



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB - 3 2023

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

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to the questions for the record submitted to the Department's witness, Nada Wolff Culver, Principal Deputy Director, Bureau of Land Management, following her appearance before your Committee at the December 1, 2022, hearing on pending legislation.

Thank you for the opportunity to respond to you on this matter.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure
cc: The Honorable John Barrasso
Ranking Member

Questions from Senator Ron Wyden

Question 1: Your testimony on the Malheur Community Empowerment for the Owyhee Act states that this legislation would “improve the ecological health of working lands.” Working lands are a critical part of this bill. Ranchers in Malheur County have long been stewards and have worked with the BLM for years to make sure rangelands can continue to sustain grazing. With climate change and severe drought, we need to make sure the ranching community gets the flexibility needed to ensure these working lands stay healthy and productive. We have considered adding the following language to this bill:

IMPLEMENTATION OF GRAZING FLEXIBILITIES.—If an applicable monitoring plan has been developed under paragraph (5), notwithstanding section 402 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1752), to accommodate changes in weather, forage production, effects of fire or drought, or other temporary conditions, on the request of an authorized grazing permittee or lessee participating in the program, the Secretary shall modify the terms and conditions of the applicable grazing permit or lease for the applicable year—
(A) to adjust the beginning date of the season of use, the ending date of the season of use, or both, as applicable, under the grazing permit or lease, subject to the requirements that—

(i) unless otherwise specified in the appropriate allotment management plan or any other activity plan that is the functional equivalent to the appropriate allotment management plan under section 4120.2(a)(3) of title 43, Code of Federal Regulations (or a successor regulation), the applicable adjusted date of the season of use occurs—

(I) not earlier than 14 days before the beginning date specified in the applicable permit or lease; and

(II) not later than 14 days after the ending date specified in the applicable permit or lease; and

(ii) the authorized grazing permittee or lessee provides notice of the adjustment to the Bureau not later than 5 business days before the adjustment; or

(B) to adjust the dates for pasture rotation based on average vegetation stage and soil condition by not more than 14 days, subject to the requirement that the authorized grazing permittee or lessee shall provide to the Bureau notice of the adjustment not later than 5 business days before adjusting the applicable dates.

Would this language be something that the BLM would consider each year? Or would this addition automatically apply across the entire span of the 10-year permit?

Response: The BLM interprets the language above as providing flexibility for the BLM to authorize changes to the beginning or ending date of the season of use or the dates for pasture rotation annually, for a one-year period. Any such changes would need to be re-evaluated

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annually. Further, the authority provided could not be used to increase the number of days each permittee may graze livestock.

Question 2: If the ranchers in Malheur County wanted more flexibility beyond the 14-day adjustment described in the previous question, what would that process look like?

Response: If grazing permittees and lease holders seek additional flexibility, the BLM would consider changes to permit or lease terms and conditions following the decision process set out in the grazing regulations, as well as analysis under the National Environmental Policy Act, as provided by the bill.

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Questions from Senator Steve Daines

Question 1: Regarding the requirements detailed in S. 4995, can you verify that the Department of the Interior could not, and would not, use eminent domain to complete the Continental Divide Trail?

Response: S. 4995 expressly prohibits the use of eminent domain to complete the Continental Divide Trail.

Question 2: Since President Biden took office, how many mandatory quarterly lease sales have occurred in each state?

Response: Consistent with the discretion provided to the Secretary by the Mineral Leasing Act, the BLM has held five (5) oil and gas lease sales since January 20, 2021. These lease sales occurred in Colorado, Montana, North Dakota, Nevada, Oklahoma, New Mexico, and Wyoming. The BLM has also initiated scoping for an additional seven (7) oil and gas lease sales planned for calendar year 2023, in the following states Wyoming, New Mexico, Kansas, Nevada, Michigan, Mississippi, Louisiana and Utah.

Question 3: Since President Biden took office, how many acres nominated for oil and gas lease sales have not been offered during a quarterly lease sale in each state?

Response: Since January 20, 2021, the BLM has received 1,642 Expressions of Interest (EOIs) containing approximately 2.2 million acres. The BLM has identified approximately 656 EOIs covering 807,474 acres that are currently being reviewed for future lease sales. The remaining 1.4 million acres are unavailable for leasing (i.e., lands/minerals the Secretary of the Interior does not have the authority to lease). The BLM is also processing a sizeable backlog of EOIs that were received prior to 2021. The processing times for EOIs can vary depending on whether the information submitted is complete, if consent is required from another Federal surface managing agency, and the volume of lands that are requested by the submitter.

Question 4. Do you commit to holding all four quarterly oil and gas lease sales in Montana as required by the Mineral Leasing Act?

Response: The Mineral Leasing Act provides the Secretary significant discretion when determining the timing and composition of oil and gas lease sales. The Department will comply with that Act and is taking action that reflects the balanced approach to energy development and management of our Nation's public lands. The BLM initiated scoping on January 6, 2023, in preparation for BLM Montana to hold a sale in June 2023.

Questions from Senator John Hoeven

Question 1: In states like North Dakota where oil is produced with increasing amounts of associated gas, do you agree that more pipelines are needed to help alleviate capacity constraints and help reduce flaring?

Response: The BLM is committed to reviewing, and approving where appropriate, the necessary infrastructure needed to reduce the unnecessary release or flaring of gas. In areas such as North Dakota, this infrastructure can include gathering lines and associated facilities.

Question 2: Is BLM considering any permitting reforms to help streamline the review and approval of necessary infrastructure, like gas gathering pipelines, to capture natural gas and prevent flaring?

Response: The BLM seeks to complete review of infrastructure requests, such as gathering lines, as quickly as possible. We are committed to using, where appropriate, the tools currently available including the newly established categorical exclusions authorized under the Bipartisan Infrastructure Law (BIL) and consolidating related facilities in the review process where possible.

Question 3: Will BLM commit to working with energy producers to expedite more gas gathering infrastructure to help prevent flaring?

Response: The BLM is committed to working with proponents to process needed infrastructure projects, including gas gathering lines, as expeditiously as possible. These tools include the use of the previously mentioned categorical exclusions and master agreements, where appropriate, to provide focused processing of the necessary facilities.

Questions from Senator John W. Hickenlooper

Question 1: As you know, the situation on the Colorado River is extremely dire, and if all sides – Upper and Lower Basin, ag and cities, Democrats and Republicans – don't come together, we have no future. One bill we need to pass as soon as possible is my and Ranking Member Barrasso's Colorado River Basin Conservation Act. The bill allows empowers farmers and ranchers, municipalities, and industry to get compensated for water they save voluntarily. The program was a success when I was governor, but it expired this September. Ranking Member Barrasso and I are working to renew it for four years. Could you comment on the role that voluntary, temporary, and compensated water conservation can play in helping us stave off crisis in the Colorado River Basin?

Response: The Colorado River and its tributaries are one of the most important natural resources in the United States. While the Bureau of Reclamation (Reclamation) has been successful in conserving water in the Colorado River System reservoirs, it is clear that significant and additional conservation actions are still necessary, given the severity and duration of the low-runoff conditions in the Basin. As you note, the Pilot Program initiated in 2015 has conserved water in the basin; the widespread interest in and shared experience gained by Reclamation, State agencies, local funding agencies, non-government organizations, Colorado River water users, and Tribes has better positioned us to understand and develop the necessary and more expansive water conservation measures and activities to help mitigate drought and protect the Colorado River system moving forward.

While we are continuing to develop long-term, sustainable plans that reflect the climate-driven realities facing the Colorado River Basin, short-term solutions are also clearly needed. As such, voluntary, temporary, compensated water conservation actions are an essential tool. These water conservation actions will allow us to partner with States, Tribes, and water users to keep more water in System reservoirs and provide the time necessary for additional longer-term actions to be taken. The Pilot Program has proven that these measures are an effective approach to temporarily mitigate some of the impacts of drought and low-runoff conditions at a reasonable cost.

The Inflation Reduction Act (IRA) includes \$4 billion in funding specifically for water management and conservation efforts in the Colorado River Basin and other areas experiencing comparable levels of long-term drought. With the authority provided by the Colorado River Basin Conservation Act, Reclamation can utilize IRA funding to take immediate actions and build on ongoing actions to improve the long-term sustainability of the Colorado River System. These measures are vital to help reduce the risk of the System's reservoirs from falling to critically low elevations that would threaten water deliveries and power production. The IRA funding also supplements related funding that was received through the BIL to help support efforts to address drought within the Colorado River Basin.

Question 2: The Dolores River National Conservation Area and Special Management Area Act has been crafted over more than a decade in Southwestern Colorado, working to create a collaborative solution that has expansive bipartisan and community support. The Dolores River Canyon in Southwestern Colorado is truly a gem with its rich farming and ranching heritage, cultural resources, wildlife habitat, and some of the best whitewater rafting in Colorado. Can you tell me more about how an NCA designation would be managed on the ground by the BLM, and specifically, how the BLM would include an additional advisory council as envisioned in the bill?

Response: The BLM has successfully managed several National Conservation Lands' designations in Colorado, ranging from national monuments at Canyons of the Ancients and Browns Canyon, to National Conservation Areas (NCAs) like Dominguez-Escalante NCA, McInnis Canyon NCA, and the Gunnison Gorge NCA. The Dolores River NCA designation would continue the tradition of the successful management of the area to provide recreation opportunities in a unique setting, and the BLM would continue that model into the future.

The designation of the Dolores River NCA will likely lead to greater prominence of the area and increased visitation. Additional staff and resources will help ensure the BLM can meet the challenge of maintaining this special place for future generations. Specifically, the BLM envisions an NCA manager position with at least two additional resource staff that would provide day-to-day management, public outreach, interpretation, and support for the planning effort specified in the legislation.

The new NCA manager would also serve as the Designated Federal Official for the Dolores River NCA Advisory Council. The Dolores NCA advisory group would be organized in accordance with the Federal Advisory Committee Act and relevant policy. The charter will establish the parameters for the function and role of the new advisory council. The advisory council will ensure that a broad range of public interests are represented, the planning process is inclusive and transparent, and the consensus-building spirit that led to the designation of the NCA is maintained and encouraged.

The BLM has successfully used an NCA advisory council created through legislation to develop the resource management plan for the Dominguez-Escalante National Conservation Area, and this advisory council would be no different. In addition, the BLM would partner with the U.S. Forest Service regarding management of the resource advisory council as well as the planning effort. The BLM has successfully integrated agency planning and management efforts in similar areas in the past, most recently in Browns Canyon National Monument in Chaffee County, CO.



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The Honorable Paul Gosar, D.D.S.
Chairman, Subcommittee on Oversight and Investigations
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Chairman Gosar:

Enclosed are responses to the Questions for the Record received following the December 6, 2022, oversight hearing titled, *Lessons from the Field: Overcrowding in National Parks*, before the House Natural Resources Subcommittee on Oversight and Investigations. These responses were prepared by the National Park Service.

Thank you for giving us the opportunity to respond to you on these matters.

Sincerely,

Christopher P. Salotti
Legislative Counsel
Office of Congressional and
Legislative Affairs

Enclosure

cc: The Honorable Melanie Stansbury
Ranking Member

Questions for the Record
House Committee on Natural Resources
Subcommittee on Oversight and Investigations
Oversight Hearing
Lessons from the Field: Overcrowding in National Parks

Questions from Chair Porter

Question 1. What is the status of the visitor use management plan outlined in Zion National Park's 2001 general management plan?

Response: The National Park Service (NPS) initiated the Zion National Park visitor use management planning process in 2016. Public listening sessions were held in May 2016 to understand the evolving visitor experience and solicit visitor feedback on possible solutions. Also in 2016, the NPS presented a range of potential visitor use management strategies during public scoping. In July 2017, the preliminary management concepts were released for public review. The NPS has formally engaged Cooperating Agencies to participate in the planning relating to their special expertise or jurisdiction. They include Washington County, Kane County, Iron County, Garfield County, Town of Springdale, Utah Office of Tourism, Utah Public Lands Policy Office, and the Bureau of Land Management.

Current and next steps include:

- examining modifications to the range of preliminary concepts through testing new management strategies;
- continuing to develop priorities and protocols for near-term piloting of potential management strategies in key locations;
- analyzing visitor survey data collected from 2017 to 2022 to better understand visitor spending in the local and regional economy, visitor preferences, and visitor use patterns;
- conducting detailed socioeconomic analyses of the management plan alternatives at the regional and local levels;
- working with local universities to design and implement data collection systems to enhance the existing, robust visitor use and economic data sets;
- developing key visitor use management elements such as monitoring visitor use indicators and thresholds and identifying preliminary visitor capacities;
- continuing to meet regularly and be actively engaged with Cooperating Agencies in the plan development; these agencies have expressed concerns to NPS, DOI, and Congressional members regarding establishing visitor capacities and potential economic effects;
- evaluating the potential for phased implementation of the management strategies developed through the plan alternatives, using information gained from piloting and further data acquisition.

Question 2. Can you provide an estimate of when Zion's updated general management plan will be complete?

Response: The Zion General Management Plan (GMP) is not scheduled for an update at this time. The 2001 GMP called for two subsequent, tiered plans to assist in implementing the GMP. The first was the Wilderness Stewardship Plan which was completed in 2007. The second is the Visitor Use Management Plan which was initiated in 2016 and is still being developed (see response to Question 1 above).

Question 3. How have staffing challenges affected the visitor use management planning?

Response: Development and implementation of a comprehensive Visitor Use Management Plan remains a priority for Zion National Park. We depend on an interdisciplinary team of professionals from the park, region, and Denver Service Center to develop the Plan. Zion National Park team members are specialists in their operational areas including visitor services, commercial services, resources management, and facilities operations. Regional office and Denver Service Center staff are professional community, visitor use planners, and NEPA specialists. The park has one Visitor Use Manager/Community Planner that leads park-based efforts for visitor use planning, piloting and testing visitor use techniques and social science projects, the results of which inform the Visitor Use Management Plan effort. Park staff have been hired to operate pilot programs, particularly the Angels Landing Trail permit program, using permit revenue. The superintendent and members of the park management team also participate on steering and subject-specific committees for a Regional Recreation Management Plan, an effort being led by county commissioners with participation from State and federal land managers, tourism and recreation professionals, representatives of the business community and related stakeholders.

Question 4: What actions have Zion National Park taken to increase hiring and improve retention for their Park Service workforce?

Response: Allocation of staff has been modified to direct more staff to visitor services and facilities operations to meet demand from increased visitation. Zion National Park has taken a number of 6-month seasonal positions and combined them to form permanent, subject-to-furlough positions to provide service over a longer period of the year, as visitation increases have been most pronounced in Spring and Fall, such that a 6-month seasonal appointment no longer provides adequate coverage for many visitor services. This has created new opportunities for seasonal staff to acquire permanent positions, benefiting their career goals and boosting retention of experience and trained employees. As a result of combining seasonal positions, overall staffing in the park has declined slightly in recent years. Volunteers contribute thousands of hours yearly to assist in all operations, especially visitor services. The park has slightly increased housing units (3) and travel trailer pads (5) with utilities hook-ups, to help in retention given the lack of availability and affordability of housing in nearby communities.