



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

MAY 16 2022

The Honorable Joe Neguse
Chairman, Subcommittee on National Parks,
Forests, and Public Lands
Committee on Natural Resources
U.S. House of Representatives
Washington, DC 20515

Dear Mr. Chairman:

Enclosed are responses prepared by the Bureau of Land Management to questions for the record from the March 1, 2022, legislative hearing on H.R. 5493, the *Land Grant-Mercedes Traditional Use Recognition and Consultation Act*, and H.R. 6366, Berryessa Snow Mountain National Monument Expansion Act.

Thank you for 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 Russ Fulcher
Ranking Member

Questions from Ranking Member Fulcher

Question 1: Please provide the Committee a list of forest management and fire mitigation projects implemented by the BLM within the existing Berryessa Snow Mountain National Monument over the past five years.

Response: The BLM has worked in partnership with the California Department of Fish & Wildlife and the Northern California Indian Development Council on a number of forest management and fire mitigation efforts in the Cache Creek Natural Area of the monument. Projects implemented include culvert replacements, invasive species removal, slash placement, barrier installation, and signage replacement. This collaboration with state and tribal organizations provided local jobs while also supporting shared conservation stewardship to enhance wildlife habitat and recreational opportunities.

Question 2: Mr. Lambrecht, in your testimony you stated that H.R. 6366 aligns with the Administration's conservation goals as laid out in Executive Order.

- a. More specifically, does the administration believe this bill would count towards the goal of conserving 30 percent of lands and waters by 2030?**

Response: Yes. Berryessa Snow National Monument conserves valuable wildlife habitat, lands critical for scientific study and recreational opportunities. Expanding the monument, as proposed by H.R. 6366, aligns with the Administration's conservation goal to preserve 30 percent of lands and waters by 2030

- b. If the answer to question 2a is yes, does the administration believe national monument designations broadly align with the goal of conserving 30 percent of lands and waters by 2030?**

Response: The America the Beautiful Initiative celebrates a continuum of conservation actions, which includes designation of national monuments as well as other actions. Many uses of lands and waters can be consistent with the long-term health of natural ecosystems and contribute to addressing climate change and environmental injustices. The *Conserving and Restoring America the Beautiful* report, published on May 6, 2021, specifies that an interagency working group will develop an American Conservation and Stewardship Atlas (Atlas) through interagency collaboration to develop and track a clear baseline of information on lands and waters that are conserved or restored. The Atlas will help measure and track progress towards the goal to preserve 30 percent of lands and waters by 2030. To help develop the Atlas, the Department is seeking feedback from the public and engaging experts and stakeholders for insight on potential metrics, tools, assessments, conservation classifications and data schemas. A beta version of the Atlas is expected to be released by the end of 2022.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

May 20, 2022

The Honorable Alan Lowenthal
Chairman, Subcommittee on Energy
and Mineral Resources
House Committee on Natural Resources
Washington, D.C. 20515

Dear Chairman Lowenthal:

Enclosed are responses prepared by the Department of the Interior to questions for the record submitted to Ms. Janea Scott following her November 16, 2021, appearance before the Subcommittee at a hearing on public lands and Renewable Energy Transmission Infrastructure. We apologize for the delay in our response.

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

Sincerely,

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

Enclosure

cc: The Honorable Pete Stauber, Ranking Member

Committee on Natural Resources
Subcommittee on Energy and Mineral Resources
Oversight Hearing: “Plugging in Public Lands: Transmission Infrastructure for Renewable Energy”
November 16, 2021

Questions from Rep. Pete Stauber

Question 1. Ms. Scott, as the Senior Counselor for the Assistant Secretary for Land and Minerals, how do you have no knowledge of the Duluth Complex when leases held by several companies are under the direct jurisdiction of your Department?

Response: I am aware of this matter not by the geologic structure underlying the area but by the general reference to the mine as the Twin Metals Mine, as well as the name of the subsidiary, Twin Metals Mining of the Chilean company Antofagasta, that is seeking authorization to carry out these activities. This matter is not an issue that falls within my regular portfolio of work and area of expertise, which is the development of renewable energy generation and transmission and that was the topic of this hearing.

Question 2. What other political appointees in the Office of Land and Minerals Management have no knowledge of North America’s largest untapped copper-nickel deposit, where your department has significant jurisdiction?

Response: As I noted in the response to the previous question, I am generally aware of this matter not by the geologic structure underlying the area but by the general reference to the mine as the Twin Metals Mine, as well as the name of the subsidiary, Twin Metals Mining of the Chilean company Antofagasta, that is seeking authorization to carry out these activities. This matter does not fall within my regular portfolio of work and area of expertise, which was the topic of this hearing.

Question 3. Are you aware that the U.S. Department of Agriculture is beginning a two-year study that would lead to a mineral withdrawal, affecting the subsurface mineral rights governed by your Office of Land and Minerals Management?

Response: The Administration published a notice in the Federal Register on October 20, 2021, that initiates consideration of a 20-year withdrawal of key portions of the National Forest lands from disposition under the mineral and geothermal leasing laws. This action was taken in response to broad concerns about potential impacts of mining on the wilderness area’s watershed, fish and wildlife, Tribal trust and treaty rights, and the nearly \$100 million annual local recreation economy.

Question 4. Can you provide the dates and times of any meetings you have taken or attended to discuss the Duluth Complex, Boundary Waters, or Superior National Forest since January 20, 2021 and the names of the attendees of each meeting?

Response: As I noted in a previous response this is not a matter that falls within my portfolio, which is the development of renewable energy generation and transmission and that was the topic of this hearing.

Committee on Natural Resources

Subcommittee on Energy and Mineral Resources

Oversight Hearing: “Plugging in Public Lands: Transmission Infrastructure for Renewable Energy”

November 16, 2021

Question 5. In our hearing, you committed to providing us with your recusal list.

a. Please provide a copy of Ms. Janea Scott’s Ethics Guidance and Recusal Obligations and all related attachments including, but not limited to, List of Recusals and Quick Reference Chart, Ethics Pledge, and list of all ethics waivers granted, as well as a copy of Ms. Janea Scott’s Executive Branch Personnel Public Financial Disclosure Report (OGE FORM 278e).

Response: The Department’s Ethics Office responded to a similar request from Committee Ranking Member Westerman and Representatives Stauber and Moore in a letter dated May 20, 2022.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

May 12, 2022

The Honorable Joe Manchin III
Chairman, Committee on Energy
and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Manchin:

Enclosed are responses prepared by the Department of the Interior to written questions for the record submitted to Mr. Jeffery Rupert, Director, Office of Wildland Fire, following his October 21, 2021, appearance before the Committee to consider pending legislation to address wildland fire. We apologize for the delay in our response.

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

Sincerely,

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

Enclosure

cc: The Honorable John Barrasso
Ranking Member

Questions for the Record
U.S. Senate Committee on Energy and Natural Resources
Pending Legislation
October 21, 2021

Question from Chairman Joe Manchin III

Question: Mr. Rupert, I understand that the BLM and Forest Service has accomplished an impressive amount of fire prevention and forest restoration work, using two authorities that are specific to the BLM and the Forest Service—the Stewardship Contracting authority and the Good Neighbor authority. Could other Department of the Interior agencies benefit from the same authority to help address our Nation’s wildfire problem?

Response: Yes. Currently, the BLM is the only agency in the Department of the Interior (DOI) that has both Good Neighbor authority (GNA) and Stewardship Contracting authority; however, GNA is extended to Tribes. Providing both authorities to the U.S. Fish and Wildlife Service (FWS) and the National Park Service (NPS) would support cooperative conservation partnerships with adjacent states, Tribes and other landowners to help manage wildland vegetation, reduce wildfire risk, and restore landscapes benefitting all partners. Additionally, an expansion of Stewardship Contracting authority coupled with adequate staffing and infrastructure to prepare for and implement treatments would have similar resource benefits to Tribes.

Questions from Senator James E. Risch

Question 1: In your testimony, you expressed concern for larger scale categorical exclusions contained in S. 2436. We've heard this refrain time and again. Meanwhile, our forest health continues to rapidly decline and our public lands burn while forest health projects sit in bureaucratic and litigious limbo. It's clear we need a paradigm shift.

a. If not a categorical exclusion, what does your agency propose to dramatically shorten timelines?

Response: The Department of the Interior currently uses certain CXs to complete wildfire risk reduction projects where applicable. As part of the DOI's Five-Year Monitoring, Maintenance, and Treatment Plan, required by the Infrastructure, Investment, and Jobs Act (IIJA), DOI will explore opportunities to leverage interagency teams and increase coordination to complete National Environmental Policy Act (NEPA) compliance. Bolstering DOI's NEPA resources and expanding coordination will facilitate collaborative efforts with stakeholders to ensure that planning is completed in a timely manner so that projects can be implemented as quickly and efficiently as possible with an appropriate level of community input. Additionally, the Wildfire Commission established by IIJA, will look closely at the need for categorical exclusions from NEPA and additional staffing and resources to expeditiously carry out analyses required by NEPA that protect life, property and community water supplies; facilitate forest management in at-risk areas; manage the wildland urban interface; manage utility corridors; and facilitate vegetation management.

In fiscal year (FY) 2021, the Department completed over 1.6 million acres of hazardous fuels management treatments, an increase of 130,000 acres of treatments over the FY 2020 level. This represents a 38 percent increase in completed treatments over the past 5 years. DOI plans to complete approximately 2 million acres of hazardous fuels treatments in FY 2022 and increase of 25 percent over FY 2021 level.

b. What timeline impact would you expect that to have on the pace and scale of treatments of these high priority areas?

Response: Funding included in the FY 2022 Budget facilitates collaborative efforts to complete an additional 360,000 acres of fuels treatments and hire 325 additional FTEs. The Department continues to aggressively develop a framework to strategically target and better assess the efficacy of our wildfire risk reduction efforts. DOI is also utilizing GNA to work closely with states, counties, and Tribes to expand its capacity to conduct treatments. Under the FY 2022 Budget for hazardous fuels treatments, DOI is focused on addressing high priority, higher risk landscapes, such as areas in the wildland urban interface, that may be more costly to treat but provide the largest reduction in future wildfire impacts and largest improvement of critical natural resource values.

Questions for the Record

U.S. Senate Committee on Energy and Natural Resources

Pending Legislation

October 21, 2021

Question 2: In your testimony, you mentioned that it would be useful for S. 2436 to apply to all lands under the administrative jurisdiction of the Department of the Interior, not just the top 10% of lands most at risk. It is certainly important to reduce fire risk across our public lands; however, this bill is intended to target firehedges at the highest risk to communities, ecosystems, watersheds, and more. How would you suggest extending the legislation to all Interior lands while still prioritizing priority firehedges?

Response: DOI believes that S. 2436, the “Forest Improvements through Research and Emergency Stewardship for Healthy Ecosystem Development and Sustainability Act” or the “FIRESHEDS Act,” has many merits, not only for public lands administered by the Bureau of Land Management, but also for lands administered by the Bureau of Indian Affairs, the FWS, and the NPS. These additional bureaus also manage lands with high fire risk that need to be addressed, and DOI’s recommendation is to expand the reach of the legislation so that additional bureaus that may benefit from the Act.

Question 3: In your testimony, you expressed that 90 days may be too aggressive a timeline for the agency to fulfill in reference to S. 2436. How many days would you expect the agency to need to comply with the legislation, and why is that timeframe needed?

Response: DOI recommends maintaining flexibility regarding the timing necessary to achieve the planning and project objectives to execute FIRESHED management projects. DOI would require additional time beyond 90 days to develop and finalize agreements and plans. This work involves project analysis, risk assessments, modeling, coordination with interagency partners in addition to other planning steps. Depending on the complexity and type of project this may take in excess of 90 days.

Question 4: Western states like Idaho have continually struggled through federal bureaucratic backlog in order to properly address wildfire risk. The FIRESHEDS Act places a strict deadline on federal agencies to prevent the continuation of this issue. What resources would your agency need to complete necessary firehedge processes within the 90-day timeframe?

Response: Public Law (P.L.) 117-103, Consolidated Appropriations Act, 2022, provides DOI an additional \$7 million above the FY 2021 enacted level of funding for fuels management. Additionally, IIJA provides nearly \$900 million over five years for fuels management and Public Law 117-43, Extending Government Funding and Delivering Emergency Disaster Assistance Act, provides \$55 million. This funding supports significant investments to help fulfill DOI’s commitment to work collaboratively and efficiently with federal, non-federal and Tribal partners to reduce wildfire risk and improve resiliency across landscapes. This includes collaborating with the USDA Forest Service to target high-risk areas to reduce wildfire risk in a timely manner consistent with the USDA’s 10-Year Strategy and DOI’s Five-Year Monitoring, Maintenance, and Treatment Plan. The Department would also like to work with the sponsor to provide additional clarity on how the states could request the designations outlined in the bill.

Questions from Senator Mike Lee

Question 1: Mr. Rupert, the Council on Environmental Quality encourages Federal agencies to develop and use categorical exclusions to protect the environment and reduce the resources spent analyzing proposals. Can you tell me what categorical exclusions the BLM has developed to address wildfire or forest management under this administration?

Response: The Department of the Interior currently uses certain CXs to complete wildfire risk reduction projects where applicable. Additionally, the fuel break CX included in IJJA supports agency efforts to reduce wildfire risk to communities. As discussed above, the Wildfire Commission established by IJJA will look closely at the need for categorical exclusions from NEPA and additional staffing and resources to expeditiously carry out analyses required by NEPA that protect life, property, and community water supplies; facilitate forest management in at-risk areas; manage the wildland urban interface; manage utility corridors; and facilitate vegetation management.

Question 2: Mr. Rupert, is the Department supportive of the categorical exclusion promulgated on December 10th, 2020 under the Trump Administration which allows in some cases for up to 5,000 acres of dead or dying trees to be salvaged?

Response: The Department has not rescinded the categorical exclusions promulgated on December 10th, 2020.

Question 3: I would love to see the Department take a stronger stance on the use of categorical exclusions. However, I don't think that will be possible as long as frivolous litigation can so easily enjoin critical work on public lands. I've put out my own proposal to require those litigating against these actions to have personally suffered, or show they will likely suffer, a direct, tangible harm. Does the Department have any of its own ideas on how to address this issue?

Response: The Department is committed to improving performance and to meeting responsibilities under the National Environmental Policy Act (NEPA), particularly the timeframes that it takes to complete NEPA reviews. The Department recognizes the importance of these projects and the need to start and finish them quickly. In doing so, the Department is making sure that staff and resources are in place to coordinate NEPA more effectively and be responsive to local communities' needs. We would like to work with the Sponsor to clarify the scope of any proposed categorical exclusion to ensure that appropriate reviews and analyses are considered for particular projects.