of increased operations resulting from the incentives does not increase noise at Grand Canyon National Park.

#### LONG-TERM EXPERIMENTAL AND MANAGEMENT PLAN (LTEMP) FOR GLEN CANYON DAM

*Question.* My question is about the Long-Term Experimental and Management Plan (LTEMP) for Glen Canyon Dam that is being undertaken by the Bureau of Reclamation and the National Park Service as co-lead agencies.

My understanding is that Reclamation currently has 10 years of NEPA compliance for Glen Canyon operations—from two Environmental Assessments and Findings of No Significant Impact issued just last year. Given this, and given that the endangered humpback chub population in the Grand Canyon is continuing to increase and currently exceeds recovery goal requirements . . . why is the Department proceeding with another EIS at this time?

Answer. The 2012 Environmental Assessments and associated Findings of No Significant Impact focused on specific aspects of the operations of Glen Canyon Dam, including high flow experiments and nonnative fish management through 2020. In contrast, the Long Term Experimental and Management Plan Environmental Impact Statement (LTEMP) announced by the Secretary in December 2009 will update a 1996 Record of Decision and considers potential modification of many aspects of Glen Canyon Dam operations beyond those considered in the 2012 Environmental Assessments. The LTEMP will incorporate scientific information developed by the Glen Canyon Dam Adaptive Management Program. The resulting Record of Decision

from the LTEMP will allow the Secretary to meet statutory responsibilities for protecting and improving Glen Canyon National Recreation Area and Grand Canyon National Park resources and values, as well as statutory responsibilities under the Law of the River and the Endangered Species Act.

*Question.* The President's budget contains \$3.5 million for the Glen Canyon Dam LTEMP EIS. Given today's fiscal struggles, why would Interior spend \$3.5 million on an EIS that basically is unnecessary since (1) BOR has NEPA compliance for the next 10 years; (2) USFWS has issued a fresh biological opinion showing current Glen Canyon operations are not jeopardizing the endangered Humpback Chub?

*Answer.* As noted in the response to the previous question, the LTEMP EIS is a separate process focused on a different aspect of Glen Canyon Dam operations.

#### NATIONAL MONUMENT DESIGNATIONS VIA ANTIQUITIES ACT AUTHORITY IN ARIZONA

*Question.* I want to quickly ask about National Monuments. While I am not opposed to monuments, I firmly believe any designation should go through a public process and ultimately be codified by Congress.

I have introduced legislation, the Arizona Land Sovereignty Act, which would ensure a public process for monument designations. I know there are groups in my State urging the department to declare parts of my district as monuments. Does the Administration have any plans or are you considering any proposals to designate a National Monument in Arizona, under Antiquities Act authority?

*Answer.* At a hearing in June 2013, the Administration strongly opposed efforts to weaken Antiquities Act authority, which has been used by 16 Presidents from both parties to recognize the importance of such areas as the Grand Canyon and the Statue of Liberty. While there are no current plans to designate monuments in Arizona under this authority, it is worth noting that this Administration is committed to engaging local citizens and getting public input; to understanding how communities feel; and to connecting with local communities in an effective way so that local sentiments about these spectacular places inform decisions about recognizing American treasures. The monument designations the President has made under Antiquities Act authority have followed this community-based approach.

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#### QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE STEVE DAINES, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF MONTANA

##### SAGE GROUSE AND RESOURCE MANAGEMENT PLANS

*Question.* As you know, Montana is heavily reliant on our resource management pretty heavily—for economic development, including for resource extraction, and outdoor recreation and tourism. I share your vision that these two goals (resource development and outdoor recreation) can co-exist. Another vital piece component of land management in Montana is local involvement. Land management decisions are best made right at home in Montana instead of here in Washington.

As you know, recently, the Bureau of Land Management issued three Resource Management Plans for public comment. The comment periods for these plans—Billings, Miles City, and the Hi-Line—were short. Both of our Montana Senators and I requested an extension of the comment period, as well as many of our constituents, due to the serious implications for resource management outlined in the RMPs, especially on Greater Sage Grouse conservation planning, outlined in the RMPs. Much of the proposed boundaries for priority concern and the Bureau's restrictions on activities in these areas have potential to impact the livelihoods of many Montanans. We're learning development is projected to increase and bring more economic benefits to our communities and grazing continues to be a central part of life throughout proposed Greater Sage Grouse habitat. Conserving this species is a high priority for our State and local communities. They have a lot to say about it and have much to contribute to your Department's planning process.

On May 22, 2013, I sent a letter to you requesting a 120 day extension on the comment period for the Billings-Pompeys Pillar, Hi-Line, and Miles City Resource Management Plans on May 22, 2013. And did not receive a response until later in the day on July 17. Why is that?

Can you explain why the Bureau refused to extend the comment period?

*Answer.* The Department and the BLM apologize for the delay in the response. We appreciate the importance of these plans as they relate to the economies of local communities and States. For this reason, the BLM has emphasized participation by the public, partners, and other agencies. In accordance with planning regulations, all of the draft plans were made available for public review and comment for a full 90 days, with administrative review copies available to cooperating agencies at var-

ious times throughout the planning process. While we acknowledge the large scope of the documents, the 90-day public comment period could not be extended without jeopardizing the BLM's commitment to addressing greater sage-grouse habitat conservation in the time-frame necessary to inform the U.S. Fish and Wildlife Service's Endangered Species Act listing decision which must be completed by the court-mandated date of September 30, 2015.

In addition to the formal 90-day comment period, the BLM held 34 formal public scoping meetings, conducted 5 community economic workshops, and provided numerous briefings for cooperating agencies, user groups, environmental organizations, industries, county commissions, tribes, congressional staffs, other agencies, and the BLM's Resource Advisory Councils. Collectively, the Montana plan revisions involved 57 cooperating agencies, including counties, State and Federal agencies, tribes and grazing/conservation districts. Our managers and planning teams addressed and incorporated public scoping comments and issues submitted throughout the planning process and have provided newsletters and Web site updates to keep our stakeholders informed of our progress. We value public input and will continue to accept substantive comments throughout the process.

*Question.* In the mega-settlement which you had referenced in a response letter to my constituents as the reason you could not extend the comment period, was just only the timing of the listing of the GSG species agreed to in that settlement? Or was the timing and issuance of proposed RMPs part of the settlement?

*Answer.* The issuance of the proposed RMPs was not specifically part of the settlement of the ESA Deadline Multi-District Litigation filed against the Fish and Wildlife Service, but it is a critical component in the larger effort to conserve greater sage-grouse and potentially avoid the need for a listing at the time of the required decision.

*Question.* Moving forward with Sage Grouse conservation in Montana, how closely is the BLM going to rely on State data?

*Answer.* Sage-grouse conservation in Montana and the Dakotas is a multi-jurisdictional challenge due to fragmented land ownership patterns across large portions of sage-grouse habitat, making a collaborative approach essential. The BLM has been working with State fish and wildlife agencies, local working groups, and other organizations throughout the BLM's National Greater Sage-Grouse Planning Strategy process. The BLM has a long history of working cooperatively with the State of Montana, including using their data and mapping of sage-grouse habitat in the BLM plans. The Montana/Dakotas BLM is also involved in the Montana Governor's Greater Sage-Grouse Habitat Conservation Advisory Council, and we will consider the final State management plan when we formulate our proposed management actions for each land use plan.

#### SAGE GROUSE AND HARD ROCK MINING

*Question.* Madame Secretary: I have a quote from the HiLine Draft Resource Management Plan and this is what it says:

"The management of wildlife resources and habitat outside of special designations would seldom prevent locatable mineral development, but in order to avoid significant impact to wildlife, special conditions and possible relocation of exploration or mining development could occur. This relocation, as well as any additional mitigation, would create time delays and further expenses for locatable mineral development if not closing the area to mineral entry through withdrawal."

It's my understanding that the determining factor in the location of mineral deposits is the geology of an area. So if that's the case how do you propose to relocate [mineral] "exploration or mining development" in a manner that's practical and consistent with that does not seem like a practical solution to me nor does it seem to be consistent with the Federal Land Policy and Management Act of 1976?

Did you have any economic (mining) geologist or mining engineers work on this document? If there had been, I don't understand how doubt the precedings type of statement could would have been included in the Resource Management Plan.

*Answer.* The BLM uses an interdisciplinary team, including solid minerals specialists, in the development of its RMP revisions and amendments. Information in the RMP is used to guide activities on BLM lands. When a Notice of Plan of Operations for a mine is filed with the BLM, the proposed exploration or mining of locatable minerals is reviewed to confirm that the operations conducted will comply with the RMP and not cause unnecessary or undue environmental degradation. If necessary, conditions or mitigating measures may be applied. Such measures, as referenced in the RMPs, could include relocation of infrastructure such as access routes, power lines, tailings impoundments, or leach pads. As analyzed in the quoted RMP section, these conditions of approval or modifications may be more like-

ly in areas identified as valued wildlife habitat. Therefore, mineral development in wildlife habitat may be delayed or modified to include more prescriptive mitigation measures.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE KEVIN CRAMER, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH DAKOTA

*Question.* Secretary Jewell, as you know, the development of oil and gas is important for our energy security and high standard of living, not just in North Dakota, but the entire Nation. Many of my constituents are justifiably concerned about the Interior Department's actions relating to the greater sage grouse, which would affect more than 800 square miles in three southwestern counties in North Dakota. I am greatly concerned about the Bureau of Land Management amending resource management plans to include "priority habitat areas" in resource management plans, which have a statutory responsibility to ensure multiple use activities, including mining, grazing, energy development, and agriculture. I understand that the BLM has already delayed or canceled many projects in several Western States as a result of this process. Can you assure me that your Department will follow its multiple-use mandates under the Federal Land Policy and Management Act and the Multiple-Use and Sustained Yield Act with regard to sage grouse under other ESA activities?

*Answer.* The Department and the Bureau of Land Management are fully committed to sustainably managing public lands for multiple uses both now and in the future. The Federal Land Policy and Management Act of 1976 defines multiple-use as "the management of the public lands and their various resource values so that they are utilized in the combination that will best meet the present and future needs of the American people." Conservation of fish and wildlife habitat are important uses for which the Bureau of Land Management manages the public lands, as are mining, grazing, energy development, and many other uses. The land use planning process helps us determine the best use of resources on a local level.

The BLM, the U.S. Fish and Wildlife Service, and the U.S. Forest Service are currently working through the unprecedented task of amending resource management plans in several Western States to identify and incorporate appropriate conservation measures to conserve, enhance, and restore greater sage-grouse habitat by reducing, eliminating, or minimizing threats to habitat. In North Dakota, the BLM is working in close cooperation with the North Dakota Game and Fish Department in developing the draft Environmental Impact Statement covering sage-grouse population areas within the State. The goals of this effort are to provide better protections for greater sage-grouse while continuing to support the use of public lands for mineral extraction, recreation, and other uses.

*Question.* Secretary Jewell, within the Endangered Species Act "The Secretary may exclude any area from critical habitat if he determines that the benefits from such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific and commercial data available, that the failure to designate such area as critical habitat will result in the extinction of the species concerned." In making a determination to exclude certain areas as critical habitat will you give considerable weight to not only private landowner interests, but the interests of individuals and employees of industries utilizing our Nation's vast resources? Will you take this ability to exclude certain areas seriously?

*Answer.* Under the Endangered Species Act, the FWS and the National Oceanic Atmospheric Administration's Fisheries Service designate critical habitat for each listed species; these are areas that are needed for the species' conservation and recovery. Critical habitat does not create a refuge nor necessarily restrict development. It only affects Federal lands or lands where there is a Federal nexus such as the issuance of a permit or Federal funding. Along with the benefits to listed species, the Services must also consider the economic impacts, the impacts on national security, and other relevant potential impacts in making designations of critical habitat. Probable economic impacts resulting from the designation of critical habitat are assessed in an economic analysis.

On August 28, 2013, the Services published a final rule to revise the regulations implementing the ESA so that a draft economic analysis of the probable impacts of a critical habitat designation is completed and made available for public comment at the same time the critical habitat proposal itself is published. Publishing a proposed critical habitat rule and making available the associated economic analysis at the same time means that public stakeholders will have more information at the time they are reviewing critical habitat proposals.

Under the new regulations, a summary of each economic analysis will be published in the Federal Register along with the proposed critical habitat designation, while the analysis itself will be made available on the Web ([www.regulations.gov](http://www.regulations.gov) and other appropriate venues). The final rule also codifies standard Services' practices for assessing the likely impacts of proposed critical habitat designations.

The Services are also planning to publish a proposal in the near future that will provide more clarity on the process for excluding lands from critical habitat designation. We recognize that understanding this process is important for the public, and we will request public input on the proposal. This proposal represents one important part of our efforts to improve the implementation of the ESA.

*Question.* Secretary Jewell, on June 13, 2013, the Fish and Wildlife Service issued a Federal Register notice proposing to de-list (remove from the Endangered Species Act list) the gray wolf in most areas of the United States, an action I agree with—and I want to confirm you stand by this action. Do you? I understand this rule is expected to be finalized in September, correct? If the Fish and Wildlife Service is sued by environmentalists, will you defend the agency's actions on this delisting?

*Answer.* The actions that were published in June 2013—to remove the gray wolf from the List of Threatened and Endangered Wildlife but to maintain endangered status for the Mexican wolf by listing it as a subspecies—were proposed because the best available scientific and commercial information indicates that the currently listed entity is not a valid species under the ESA and that the Mexican wolf is an endangered subspecies.

The Department is committed to ensuring that the public is well informed about the agency's actions related to the gray wolf and has the opportunity to provide comments regarding the proposed rule. On September 30, 2013, the FWS announced that it has reinitiated a scientific peer review process to obtain an independent and objective peer review of the science behind the proposal. The peer review process will be sponsored and conducted by the National Center for Ecological Analysis and Synthesis, a respected interdisciplinary research center at the University of California—Santa Barbara. The center will vet prospective reviewers to verify that they are able to provide an objective review and have no conflict of interest, culminating in the selection of five or six well-qualified scientists with professional qualifications and relevant experience.

Because of the significant public interest in this issue, it is important to ensure that all interested parties have the opportunity to provide comments concerning the proposed rule. With that in mind, FWS extended the public comment period on the proposed rule for a second time. In addition, to provide a forum for additional stakeholder input, the FWS also held five public hearings on the proposal, including in Denver, CO, Albuquerque, NM, Pinetop, AZ, and Washington, DC.

*Question.* On April 2, 2013, OSM Director Joe Pizarchik responded to a letter from Chairman Hastings stating that since 2009 OSM has spent approximately \$8.6 million in developing a new stream buffer zone rule. The 2008 rule that has yet to be implemented took 5 years to complete, including 40,000 public comments, 2 proposed rules, and 5,000 pages of environmental analysis from 5 different agencies. Is such a comprehensive rewrite of OSM regulations justified or warranted at this time?

*Answer.* While the Surface Mining Control and Reclamation Act of 1977 has resulted in significant improvements in contemporary mining, recent studies have substantiated that adverse environmental impacts continue in certain situations long after mine reclamation has been completed. Streams have been adversely affected biologically from continuing water-quality discharges from reclaimed mines. In some cases, streams have been dewatered due to underground mining activities. Forest lands that sustain water quality and habitat have been fragmented or lost. Therefore, the Department, through the Office of Surface Mining Reclamation and Enforcement, has undertaken this rulemaking initiative, which is using the best science to modernize the bureau's rules in order to better protect streams from adverse effects of surface coal mining. OSM is currently developing a Draft Environmental Impact Statement for the rule that will analyze alternatives to address the impacts of burying and mining through streams, including the protection of aquatic communities in streams located on, adjacent to, and downstream from coal mining operations. The draft will also analyze alternatives to provide for the restoration of native forests eliminated during future mining. Finally, it will consider alternatives to further enhance restoration of mined lands to their approximate original contour in accordance with SMCRA.

*Question.* The 2008 stream buffer rule has never been implemented nationwide since OSM agreed to rewrite the rule as part of a settlement agreement. A legal challenge to OSM's existing rule was recently reinstituted. Do you plan to defend



OSM's existing rule against legal challenge, or allow anti-coal groups to "sue and settle" the case as they did in 2010?

Answer. The Federal Government has filed motions for summary judgment in this litigation (*National Parks Conservation Ass'n v. Jewell* and *Coal River Mountain Watch et al. v. Jewell*), requesting, among other things, that the court vacate the 2008 Stream Buffer Zone Rule, reinstate the prior regulations, and remand the matter for further rulemaking because the defendants confessed legal error in failing to conduct consultation with the U.S. Fish and Wildlife Service under section 7 of the Endangered Species Act.

*Question.* In BLM's proposed rule governing the use of hydraulic fracturing on public lands, trade secret information can be withheld from disclosure rather than being submitted to BLM. However, the rule requires operators to make trade secret claims and provide the required justification for those claims. The rule even indicates that one of the tests for determining whether something is a trade secret is whether the disclosure of the information would harm the operator's competitive position. In fact, isn't it true that typically it is the service companies actually performing a hydraulic fracturing job that would hold the trade secret information, rather than the operators? Why did the BLM choose not to give service companies or other trade secret holders the opportunity to make and support their own claims? Does the BLM care about harm to a service company's competitive position? States like Colorado, upon which BLM based its rule, allow service companies to make and substantiate their own trade secret claims.

Answer. The BLM holds the operator as the responsible party for any of the oil and gas operations and activities approved and permitted by the BLM in its name. The personnel and service companies that the operator chooses for their operation have to meet the same conditions of the permit. The operator as the permitted party is responsible to fulfill the terms of the permit, but may claim trade secret protection on behalf of its suppliers and subcontractors, assuming that the information constitutes a trade secret.

*Question.* In its cost-benefit analysis for the hydraulic fracturing rule, BLM estimates the likelihood of an incident resulting from a fracturing operation is 0.03 percent for a major incident and 2.70 percent for a minor incident. BLM does not indicate what it considers to be "major" or "minor" incidents. Would you be able to clarify in order to help us to determine whether these estimates are consistent with the findings of other organizations, such as the Groundwater Protection Council and the American Petroleum Institute that have also studied the environmental risks from fracturing operations?

Answer. The BLM used those figures to illustrate the likelihood of possible risks associated with hydraulic fracturing. The BLM reviewed an Energy Institute survey of violations that occurred on shale wells and tight sands and shales in Louisiana, Michigan, New Mexico, and Texas. According to the BLM, data in the Energy Institute survey do not distinguish between minor versus major impacts across the hydraulic fracturing risks that the BLM's rule is intended to address. Nonetheless, the BLM looked at the violations classified as surface spills of fracturing fluids, casing and cementing, fracturing, groundwater contamination complaints, and characterized them as minor or major incidents. For purposes of the BLM rule, a major incident means noncompliance which causes or threatens immediate, substantial, and adverse impacts on public health and safety, the environment, production accountability, or royalty income. A minor incident means noncompliance which does not rise to the level of a major violation. The agency will continue to examine impacts cited by other groups, including the Groundwater Protection Council and the American Petroleum Institute.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE GRACE F. NAPOLITANO,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

*Question.* Madam Secretary, last week the House passed its version of the Energy and Water Appropriations. As you know, the legislation guts the WaterSMART program by 53 percent, including the elimination of all funding for WaterSMART grants. These grants have helped conserve over 600,000 acre-feet in the past 3 years.

Where does the money go? Why is WaterSMART a priority for the department, and what would the cuts, if enacted, mean to program?

Answer. As competition for water resources grows for crop irrigation, growing cities and communities, energy production, and the environment, the need for information and tools to aid water resource and land managers grows. WaterSMART is a Department of the Interior initiative that leverages and directs existing expertise

and resources within the USGS and the Bureau of Reclamation toward addressing complex, national and regional-scale water challenges. WaterSMART uses scientific and financial tools to promote collaborative efforts to help balance water supply and demand. Specific examples of projects under the WaterSmart grant program include the installation of injection wells to facilitate groundwater recharge, lining of irrigation canals to reduce seepage, replacement of open ditches with closed pipes to reduce seepage and evaporation, installation of water meters, installation of energy efficient water pumps, and the installation of high-efficiency water delivery products. Completed WaterSMART grant projects, along with other conservation activities, are saving an estimated 616,000 acre-feet per year—enough water for more than 2.4 million people—and our current goal is to save 790,000 acre-feet per year by the end of 2014.

Over the last 3 years, the WaterSMART program has enabled the Department to act aggressively in response to near term and immediate water shortages and apply scientific findings to plan for longer term needs. Funded at \$35.4 million, WaterSMART promotes sustainable solutions and economic productivity in the Western United States. It addresses current and future water shortages; degraded water quality; increased demands for water from growing populations and energy needs; amplified recognition of environmental water requirements; and the potential for decreased water supply availability due to drought and climate change.

Cuts of that magnitude would significantly hinder actions under the WaterSMART program that could help address water supply shortages in the Colorado River Basin and elsewhere, and would undermine the Government's ability to partner with local communities on improving resilience against climate-related impacts that threaten a range of economic and environmental interests.

*Question.* The Natural Resources Committee is the authorizing committee for the Department of the Interior. As part of the Energy and Water Debate, programs and authorizations that were vetted by House and enacted into law are now being defunded by the appropriators despite being requested by the Administration.

Energy and Water zeros out funding for Indian Water Rights Settlements. Why is it important that we prioritize Indian Water Rights Settlements?

Answer. Water settlements secure tribal water rights helping to fulfill the United States' promise to tribes that Indian reservations will provide Indian people with permanent homelands. Indian water rights settlements are also consistent with the general Federal trust responsibility to American Indians and with Federal policy promoting Indian self-determination and economic self-sufficiency. The certainty that Indian water settlements provide is, in the words of the Western Governors Association, "a crucial element of effective water supply planning and management in the West." Achieving certainty through negotiated settlement is far superior to decades of expensive and disruptive litigation. Congress has agreed with tribes, States and non-Indian water users about the value of Indian water rights settlements by enacting 23 settlements spanning a period of over 30 years.

*Question.* What would be the effects of zeroing out the San Joaquin "Settlement"?

Answer. The Settlement's two primary goals are to restore and maintain fish populations and restore and avoid adverse water impacts. Eliminating funding for the Settlement creates an uncertain future for more than just river restoration but also for traditional water delivery operations from Friant Dam and the San Joaquin River. The Settlement effectively ended 18 years of litigation associated with water deliveries from the San Joaquin River, and if funding is eliminated the parties to the Settlement could be encouraged to return to court to pursue other avenues that could disrupt the underlying long-term goals of restoring the San Joaquin River according to the processes and timelines spelled out in the Settlement.

*Question.* What do these cuts mean for Reclamation's traditional construction budget, which majority claims to support?

Answer. The elimination of funding for the Indian Water Rights Settlements and the San Joaquin Settlement would jeopardize ongoing construction activities, including the construction of seepage mitigation projects on the San Joaquin River or the construction of water supply projects to tribes who have settled long-standing disputes through negotiated settlement.

*Question.* As part of the sequestration, several of USGS's streamgages have been discontinued. Why is it important that we support the streamgage system?

Answer. Streamgages are critical and vital for meeting Federal responsibilities associated with forecasting floods, tracking flows in major river basins, and assessing long-term climatic, land-use, and human impacts on streamflow and water quality. Increasing the number of streamgages is a high priority for the USGS. We look forward to working with you to explore possibilities for restoring recently discontinued USGS streamgages throughout the Nation and to take steps to help make the net-

work more stable so that water-resource managers have the streamflow information they need to make informed decisions.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE RAÚL M. GRIJALVA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARIZONA

*Question.* The New York Times recently reported that one of the poorest tribes in the country, the Oglala Sioux Tribe of the Pine Ridge Indian reservation, is ending its low income housing program due to sequestration cuts even though over 1,500 tribal families are in need of and awaiting basic housing on the reservation. The tribe is cutting back on Headstart, healthcare and programs for the elderly. Ninety percent of the tribe's annual budget is comprised Federal funds, so the mandatory cuts due to sequestration are indeed devastating to this tribe. But this is just one example of many real stories about sequestration's impacts on the First Americans

When you hear about Oglala and other tribes struggling to survive sequestration, do you believe that this Administration is doing everything in its power to fulfill the fiduciary obligations it has to tribal nations? Furthermore, what steps are you and this Administration going to take to address the increasing cuts in the country's already poorest areas, including tribal reservations?

*Answer.* Poor communities often suffer worse when tightening the fiscal belt. The sequestration's impacts are indiscriminate as applied under the law. Indian Country already experiences needs that exceed the ability to meet them, and these communities are arguably the least equipped to absorb the losses sequestration is imposing. At the Department we are trying to prioritize and find a way forward. President Obama also signed Executive Order 13647 in June establishing the White House Council on Native American Affairs, which will be chaired by the Secretary of the Interior and will include more than 30 Federal departments and agencies.

The Council will work across governments and executive departments, agencies, and offices to develop policy recommendations and expand efforts to leverage Federal programs and resources available to tribal communities. The goal is that the Council, through this improved coordination and use of resources will focus on key activities, such as promoting sustainable economic development; supporting greater access to and control over healthcare; improving the effectiveness and efficiency of tribal justice systems; expanding and improving educational opportunities for Native American youth; and protecting and supporting the sustainable management of Native lands, environments, and natural resources, will have a positive impact on issues of importance to tribes.

*Question.* The Department of the Interior is one several Federal agencies that entered into an MOU with the Advisory Council on Historic Preservation to improve the protection of and tribal access to Indian sacred sites through enhanced inter-agency coordination. What role is the DOI taking in order to enforce the goals of this MOU? Beyond this MOU, what steps, if any, are being taken by this administration to support tribal nations in their efforts to protect and preserve their sacred sites and objects?

*Answer.* The Departments of the Interior, Energy, Defense, and Agriculture, and the Advisory Council on Historic Preservation entered into a Memorandum of Understanding on November 30, 2012. This action was in response to tribal requests to improve the protection of and tribal access to Indian sacred sites through improved interdepartmental coordination and collaboration. Implementation of the MOU is through a three-tiered group approach: an interagency executive group, a core group of interagency staff coordinating work, and five subgroups of subject-matter experts that work on different aspects of implementing the MOU. During the first 2 years of this MOU, the Department of the Interior is the chair of both the core working group and the subgroup working on confidentiality standards for sacred sites.

The agencies are working together on strategies for sacred sites protection, including the creation of: a training program for Federal staff; guidance for best practices, a public outreach plan, and recommendations for the confidentiality of and tribal access to sacred sites. The agencies are also working to establish mechanisms for the collaborative stewardship of sacred sites with tribes; identifying impediments and making recommendations to address the protection of sacred sites; and building tribal capacity. This interagency effort is being accomplished using the existing resources within each of the agencies.

*Question.* Tribal consultation is a major component in the relationship between tribal nations and the Federal Government. What steps is this administration taking in order to uphold their responsibility in consulting with tribes for any Federal,

State, and corporate initiatives that will impact tribes and their homelands which may extend beyond reservation borders?

Answer. This Administration has taken its responsibility to ensure consultation with Indian tribal governments on policies that have tribal implications seriously. Early in the Administration, the President signed a Presidential Memorandum on tribal consultation that made the importance of meaningful and regular consultation clear and directed agencies to submit a plan for implementing the policies and directives contained in Executive Order 13175, on Consultation and Coordination with Indian Tribal Governments.

The Department's official consultation policy was announced in December 2011, and it was developed in close coordination with tribal leaders. It sets out detailed requirements and guidelines for Interior officials and managers to follow to ensure they are using the best practices and most innovative methods to achieve meaningful consultation with tribes. And, as indicated in a previous response, in June the President signed Executive Order 13647, establishing the White House Council on Native American Affairs, which will be chaired by the Secretary of the Interior. The intent of the Council is to improve interagency coordination, efficiency, and expand efforts to leverage Federal programs and resources available to tribal communities. In signing the Executive order, the President noted that greater engagement and meaningful consultation with tribes is of paramount importance in developing any policies affecting tribal nations.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE MADELEINE Z. BORDALLO, A DELEGATE IN CONGRESS FROM THE TERRITORY OF GUAM

*Question.* Given the current fiscal climate, priorities need to be made. In general, where do you place invasive species prevention and mitigation in your list of priorities? Specifically, the brown tree snake is responsible for many bird extinctions, loss of pollinating bats and increased power outages on our island. In response, the Refuge has installed the Multispecies Barrier Fence to keep out them out of 125 acres of the refuge. Unfortunately, with only six full time refuge staff we cannot do any intensive invasive species removal inside the fence. The refuge's Comprehensive Conservation Plan entails removal of the brown tree snake and eventual reintroduction of our birds. Do you foresee continued funding and support for brown tree snake mitigation?

Answer. Addressing invasive species is a high priority for the Department. The Department's fiscal year 2014 Budget Request sought an overall increase of about \$23 million for invasive species prevention, management, control, and coordination. The USGS requested an increase of \$500,000 to address the highest priority needs for control and management of brown tree snake, including research on the development of landscape scale methods to suppress or eradicate snakes on Guam and to detect and eradicate incipient populations of snakes accidentally transported to other islands such as Hawaii and the Northern Mariana Islands.

While the budget request reduces FWS's invasive species control and management funding by \$507,000, the FWS will dedicate a small portion of Aquatic Invasive Species funding to continue to support the program. We intend to continue to provide funding for this effort, but priorities have shifted with growing concerns about the spread of continental aquatic invasive species, such as Asian carp.

The FWS also continues to work closely with the U.S. Department of Agriculture's Wildlife Services' brown tree snake program on Guam. Since its implementation, the rate of snake captures associated with cargo shipped to Hawaii has declined dramatically. The growth in U.S. military presence on Guam is causing increased air and sea traffic between Guam and other regions in the Pacific, including the continental United States. As a result, the Department of Defense's responsibility for brown tree snake control and interdiction at military and commercial facilities related to the military buildup on Guam was a component of a recently completed ESA section 7 consultation with the FWS.

*Question.* Guam is a beautiful island for both residents and our many tourists. It is also strategically important for the U.S. military. Recently, the Interior announced the Sentinel Landscape Partnership, a Public-Private collaboration aimed at preserving agricultural lands, assisting military readiness and protecting wildlife habitat. I believe Guam may be a prime candidate for the program and am very interested in seeing how the pilot program fares at Base Lewis-McChord. Is this integrated approach something we may see more of from the Interior and what is the timeline for expansion of the program?

Answer. This pilot program is a great example of coordination and collaboration between Federal and local governments while showing how Farm Bill programs help

support agriculture, rural America, the environment and national defense. Military readiness and wildlife habitat protection can go hand-in-hand with interagency, local government and private collaboration. The Sentinel Landscapes pilot will preserve the land's natural character and permanently protect critical habitat for declining species that could be listed under the Endangered Species Act, which is important for national defense, local economies and the conservation of natural resources. The goal is to restore and permanently protect critical habitat for three species that are proposed for listing under the Endangered Species Act, protect private and agricultural lands from development, and enable DOD's training mission to continue. The partnership holds great promise. The Department, DOD, and Department of Agriculture signed a memorandum of understanding late last year to expand the program, and DOD is already looking at potential next locations. The Department and USDA have committed to providing their input to determine which places will meet the program's three goals: providing important buffers for our military's operations, keeping working farms and ranches economically strong, and conserving wildlife and their habitats.

*Question.* In Guam, the U.S. War in the Pacific National Historical Park houses some of our most beautiful places but more importantly it commemorates the WWII battles held in the Pacific Theatre. In response to sequestration there have been hiring freezes and program cutbacks. Like you mentioned in your statement and in addressing a similar question by Congresswoman Tsongas, these are unsustainable actions. If we do not solve the whole of sequestration will we be looking at permanent closure of some of our National Parks and refuges?

*Answer.* The sequester was designed to be inflexible, damaging, and indiscriminate, and it was. Although the 2014 Consolidated Appropriations Act revised some of the sequestration cuts, the Department continues to face challenges across our bureaus to deal with the impacts of the sequestration. Our parks and refuges are special places, and deferring important work cannot be continued in future years without further severe consequences to our mission.

*Question.* The budget also affects the maintenance and improvement of our refuge. The roads in the refuge are in deplorable condition with potholes so extensive that traffic has moved to the dirt shoulder. The refuge has yet to be connected to an outside source of water and operations are dependent on roof rainwater collection and trucking in water during the dry season. Needless to say, visitation has decrease by 10 percent due to these factors. How will the Interior keep up with maintenance of the current parks and refuges?

*Answer.* We have to balance addressing the most urgent needs, including for recreation; species and habitat conservation; and preservation of landscapes and historic and cultural resources with addressing the deferred maintenance backlog. The NPS is prioritizing capital investment funding to address its most important assets, such as mission-critical infrastructure and historic buildings and is removing non-essential assets, which reduces the number of structures that contribute to the backlog. The FWS is continuing to refine its condition assessment process, using maintenance action teams, actively pursuing local partnerships, carefully prioritizing budgets, and disposing of unneeded assets.

*Question.* On Guam, there is already increased pressure on our resources due to global climate change. Steps need to be taken to both address the causes of climate change and prepare for climate change impacts. The refuge recently connected an 84 solar panel array to the grid to both offset the 40 percent rise in electric rates this fall and to help decrease carbon emissions. I commend you for your commitment to massive renewable energy projects in Nevada and Arizona but global climate change is a problem for everyone. What plans does the Interior have to expand its alternative energy infrastructure in more local settings to decrease our carbon footprint? Does the Interior have plans to seek partnerships either public or private to accomplish this goal?

*Answer.* Interior is working broadly to implement energy efficiency and renewable energy at all levels. On Guam, the Office of Insular Affairs (OIA) and National Renewable Energy Laboratory (NREL) assisted the Guam Energy Task Force in developing a strategic energy plan that sets a goal of reducing Guam's dependence on fossil fuels by 20 percent by the year 2020 ("20 x 20 goal"). With continued funding from OIA and with the support of NREL staff, the Guam Energy Task Force recently completed an energy action plan that identifies near-term strategies that will likely have the greatest impact on reducing Guam's fossil fuel energy consumption. Through a partnership with the NREL, the Department is supporting the design, development, and ultimate deployment of small-scale, modular, renewable energy/diesel hybrid systems that harness local renewable energy resources and will reduce dependence on expensive diesel fuel in remote communities around the world.

QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE GREGORIO KILILI CAMACHO SABLAN, A DELEGATE IN CONGRESS FROM THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

*Question.* As you are aware, the United States and the Republic of Palau signed an agreement on September 10, 2010, to extend the financial terms of the Compact of Free Association between our two nations until 2024. Since then, there has been little success in securing ratification of the agreement by Congress, largely due to the inability to find a suitable offset. After a recent visit to Washington by newly elected Palau President Tommy Remengesau, you joined Secretary of Defense Chuck Hagel, and Secretary of State John Kerry in sending a letter to Senate President Joe Biden and House Speaker John Boehner in support of the ratification of the Compact Review Agreement. In the letter, you and your fellow cabinet members pointed out that “approving the results of the Agreement is of import to the national security of the United States, to our bilateral relationship with Palau, and to our broader strategic interests in the Asia-Pacific region.” Madam Secretary, what update can you give us regarding your Department’s efforts to secure passage of the Palau agreement?

*Answer.* As noted in the question, approving the results of the Agreement is of critical importance to the national security of the United States, to our bilateral relationship with Palau, and to our broader strategic interests in the Asia Pacific region. As such, the Administration transmitted legislation to Congress that would approve the Agreement and has worked with the Committee to try to identify appropriate offsets for funding the Agreement. The Administration stands ready to work with Congress to approve this critically important piece of legislation.

*Question.* I commend DOI on its ongoing development of a 15-year Management Plan for the Marianas Trench Marine National Monument, which was established by then-President Bush in 2009. Please explain what other proposals your agency intends to take or is currently undertaking to support the monument?

*Answer.* The U.S. Fish and Wildlife Service manages the Marianas Trench Marine National Monument, including the Trench Unit and the Volcanic Unit, as National Wildlife Refuges under Secretarial Order 3284, dated January 16, 2009. Management activities include convening the Marianas Trench Monument Advisory Committee, consulting with the National Marine Fisheries Service on their responsibilities for fisheries-related issues, and coordinating with the Commonwealth of the Northern Mariana Islands on monument planning. On an operational basis, the Service fulfills its primary management responsibility by issuing special use permits that allow scientists and explorers like James Cameron’s historic expedition to the trench. The FWS routinely consults and coordinates with the National Oceanic and Atmospheric Administration, the Commonwealth of the Northern Mariana Island, the U.S. Coast Guard, the Department of Defense, and the Friends of the Trench.

*Question.* In January 2012, President Obama signed an Executive order and announced new initiatives to significantly increase travel and tourism in the United States. Back in October 2011, the Department of the Interior released a 50-State report outlining some of the country’s most promising ways to reconnect Americans to the natural world. Unfortunately, the U.S. territories were left out. And then DOI rolled out the improved *Recreation.gov* Web site and the Web site did not include treasures such as the American Memorial Park managed by the National Park Service or the Marianas Trench National Monument Volcanic and Trench units managed by the U.S. Fish and Wildlife Service. However, your staff worked with our office for months to update the Web site to reflect these areas. I am asking for your commitment to include the U.S. Territories when applicable in all reports, promotions, etc. This will complement the President’s initiatives to increase travel and tourism in every State and territory.

*Answer.* The Administration is committed to the empowerment and economic growth of U.S.-affiliated insular communities, and will include the U.S. Territories in this material where appropriate.

*Question.* The illegal international trade in timber and wildlife has skyrocketed in recent years, and has been linked to organized crime syndicates and terrorist groups. While the Lacey Act has proven successful in keeping these criminal elements out of the United States, forests and wildlife in other countries are being decimated. Will you work with other Federal agencies, foreign governments, and the conservation community to fight illegal trafficking of wildlife and timber?

*Answer.* In addition to being one of the lead Federal agencies enforcing the Lacey Act, the FWS works closely with the other land managing agencies within the Department that enforce the Lacey Act across hundreds of millions of acres of public and tribal lands, as well as with other Departments and foreign governments. The FWS also enforces many other U.S. laws that protect wildlife, including the Endan-

gered Species Act, the Marine Mammal Protection Act, and the Migratory Bird Treaty Act. The FWS will continue to work with its partners to ensure the success of the Lacey Act.

In July of this year, President Obama signed Executive Order 13648 on Combating Wildlife Trafficking that establishes a cabinet-level Task Force, led by the Attorney General and the Secretaries of State and Interior. Under the terms of that Executive order, the Administration is developing a comprehensive program to work with African nations to combat wildlife poaching; prioritizing the targeting and prosecution of international syndicates engaged in illegal trafficking of wildlife for sale in consumer countries; and working with receiving countries to stop the transshipment and sale of ivory and other illegal wildlife parts. The Task Force is in the process of developing a National Strategy to address this problem. The first meeting of the Advisory Council on Wildlife Trafficking, which will make recommendations to the task force, was held December 16, 2013.

*Question.* From the brown tree snake on Guam and the Mariana Islands, to pythons in the everglades, to Asian carp in the Mississippi River, invasive species cost the United States over \$120 billion a year. What are your thoughts on the severity of our problems with invasive species, and how will you work to minimize the damage they cause? What additional tools do you need?

*Answer.* Invasive species impact the Department's mission and purposes for which we manage public lands and their resources in myriad ways, including the services these lands offer, such as recreation, hydropower, water supplies, agriculture, and ranching. They also impact ecosystem functions including pollination, water filtration, climate stability, pest control, and erosion protection, wildfires, and other natural hazards. The environmental, economic, and social impacts of invasive species and their control or eradication can be costly, controversial, and complex. Prevention of their introduction, establishment, and spread is the most cost effective and least disruptive approach to managing the threats these species pose to the Nation's public trust resources.

The Department is working to more effectively address the threat of invasive species through preventative and management efforts, including an ongoing effort to improve the efficiency and effectiveness of regulations and regulatory processes used to implement our existing authorities to address invasive species. We are developing an MOU with several key industry and State partners that will lead to voluntary actions to better manage the risks associated with harmful non-native species. And we are continuing to improve our ability to detect, assess, and control key invasive species through research and environmental modeling. The Department has also forged strong partnerships with local, State, tribal, and other Federal agencies in order to manage invasive species impacts on the resources it manages. The Department's efforts have resulted in tangible improvements in water quality, species recovery, habitat restoration, and overall invasive species management in ecosystems.

Addressing invasive species is a high priority for the Department. With limited resources, it is critically important that invasive species prevention and control efforts be coordinated and prioritized. We look forward to working with Congress and other stakeholders and partners to tackle the significant problems that invasive species cause.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE COLLEEN W. HANABUSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF HAWAII

*Question.* Madame Secretary, since 2009 Indian country's highest legislative priority has been passage of a legislative fix to the *Carcieri v. Salazar* decision. I introduced bipartisan legislation in the House this year that would provide a clean fix to that misguided decision.

It has been suggested that a clean *Carcieri* fix is impossible, due to concerns related to so-called "off reservation" gaming. Does the Administration continue to support a clean *Carcieri* fix—that is, restoring Secretarial authority to place land into trust for any federally recognized Indian tribe, regardless of when that tribe was federally recognized?

*Answer.* A *Carcieri* fix is a top priority for the Administration. The Department believes that this decision frustrates the U.S.'s trust responsibility to Indian tribes by hindering the Department's ability to take land into trust for some tribes. The President's 2014 Budget included language that, if enacted, would resolve the issue. The Department stands ready to assist Congress in passing legislation to fix the decision.

*Question.* What administrative measures has the Department taken to ensure that tribal homelands are restored pending Congressional action?

Answer. Despite the *Carcieri* decision, which has placed unnecessary and substantial administrative burdens on the Department and tribes and has significantly increased litigation risks, the Department over the last 4 years has processed more than 1,100 separate applications and acquired over 205,000 acres of land in trust on behalf of Indian tribes and individuals.

The Department is also currently engaged in both Federal court and administrative litigation regarding the Secretary's authority to acquire land in trust pursuant to the Indian Reorganization Act of 1934 following the *Carcieri* decision.

*Question.* What steps has the Administration taken or proposed to take in order to work with Congress on passing a clean fix in the 113th Congress?

Answer. The Administration continues to support a legislative solution to address the negative impacts and increased burdens on the Department and on Indian Country resulting from this decision. The President included in the Administration's fiscal year 2014 budget language that, if enacted, would resolve this issue.

*Question.* Last month, President Obama signed an Executive order establishing the White House Council on Native American Affairs, furthering this Administration's already firm commitment to greater engagement and collaboration with Indian tribes. The National Congress of American Indians lauded the establishment of the Council, which you will chair as Secretary of the Interior.

The Executive order establishing the Council states that the Council "shall improve coordination of Federal programs and the use of resources available to tribal communities." As Council chair, how do you intend to achieve this purpose? What specific goals would you like to see achieved?

Answer. The Executive order, signed by President Obama on June 26, is further evidence of this Administration's commitment to advancing self-determination. As noted in the question, the intent is to improve interagency coordination, efficiency, and expand efforts to leverage Federal programs and resources available to tribal communities.

The Council will convene at least three times a year and will work collaboratively toward advancing five priorities that mirror the issues tribal leaders have raised during previous White House Tribal Nations Conferences, including promoting sustainable economic development; supporting greater access to and control over healthcare; supporting the efforts to improve the effectiveness and efficiency of tribal justice systems; expanding and improving educational opportunities for Native American youth; and protecting and supporting the sustainable management of Native lands, environments, and natural resources. The Council will establish interagency subgroups that will focus on leveraging and aligning Federal resources and updating and making regulatory processes more efficient. Specific goals for each area will be developed and generated by the relevant subgroup. For example, the Departments of Education and Interior have established a Federal Study Group to improve the effectiveness of Indian education in Bureau of Indian Education schools. Among other things, the Study Group is focusing on streamlining processes for BIE schools and proposing structural improvements which impact the delivery of education services.

*Question.* How could Council recommendations impact reservation-level conditions, such as greater access to and control over tribal nutrition and healthcare and tribal justice systems, as well as protecting tribal lands, environments and natural resources?

Answer. As noted in the testimony for this hearing, the Council will include more than 30 Federal departments and agencies and will work across governments and executive departments, agencies, and offices to develop policy recommendations and expand efforts to leverage Federal programs and resources available to tribal communities. The goal is that the Council, through this improved coordination and use of resources will focus on key activities, such as promoting sustainable economic development; supporting greater access to and control over healthcare; improving the effectiveness and efficiency of tribal justice systems; expanding and improving educational opportunities for Native American youth; and protecting and supporting the sustainable management of Native lands, environments, and natural resources, will have a positive impact on issues of importance to tribes.

*Question.* This Committee has received extensive testimony on the important distinction between federally owned public lands and Indian country held in trust by the Federal Government. The recently revised BLM regulations on hydraulic fracturing now allow for a "variance" that enables tribes to be the relevant authority in hydraulic fracturing decisions, after a showing that the tribal regulations are at least as stringent as Federal standards.

Does this inclusion in the regulation stem from outreach from the tribes? Have you received feedback on this specific provision from tribes? Do you think that this



provision adequately distinguishes tribal lands from public lands and respects tribal sovereignty?

Answer. The variance provision in the BLM's proposed hydraulic fracturing rule was informed by tribal consultations. The BLM contacted over 180 tribal governing bodies and had significant exchanges with over 30 tribes in multiple States during the drafting of the rule. The BLM fully embraces the statutes, Executive orders, and other statements of governmental or departmental policy in favor of promoting tribal self-determination and control of resources. The Indian Mineral Leasing Act, however, subjects all oil and gas operations on trust or restricted Indian lands to the Secretary's regulations and does not authorize the Secretary to allow tribes to opt out of regulatory oversight. This rule applies to Indian lands so that these lands and communities receive the same level of protection provided on public lands.

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QUESTIONS SUBMITTED FOR THE RECORD BY THE HONORABLE ALAN S. LOWENTHAL,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

*Question.* How can and will the BLM guarantee that FracFocus and all of its current and historic data will exist in perpetuity if it is a private Web site?

Answer. The Bureau of Land Management's revised hydraulic fracturing rule would require operators to disclose the chemicals used in the fracturing process and provide that information to the BLM after the fracturing operation is completed. Operators may submit this information to the BLM through FracFocus, which is already used by some States for reporting mandatory chemical disclosure of hydraulic fracturing chemicals as a single reporting location. FracFocus was initiated as a project with the Department of Energy and managed by the Ground Water Protection Council and Interstate Oil and Gas Compact Commission. It was endorsed in the Secretary of Energy Advisory Board 90-day report of best practices. Use of this Web site allows an operator to provide the information to the BLM, as well as the public and State and tribal regulators. This approach also has the benefit of reducing reporting burdens for oil and gas operators by avoiding duplicative reporting requirements and administrative duties for the BLM in many instances. The data submitted to FracFocus is managed by the Ground Water Protection Council (GWPC) and in partnership with the Interstate Oil and Gas Compact Commission; the data is provided to the BLM and other regulators on a regular basis, and BLM would also maintain permanent possession of a set of this data.

*Question.* How can the BLM ensure that FracFocus has all of the proper data search, sort, and aggregation tools—which we have heard from other witnesses before this Committee it still does not have, thus making it nearly impossible to effectively use?

Answer. The FracFocus Web site was launched in April 2011 by the GWPC, a private nonprofit organization governed by State drilling and water quality officials. As States have expanded requirements for disclosure, FracFocus has evolved into a standardized, easily accessible repository of public information. FracFocus 2.0 was recently released with the added data search capability from a XML data base platform. Users have the option of using the GIS mapping technology to identify chemicals used in the wells, as well as search and develop reports by date ranges, chemical names or Chemical Abstract Service numbers. The BLM will continue to work with GWPC to improve the FracFocus Web site to meet the expectations of the final BLM hydraulic fracturing rule.

*Question.* BLM's Revised Draft Rule ambiguously states, "The BLM understands that the [FracFocus] data base is in the process of being improved and will in the near future have enhanced search capabilities and allow for easier reporting of information." The BLM's draft rule specifically references FracFocus as an acceptable compliance repository of data for oil and gas operators. What does it mean for the BLM to "understand" that FracFocus will provide additional tools? Has FracFocus provided written commitment to BLM to do so much? If so, please provide this documentation to the Committee. Does the BLM have any recourse if FracFocus does not do what BLM "understands" that it will do?

Answer. The BLM's proposed regulation (§ 3162.3–3(i)) requires submission of the data through FracFocus or another data base specified by the BLM. The GWPC has a successful track record in development of similar risk-based data management systems reliably used by the U.S. Environmental Protection Agency, the Department of Energy, and other State agencies. FracFocus 2.0 was developed with a number of additional tools, such as dashboard access for individual users and configuration module for XML file download. The BLM has met on numerous occasions with the GWPC regarding FracFocus, and will continue meeting with the GWPC in the future as the final rule is being completed.

*Question.* What is the oversight process for ensuring that operators are using the trade secret exception to chemical disclosure properly? In other words, what is the cross-check verification of whether these chemicals are in fact trade secrets? Will there be an internal BLM verification that those chemicals are in fact trade secrets? And will Congress and the public be excluded from providing oversight to the trade secret process? Please explain how the BLM and the public will not be relying on the word of operators without verification of the legitimacy of operators' trade secret exception claims? Do you think the BLM's broadening of the trade secret exception may erode the public's confidence and trust in hydraulic fracturing?

*Answer.* The BLM must follow the Trade Secrets Act (TSA). Although operators may have their own list of chemicals that could fall under the TSA, the BLM would have the authority to validate the trade secret determinations. The BLM can issue a notice to the operator and move forward with the disclosure of the chemicals considered invalid for protection under the TSA if the operator does not appeal such a decision within 10 days of receipt of the notice.

