



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 12 2016

The Honorable John Barrasso
Chairman
Senate Committee on Indian Affairs
Washington, DC 20510

Dear Chairman Barrasso:

Enclosed are responses prepared by the Assistant Secretary- Indian Affairs in response to questions received following the March 9, 2016, hearing before your Committee regarding "The President's FY 2017 Indian Country Budget."

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 Jon Tester
Vice Chairman

Questions for the Record
Mr. Larry Roberts
United States Senate Committee on Indian Affairs
Oversight Hearing
“The President’s FY 2017 Indian Country Budget”
March 9, 2016

1) For much of the last century, the Bureau of Indian Affairs has served as the federal government's lead agency for programs serving American Indians and Tribes. However, there are also whole federal departments, such as the Department of Justice or the Department of Housing and Urban Development, that serve as subject matter experts for their service area. These departments often have greater resources and abilities to provide a service but they sometimes lack BIA's ability to communicate on a government-to- government level with tribal governments. How can we maximize the impact of federal services by pairing the abilities of both sides?

A: The Administration seeks to bring an “all-of-government approach” to Indian Affairs by pairing Interior’s relationship with tribal governments with the subject matter experts from other agencies. Through this effort we work closely with other federal agencies to enhance our own efforts and minimize duplication of services. The Department is also developing the Native One Stop site (www.NativeOneStop.gov) to allow tribes to view program opportunities available to them across all agencies.

In addition, we are engaged in a concentrated effort with HUD, DOJ, USDA, and ED in coordination with the Office of Management and Budget, to develop interagency budget metrics around Native youth. This year we are setting baselines and beginning measure progress in six areas: educational outcomes; teacher housing; access to Internet; ICWA; teen suicide; and criminal justice. This effort is designed to better gauge the impact of our programs in these specific areas.

2) What actions do you take at a leadership level to ensure your department is not duplicating a tribal service provided by another department?

A: The Department makes every effort to partner and work closely with other federal agencies and the White House Council on Native Affairs to ensure all of the programs are working together to reach common goals and not duplicating services.

3) Please provide a complete list of all programs and funding opportunities offered by your department for tribes and individual American Indians, their individual funding level, the metrics used by the department to gauge the program's effectiveness, and how the program meets these metrics.

A: The attached Indian Affairs' Comprehensive Table is a listing of all available programs. For performance metrics, we have 45 different performance measures that we use for both BIE and BIA. These include:

- 9 measures within Justice Services
- 13 measures within Indian Services
- 21 measures within Trust Services
- 1 measure within Indian Education
- Highlights for Quarter 1 of FY2016 include:
 - Participants Earnings Gain: \$10.09 per hour
 - Violent Crime per 100,000: 148.68 crimes
 - Loss Rates on DOI Guaranteed and Insured Loans: 2.44%
 - Roads in acceptable condition: 14.7%

All programs and their corresponding measures and/or results data are included in the program section of Indian Affairs' budget justification to Congress. Performance metrics and achievements are also outlined in the DOI Annual Performance Plan and Report.

The Department also provides input into the Native American Crosscut each fiscal year, which is a list of programs that benefit tribes and individuals across all federal agencies prepared by the Office of Management and Budget.

4) How does BIA work with to assist tribes in developing their own environmental rules for enforcement within the reservation or tribal boundaries?

A: The BIA encourages tribes to develop their own environmental programs by providing information on federal laws and regulations and grant programs available to tribes. The BIA is also available to answer questions, provide training, and encourages tribes to attend training provided to BIA environmental personnel that might benefit their personnel. BIA environmental personnel are also available to assist and provide expertise and technical assistance.

5) If a tribe establishes their own environmental rules, can they be enforced in place of federal environmental rules on the tribal reservation or within the tribal boundaries, including both land held in trust and not held in trust?

A: Several federal environmental statutes contain provisions under which federally recognized tribes may be treated in a "similar manner as a state" (TAS) for implementing and managing certain environmental programs on trust and restricted lands, including the Clean Water Act (CWA), the Safe Drinking Water Act (SDWA), and the Clean Air Act (CAA). To obtain TAS, a tribe must submit an application to EPA demonstrating that it meets the applicable statutory and regulatory requirements. Under these statutes, tribes must develop standards that are at least as protective as federal standards. For example, tribes that seek TAS to administer a Water Quality Standards program under the CWA must develop water quality standards at least as stringent as federal water quality standards.

6) Can a tribe elect to not enforce federal environmental rules on a reservation or on land held in trust? If so, how does this impact the issuance of permits by the federal government for mineral development?

A: If a tribe does not have TAS to administer applicable federal environmental laws or where TAS is not available to tribes under certain statutes, the EPA or the appropriate regulatory federal agency implements and enforces federal laws.

7) Is land held in trust different than "public land" as defined in 43 U.S.C 1702(e)?

A: Yes, public lands are held for the benefit of US citizens, tribal trust lands are held in trust for the beneficial use of a particular group of people: tribes. Tribal restricted fee lands are held in fee by the Tribe subject to federal restrictions on alienation. Congress specifically excluded lands held for the benefit of Indians, Aleuts, and Eskimos from the "public land" definition and provisions of the Federal Land Management and Policy Act (43 U.S.C 1701 et seq.).

The Secretary of the Interior has delegated primary administrative responsibilities to the Bureau of Indian Affairs for lands held in either trust or restricted status. Other Interior bureaus may also have responsibilities on trust or restricted land delegated by the Secretary. For example, the Bureau of Land Management regulates operations on mineral leases, and the Office of Natural Resource Revenue collects royalties on such leases.

8) Are federal actions on land held in trust different than "public lands" as defined by 43 USC 1702(e)?

A: Yes. Federal actions on public lands are governed by applicable statutes, along with Secretarial authorities to lease/permit. Federal actions on land held in trust are also governed by applicable statutes and regulations, as well as different authorities to lease/permit. Landowner (individual Indians and Indian tribes) consent and compensation is usually required, as well as consideration for the best interests of the landowners.

"Public lands" lay within the jurisdiction of the federal government for public use. Trust lands are different because the Federal government is the "trustee" for the lands which are held for use by the tribes or tribal individuals. Federal actions are taken as a trustee for the tribes, not the public at large.

9) What is the status of the Johnson O' Malley program and when will an updated count of students be put in place?

A: The Johnson O'Malley (JOM) program continues to disburse funds based on the 1995 JOM student count of 271,884 students. BIE staff conducted an updated self-reported student count in 2012 and 2014. In 2012 the student count was 321,273, and in 2014 the count was 341,126. During tribal consultations that took place in December 2015, the

question of funding methodology was brought forward and there was no consensus on which methodology was preferable. The Department requests guidance from the Congress regarding a funding methodology that will allow additional students and new contractors to be included.

In order to change the funding methodology, Congressional action is needed to address two statutory requirements. JOM is considered Tribal Priority Allocation (TPA) funding, as such sections 450j-1(b)(2) and 458cc(g)(3) of Title 25 of the United States Code prohibit a reduction in the amount of TPA funding in subsequent years unless one of five statutory conditions is met. Without Congress's concurrence, the Bureau would be required to fund all tribal contracts receiving funds based on their 1995 student count, regardless of the 2012 and/or 2014 counts. This could result in multi-tier funding with 1995 count contractors held harmless and the "new" (2014) contractors governed by a new methodology. The number of tiers could grow each year as new contractors were identified.

Secondly, the current distribution methodology was set in statute during the 1989 appropriation process and congressional action is needed to change the methodology. Pub. L. 100-446, Title I, Sept. 27, 1988, 102 Stat. 1795 provides: "That notwithstanding any other provision of law, the amounts available for assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall be distributed on the basis of the formula recommended by the Assistant Secretary of Indian Affairs in a letter to the Committees on Appropriations dated June 27, 1988, except that for the fiscal year ending September 30, 1989, the minimum weight factor shall be 1.1 rather than 1.3 and for the fiscal year ending September 30, 1990, the minimum weight factor shall be 1.2 rather than 1.3."



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 29 2016

The Honorable Lisa Murkowski
Chairman, Committee on Energy and Natural Resources
United States Senate
Washington, D.C. 20510

Dear Chairman Murkowski:

Enclosed are responses prepared by the Bureau of Reclamation to the questions for the record submitted following the May 17, 2016, legislative hearing before your Committee on S. 2533, the California Long-Term Provisions for Water Supply and Short-Term Provisions for Emergency Drought Relief Act and S. 2902, the Western Water Supply and Planning Enhancement Act.

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 Maria Cantwell, Ranking Member
Committee on Energy and Natural Resources

U.S. Senate Committee on Energy and Natural Resources
Subcommittee on Water and Power
May 17, 2016 Hearing: Pending Legislation
Questions for the Record Submitted to the Honorable Estevan Lopez

Questions from Senator Ron Wyden

Question 1: I've been hearing from many concerned Oregon fishermen, environmental groups, and the Oregon fishing industries about the impacts of drought management in California on salmon fisheries in Oregon. That is a great concern to Oregon's coastal economies and livelihoods. I've been told that proposals in the California drought bills, especially the House drought bill, that mandate moving more water could benefit water users at the expense of fish. Pacific salmon are already being impacted by the drought. It is my understanding that moving more water south at certain times of year could have severe consequences for fish and coastal communities, and impact commercial, recreational, and tribal fisheries—including in the Klamath basin, where we are trying to restore fisheries.

Can you explain to me in your opinion what impact the management directives set up in the California bill could have on Oregon fisheries if implemented to their fullest?

RESPONSE: The Department has consistently held the view that rather than increasing water supplies, HR 2898 dictates operational decisions, prescribes infeasible outcomes, and creates new conflicts among existing laws that will hinder, rather than help, an effective drought response. Specifically, Section 103(e)(2) creates a new standard that potentially conflicts with the Endangered Species Act jeopardy standard; which could have an adverse impact on Pacific salmon. Conversely, we believe that S. 2533, if enacted, would provide tools necessary to increase water supply both in the near term and in the long term. As a threshold matter, the Department's analysis of S. 2533 is that the Bureau of Reclamation and the fish and wildlife agencies with responsibility in the Sacramento/San Joaquin Bay Delta will be able to implement the bill's directives in a manner that is consistent with the Endangered Species Act (ESA) and the biological opinions. Moreover, the additional scientific and financial resources contemplated by Titles II and III of S. 2533 would enable improved habitat and fishery conditions, as well as greater understanding of fish health and location. Additionally, S. 2533 will provide for streamlined authorization of new water supply projects, increase spending on water reuse projects under Title XVI, and invest in desalination, all of which will develop additional water supplies that will build drought resiliency over the long-term while also generating additional supplies for both fish and farmers. In the near term, S. 2533 will increase water transfers, which will allow for additional sharing of water supplies. While there is no language in S. 2533 specific to Oregon fisheries, for the reasons expressed above, we believe the bill will enhance the current approaches based on the best available science and continue the protective approaches in place today, while also increasing water supplies that will benefit both fisheries and agriculture uses.

Question 2: Do you believe there are sufficient safeguards in place to ensure the operations provisions in the bill do not impact Oregon's fishing industry? And if so, what are those safeguards and how can I respond to concerned Oregonians who worry that this bill, especially conferenced with a more directive bill like that in the House would negatively impact their livelihoods?

RESPONSE: We believe S. 2533 contains sufficient safeguards to ensure that operations of the state and federal water projects do not negatively impact Oregon's fishing industry. As stated above, those safeguards consist of the language found in Title II (Sections 201, 202, 203, and 204), and Title III (Section 301, 302(b), 303(a)), and elsewhere, combined with the long-term benefits of additional investments in wildlife refuges and scientific resources used in monitoring fisheries and habitat contemplated by the bill. This is in contrast to H.R. 2898, which we believe could adversely impact pacific salmon.

Question 3: Does Senator Feinstein's bill comply with the Endangered Species Act and the relevant biological opinions?

RESPONSE: Yes, as stated above and in Reclamation's March 17, 2016, testimony, we believe that we can implement S. 2533 consistent with the Endangered Species Act and relevant biological opinions.

Question 4: As I noted in my opening, for decades, the Klamath Basin had been characterized by bitter conflict, involving tribes, farmers and ranchers, states and federal governments, and conservation groups over water allocation and water rights. These problems seemed insurmountable, but when I was Chair of this Committee I called on the groups to create a Task Force to work out these issues in the Basin and bring us a collaborative solution that worked. It wasn't going to be easy, and nobody was going to get everything they wanted or thought they deserved, but in the end, all stakeholders got something they needed. It took a lot of time, and difficult conversations, but the groups worked together and developed three landmark agreements that were the basis for the Klamath bill I introduced this and the last Congress. While unfortunately the bill didn't pass before the agreements expired, the unprecedented collaboration established relationships that continue to withstand the challenges these tough water issues present.

These groups are continuing to work together today to find a path forward even as we speak. Two of our witnesses here today, from the Family Farm Alliance and Trout Unlimited, have been integral to helping these communities find common ground and develop a collaborative solution.

Given that collaborative efforts have been successful at finding reasonable solutions in the Klamath Basin and in the Yakima Basin tell me how collaboration has been a part of the CA drought conversations? Do you think there is an opportunity to develop some sort of collaborative agreement to address water and fish needs in California and how do we get there?

RESPONSE: The drought impacts experienced in California for the last four years are primarily a function of below-average precipitation and snowpack, with commensurate impacts on runoff, reservoir storage, water deliveries, and the environment. The efforts underway in the Klamath and Yakima Basins provide a useful example of collaboration among diverse parties to make progress on water supply, fish habitat, and environmental restoration.

This same history of federal-non-federal collaboration is underway in California through a variety of initiatives, some of which are described in Reclamation's annual budget request under

the umbrella of California Bay-Delta Restoration. This funding area includes activities such as the CalWaterFix (formerly Bay Delta Conservation Plan, BDCP); California Eco Restore (habitat restoration components from the BDCP); Interagency Ecological Program; salinity management activities; and the Battle Creek Salmon and Steelhead Restoration Project, one of the largest cold-water anadromous fish restoration efforts in North America. Reclamation, with participation from its non-federal partners, also funds or implements Central Valley Project Improvement Act Restoration Fund activities, the San Joaquin River Restoration Program, Trinity River Restoration Program, and many other collaborative projects.

The Department has taken extraordinary measures in recent years to adapt to dry hydrology and provide as much water as possible amidst severe drought. These measures include developing innovative water transfers and exchanges in concert with water contractors; securing arrangements with the State of California and the State Water Resources Control Board to relax certain flow and water quality requirements, leading to the conservation of hundreds of thousands of acre-feet of water; enhancing real-time monitoring of water conditions to adjust Delta pumping when necessary; and awarding tens of millions of dollars for water conservation projects across the State of California.

All of these initiatives, like the efforts in the Klamath and Yakima Basins, involve robust cooperation among federal and non-federal participants.

Question 5: S. 2902 repackages a number of controversial provisions that have appeared in various bills this and previous Congresses, including the water rights protection bill and streamlining provisions.

Looking at these provisions, would you call this bill a comprehensive drought bill? And, if not, what would a comprehensive and collaborative approach to drought look like? Do you think the Klamath and Yakima Basins, provide models for the kind of planning and tools we need to be looking at across the West?

RESPONSE: S. 2902 contains some elements aimed at water conservation – notably, the continuance of Congressional direction to fund or participate in projects to increase storage of Colorado River water in Lake Mead and upstream reservoirs constructed under the 1956 Colorado River Storage Project Act in Section 104. However, the bill contains many more elements that are unrelated to drought and that the Department does not support. The Department does not regard S. 2902 as a comprehensive drought bill. A comprehensive drought bill would include consensus elements that enjoy broad support and are focused on drought impacts, rather than mandating changes to environmental law or reducing timelines for establishing the merits of surface storage projects.

Question from Senator Jeff Flake

Question: With the threat of a shortage declaration looming, the ability to recover and transport stored groundwater is critical to Arizona's water future. Can you provide an update on the status of finalizing the Central Arizona Project System Use agreement, including tribal consultation?

RESPONSE: Reclamation's Lower Colorado Regional Office and Phoenix Area Office continue to work in close collaboration with the Central Arizona Water Conservation District (CAWCD) and our tribal partners on a concept to allow Reclamation to use the additional capacity when available, and, along with drought contingency efforts, this remains one of our highest priorities this year. While we cannot provide an exact date for completion, we are glad to update you as things progress.

The initial Wheeling consultation took place on June 25, 2015. At that time, the Tribes expressed concern that all uses of the canal, including delivery of water in existing/Federal capacity [Article 8.17 of the Contract Between The United States and CAWCD for the Delivery of Water and Repayment of the Costs of the Central Arizona Project (CAP)], were included in the CAWCD Staff Proposal for Wheeling. At that time, Reclamation and CAWCD agreed to reevaluate the process and have since developed a more comprehensive CAP System Use Agreement that attempts to address all uses of the canal, including delivery of project water, wheeling, firming, and exchanges. Reclamation and CAWCD co-hosted a stakeholder workshop focused on the CAP System Use Agreement on February 1, 2016, and Reclamation has been meeting with each of the CAP tribes to outline and get feedback on the Agreement. The most recent meeting with a CAP Tribe (Pascua Yaqui) on May 12, 2016, focused on discussion of the Drought Contingency Plan and the System Use Agreement. With the exception of this meeting – rescheduled at the request of the Tribe -- all of the meetings were scheduled and completed in March and April. We have also agreed to present the issue at the next Water Policy Leaders meeting at the Inter Tribal Council of Arizona, tentatively slated for August. CAWCD and Reclamation agree that additional input will be solicited from stakeholders and that the Agreement will be further refined prior to final approval.

Questions from Senator Joe Manchin III

Question 1: I understand that there are concerns that S. 2533 increases the risk of litigation. Isn't it true that the status quo for water operation decisions made by Bureau of Reclamation and other agencies like Fish and Wildlife, already pose a high risk for litigation? Also, isn't it true that any bill passed by Congress that like S. 2533 increases agency responsibilities or authorities would potentially increase litigation risks?

RESPONSE: It is true that state and federal agencies regularly face litigation over decisions made in California and any other states regarding water operation decisions. The areas of concern for litigation risk in S. 2533 were specifically identified in the Department's written testimony, and include language in Sections 302 and 303. As stated at the hearing, the Department is glad to work with the bill sponsor to clarify expectations about how the bill would be implemented, in the hopes of discouraging divergent interpretations of the bill.

Question 2: I've heard from Sen. Feinstein and others that she has worked extensively with the federal government on this bill for the past two years. I applaud her efforts. Can you please

confirm, Commissioner Lopez, that S. 2533 is consistent with both the Endangered Species Act and the biological opinions?

RESPONSE: Yes, as stated in the Department's written testimony, we believe S. 2533 as presently drafted is consistent with the Endangered Species Act and the biological opinions.

Question 3: Commissioner Lopez, Deputy Secretary Michael Connor recently testified that S. 2533 increases the flexibility of water operations and would provide more water. He also noted that in the long-term, S.2533 "absolutely, unquestionably, will provide for more water supply reliability." Can you please confirm that S. 2533 will, in fact, provide for greater water supplies?

RESPONSE: Yes, at the operational level, S. 2533 as presently drafted provides operational directives on pumping rates during stormflow events, fish entrainment, reduced predation of listed fish, and real-time monitoring of listed fish species of concern to the projects. These provisions, if implemented, may result in the ability to provide modestly more water for agricultural users and could create ecosystem benefits in the near-term, at least in some flow and seasonal weather scenarios. In the longer term, the bill's investments in proven water conservation activities would also develop or free up significant new water supplies.



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

JUL 18 2016

The Honorable Dan Sullivan
Chairman
Subcommittee on Fisheries, Water, and Wildlife
Committee on Environment and Public Works
U.S. Senate
Washington, D.C. 20510

Dear Mr. Chairman:

Enclosed are responses prepared by the U.S. Fish and Wildlife Service to questions submitted following the Subcommittee's May 17, 2016, oversight hearing on "Marine Debris and Wildlife: Impacts, Sources, and Solutions."

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 Sheldon Whitehouse
Ranking Member

Senate Environment and Public Works Committee
Subcommittee on Fisheries, Water, and Wildlife
Hearing entitled, "Marine Debris and Wildlife: Impacts, Sources, and Solutions."
May 17, 2016
Questions for the Record
Deputy Director Jim Kurth

Senator Boozman:

1. While our country has made tremendous efforts to reduce marine debris, it's time for countries like China to join us. Large developing nations need to adopt our practices and do more.

a. Are you aware of estimates regarding how much marine debris is originating from U.S. sources vs. marine debris originating from China and other foreign sources?

Response: It is difficult to estimate exactly how much marine litter (land-based sources of trash/litter that makes its way to the marine environment) is entering the ocean. A recent study by Dr. Jenna Jambeck, a panelist at the hearing, estimated approximately 8 million metric tons of plastic is entering the ocean annually.¹ Of this amount, the United States, while 2nd in per capita plastic waste generation, ranked 20th on the list out of 192 coastal countries, in terms of total amount of marine litter generated, is estimated to contribute 750,000 metric tons of plastic debris annually. A table from Dr. Jambeck's report is provided below.

It is important to note, while some places may generate more marine litter than others, all marine litter comes from human activities and often is a result of mismanaged waste, whether inadvertent or intentional. Trash/litter travels. Mismanaged waste inland can enter the ocean via inland waterways, storm water outflows, and transport by wind or tides. Further, plastic microbeads and microfibers can enter waterways via wastewater treatment plants that cannot remove such particles.

The United States is engaging with China, specifically, to make efforts to reduce marine litter. Announced initially at the 2015 Our Oceans Conference in Valparaiso, Chile, and expanded during the State Visit of Chinese President Xi Jinping last September and at the recent Strategic & Economic Dialogue in June 2016, the U.S. Department of State (State Department) and the Environmental Protection Agency (EPA) are working with China on a partnership where two cities in both China and the U.S. share best practices for combating marine debris

¹ Jambeck, Jenna R. et al., "Plastic Waste Inputs from Land into the Ocean." *Science* 347, no. 6223 (February 13, 2015): 768-71. Accessed June 16, 2016.
<http://science.sciencemag.org/content/347/6223/768.full>.

through stronger integrated waste management, public awareness, and innovative best practices.

Rank	Country	Econ. classif.	Coastal pop. [millions]	Waste gen. rate [kg/ppd]	% plastic waste	% mismanaged waste	Mismanaged plastic waste [MMT/year]	% of total mismanaged plastic waste	Plastic marine debris [MMT/year]
1	China	UMI	262.9	1.10	11	76	8.82	27.7	1.32-3.53
2	Indonesia	LMI	187.2	0.52	11	83	3.22	10.1	0.48-1.29
3	Philippines	LMI	83.4	0.5	15	83	1.88	5.9	0.28-0.75
4	Vietnam	LMI	55.9	0.79	13	88	1.83	5.8	0.28-0.73
5	Sri Lanka	LMI	14.6	5.1	7	84	1.59	5.0	0.24-0.64
6	Thailand	UMI	26.0	1.2	12	75	1.03	3.2	0.15-0.41
7	Egypt	LMI	21.8	1.37	13	69	0.97	3.0	0.15-0.39
8	Malaysia	UMI	22.9	1.52	13	57	0.94	2.9	0.14-0.37
9	Nigeria	LMI	27.5	0.79	13	83	0.85	2.7	0.13-0.34
10	Bangladesh	LI	70.9	0.43	8	89	0.79	2.5	0.12-0.31
11	South Africa	UMI	12.9	2.0	12	56	0.63	2.0	0.09-0.25
12	India	LMI	187.5	0.34	3	87	0.60	1.9	0.09-0.24
13	Algeria	UMI	16.6	1.2	12	60	0.52	1.6	0.08-0.21
14	Turkey	UMI	34.0	1.77	12	18	0.49	1.5	0.07-0.19
15	Pakistan	LMI	14.6	0.79	13	88	0.48	1.5	0.07-0.19
16	Brazil	UMI	74.7	1.03	16	11	0.47	1.5	0.07-0.19
17	Burma	LI	19.0	0.44	17	89	0.46	1.4	0.07-0.19
18*	Morocco	LMI	17.3	1.46	5	68	0.31	1.0	0.05-0.12
19	North Korea	LI	17.3	0.6	9	90	0.30	1.0	0.05-0.12
20	United States	HIC	112.9	2.58	13	2	0.28	0.9	0.04-0.11

Table 1 Waste estimates for 2010 for the top 20 countries ranked by mass of mismanaged plastic waste (in units of millions of metric tons per year). Econ classif., economic classification; HIC, high income; UMI, upper middle income; LMI, lower middle income; LI, low income (World Bank definitions based on 2010 Gross National Income). Mismanaged waste is the sum of inadequately managed waste plus 2% littering. Total mismanaged plastic waste is calculated for populations within 50 km of the coast in the 192 countries considered. pop., population; gen., generation; ppd, person per day; MMT, million metric tons.

b. I see the Department of State is a member of the Interagency Marine Debris Coordinating Committee (IMDCC). What sorts of efforts is this Committee making to engage foreign countries to encourage them to take steps to address this problem?

Response:

The Interagency Marine Debris Coordination Committee (IMDCC), of which the U.S. Fish and Wildlife Service (Service) is a member, meets quarterly and these meetings serve as a place where the member agencies engaged in international coordination can provide updates and new collaborations can be formed. The IMDCC itself does not address marine debris internationally; however the State Department, NOAA and EPA are actively involved in working with foreign governments on this issue.

The NOAA Marine Debris Program Director serves as the chair of the United Nations Environmental Programme Global Partnership on Marine Litter. Both the State Department and NOAA Marine Debris Program staff have served as U.S. representatives at the G7 workshops to address marine litter under the German G7 Presidency. Both the Department of State and the NOAA Marine Debris Program have continued to be involved in the effort under the Japanese G7 Presidency.

Secretary of State John Kerry has made ocean protection a State Department priority through the annual Our Ocean Conferences, and marine pollution is one of the Conference's pillar focus areas. In the last few years, governments and other stakeholders have come to the Conferences to announce ambitious new commitments on reducing marine litter, many of which target plastic waste.

Beyond the Our Ocean Conference, the United States has been pursuing a variety of recent efforts aimed at stopping the flow of plastics not only into the ocean, but also into our watersheds and inland and coastal waters. Cities in the United States and China have partnered to share best practices in integrated waste management and litter prevention and reduction. We have pushed to make marine litter, with a special focus on plastics, a priority issue in the G7 and G20, and interest is growing in the Asia Pacific Economic Cooperation (APEC), where we are promoting environmentally sound waste management projects in developing countries.

Announced at the 2015 Our Oceans Conference was a commitment regarding the EPA's Trash-Free Waters (TF) program that is a joint partnership between EPA, the United Nations Environment Program's Caribbean Environment Program, and the Peace Corps, to expand EPA's Trash Free Waters strategy to the wider Caribbean region. Jamaica and Panama will be the first countries to pilot a Trash Free Waters program, with strong interest from Peru to be included in the pilot. This pilot will achieve commitments made for both the Our Oceans commitment as well as the Cartagena Convention. EPA serves as the U.S. government technical focal point for the implementation of the Cartagena Convention and Land-Based Sources Protocol. The NOAA Marine Debris Program and the EPA have also been engaging with the Asia-Pacific Economic Cooperation marine debris working group which has established pilot sites to identify viable

approaches to improve waste management and eliminate the leakage of plastic and waste into the ocean.

The U.S. Coast Guard (USCG) leads the U.S. delegation to the United Nations' International Maritime Organization (IMO), and advances environmental interests with the IMO Marine Environment Protection Committee. The USCG also implements and enforces international regulations preventing pollution from ships, including ship generated waste.

The USCG serves as the Vice Chair of the International Organization for Standardization (ISO) Subcommittee on Protection of the Marine Environment and chairs the working group on Ship Waste Management Standards Development.

Senator Whitehouse:

2. Please share your top five recommendations for how Congress can best support research, cleanup, or prevention efforts to combat marine debris.

Response:

Recommendation 1: Support the U.S. Fish and Wildlife Service Resource Protection Act, which would allow the Service to recover damages to resources from responsible parties. This authority was requested most recently in the 2017 President's Budget. Today, when an abandoned or derelict vessel damages the resources on Service lands, the Service cannot recover damages when a responsible party is identified. As a result, the Service must forgo other activities if they wish to address the damages caused to Service resources. This authority would allow the Service to recover civil damages to reimburse assessment costs; prevent or minimize resource loss; abate or minimize the risk of loss; monitor ongoing effects, and/or restore, replace, or acquire resources equivalent to those injured or destroyed on National Wildlife Refuges, National Fish Hatcheries and other Service lands.

Other agencies, including NOAA through the National Marine Sanctuaries Act (16 U.S.C. Chapter 32), are able to recover damages including for injuries related to abandoned or derelict vessels and also restore the injured resource.

Recommendation 2: Continue to support the Service, NOAA Marine Debris Program, and the USCG programs for marine debris by supporting the funding levels requested in the President's Budget for Fiscal Year 2017. The U.S. Fish and Wildlife Service addresses marine debris impacts primarily on coastal and marine National Wildlife Refuge System lands nationwide. In addition to the lands the Service manages, the Service also restores coastal environments on public and privately-owned lands through the Service's Coastal and Partners for Fish and Wildlife Programs.

Recommendation 3: Continue to encourage responsible waste management practices. While a majority of marine debris is generated from foreign nations, the United States is also a contributor. Currently in the United States, recycling rates are exceptionally low with only a little over 30 percent of plastic bottles in the U.S. being recycled. As Senator Boozman highlighted in the hearing, action by the Congressional Recycling Caucus to raise awareness about the connection between waste management and marine debris is invaluable. Additional steps could be taken by Congress to simplify, for the consumer, the patchwork of recycling programs and capabilities across states, cities, and municipalities. Congress could also promote increased recycling rates on a national level that would mirror places like San Francisco with an 80 percent recycling rate.

Recommendation 4: Continue to support federal agencies responding to severe marine debris events. Since Hurricane Sandy, the Service has extracted nearly 2,800 tons of hurricane debris from coastal marshes, beaches, and forested areas.

The NOAA Marine Debris Program, working with the IMDCC, is tasked under the Marine Debris Act (33 U.S. Code Chapter 33A) with responding to severe marine debris events. Since the Marine Debris Act was passed in 2006, the NOAA Marine Debris Program and the IMDCC member agencies, including the Service, have responded to severe marine debris events following Hurricanes Katrina and Rita (2005), the American Samoa tsunami (2009), the Japanese tsunami (2011), and Hurricane Sandy (2012).

Recommendation 5: Continue to support opportunities to promote alternatives to 'single-use' plastics. Congress took swift action following a wave of state-level support and industry support to ban plastic microbeads in non-prescription cosmetics and personal care products. This law will help to eliminate an estimated 8 trillion plastic microbeads, which enter our coastal waterways daily. Studies have shown that microbeads cause harm to wildlife that ingest them. Similar action, should additional opportunities arise, may also have beneficial impacts.