

Congress of the United States

Washington, DC 20515

February 14, 2013

519919

RECEIVED

2013 FEB 15 PM 5:18

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Ken Salazar
Secretary of the Interior
Department of Interior
1849 C St NW
Washington, DC 20240

Dear Secretary Salazar:

We are contacting you regarding our serious concerns surrounding the disturbing trend by which the Department of the Interior (DOI) continues to bypass Congress, and the public, in establishing new federal designations and policies.

As you know, Congress expressed its serious reservations of the Wildlands designation through a Secretarial Order. The creation of that new federal designation was highly controversial, lacked transparency, and was legally questionable. Congress subsequently blocked funding for the Order. However, you have never rescinded the controversial Order.

On August 2, 2012 members of the Senate and House Western Caucuses sent you a letter expressing concerns regarding Bureau of Land Management Manuals 6310 and 6320, which mirrored the same rejected policies of Wildlands Secretarial Order 3310. These manuals were crafted without public input or notice. These members asked you to withdraw these manuals, and set up a briefing for them. The manuals were not withdrawn, nor was the briefing request even acknowledged by your department. We would like to request once again, a briefing by DOI for our offices on the status of these BLM manuals.

Now it has come to our attention that on May 24 of last year, you signed Secretarial Order 3321 establishing the "National Blueways System." This system, according to the Secretarial Order would –

"provide a new national emphasis on the unique value and significance of a 'headwaters to mouth' approach to river management and create a mechanism to encourage stakeholders to integrate their land and water stewardship efforts by adopting a watershed approach."

The Order goes on further to state that it authorizes the establishment of an "intraagency National Blueways Committee to provide leadership, direction, and coordination to the National Blueways System."

Despite the Order stating that "Nothing in this Order is *intended* to be the basis for the exercise of any new regulatory authority," given the lack of transparency by Interior to date, this disclaimer is of little comfort to communities that will be negatively impacted by a Blueways designation. In fact, the Order specifically injects federal agency policies and programs into the management of the designated watersheds when the Order states that –

"Bureaus within Interior, to the extent permitted by law and consistent with their missions, policies, and resources, shall endeavor to align the execution of agency plans and implementation of agency programs to protect, restore, and enhance the natural, cultural, and/or recreational resources associated with designated National Blueways."

According to the Order, it appears that any watershed in the United States could be designated without any vote in Congress and without proper public notice. The Order states that –

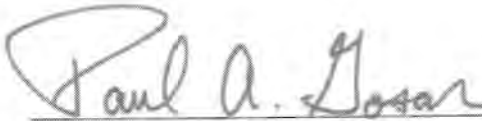
"Following consideration of recommendations made by the Committee, the Secretary may designate the river and its associated watershed as a National Blueway that will become part of the National Blueways System."

Water is the lifeblood of our communities, and it should be managed for the benefit of the community in a transparent fashion. While water law varies by region, non-navigable water is managed by the states, not the federal government. Any designation by a federal agency that directly or indirectly attempts to manage the non-navigable headwaters of many of our nation's rivers, would be a usurpation of state authority.

We urge you to immediately withdraw Secretarial Order 3321. We also encourage you to bring proposals to Congress that are creating new land and water designations so that we may consider them through the normal committee process and with public transparency.

Sincerely,

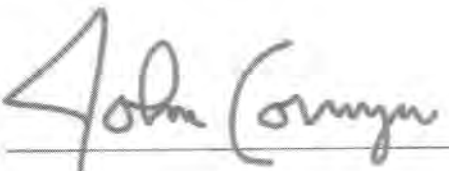












Wm. S. Hotel Gynthia P. Lummis

Michael B. Eiji Ad Bly

Sam Mc-Gee J.M. Chis

Tom Heller Scott D. Dighton

Tim Huckstump Stuart Ponce

Walt Adrian Smith

Eric Chaffetz

Walter B Jones

Jill P

David Nemes

David Cameron

Steve D

David Allen



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Two Congressional Letters

1 message

Mansour, Christopher <christopher_mansour@ios.doi.gov> Thu, Feb 14, 2013 at 5:56 PM
To: Fay Ludicello <Fay_ludicello@ios.doi.gov>, Robert Howarth <Robert_Howarth@ios.doi.gov>

----- Forwarded message -----

From: **Clifford, Brian (Barrasso)** <Brian_Clifford@barrasso.senate.gov>
Date: Thu, Feb 14, 2013 at 5:06 PM
Subject: Two Congressional Letters
To: "Christopher_Mansour@ios.doi.gov" <Christopher_Mansour@ios.doi.gov>

Christopher,

Just passing these two letters from my boss, and others, along for your files. I faxed these as well.

Thanks,
Brian

Brian P. Clifford

Minority Subcommittee Staff Director | Subcommittee on Transportation and Infrastructure | 202-224-6441

Executive Director | Senate Western Caucus | 202-224-6441

U.S. Senator John Barrasso

Chairman, Senate Republican Policy Committee

—

Christopher J. Mansour, Director

Office of Congressional and Legislative Affairs

Office of the Secretary

Department of the Interior


1849 C Street, NW


Washington, DC 20240

Office - (202) 208-7693

Fax - (202) 208-5533

2 attachments

 **National Blueways Western Caucus Letter.pdf**
680K

 **National Blueway WY Delegation Letter.pdf**
260K



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 27 2013

The Honorable Paul Gosar
House of Representatives
Washington, DC 20515

Dear Representative Gosar:

Thank you for your letter of February 14, 2013, regarding Secretarial Order 3321 establishing the National Blueways System as part of America's Great Outdoors, and Bureau of Land Management Manuals 6310 and 6320. I appreciate you taking the time to share your concerns on these important matters.

The National Blueways System (NBS) was established to recognize large river systems conserved through diverse stakeholder partnerships and to promote cooperation in support of economic development, natural resource conservation, outdoor recreation, and education in these river systems. The Order states: "Nothing in this Order is intended to authorize or affect the use of private property. Nothing in this Order is intended to be the basis for the exercise of any new regulatory authority, nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

With respect to any possible impact of NBS designation on water rights, the Secretary's Order again is explicit that the designation has no such role: "nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

Participation in the National Blueways program is locally-led, voluntary, and non-regulatory. The NBS recognizes and supports diverse stakeholder partnerships that have come together to pursue a common vision for their river system. A National Blueway designation is a prestigious award for a river system and its stakeholders. Private landowners within a watershed recognized as a National Blueway may choose to not participate in any assistance programs or initiatives undertaken by the stakeholder partnership.

State, local, and tribal governments determine their own level of participation. The Department will not designate National Blueways that lack diverse support from government agencies within the watershed. Similarly, local communities and businesses will be valued members of successful stakeholder partnerships and will determine their own roles and extent of engagement.



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 27 2013

The Honorable Kevin Cramer
House of Representatives
Washington, DC 20515

Dear Representative Cramer:

Thank you for your letter of February 14, 2013, regarding Secretarial Order 3321 establishing the National Blueways System as part of America's Great Outdoors, and Bureau of Land Management Manuals 6310 and 6320. I appreciate you taking the time to share your concerns on these important matters.

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With respect to any possible impact of NBS designation on water rights, the Secretary's Order again is explicit that the designation has no such role: "nor shall this initiative or any designation pursuant to this Order affect or interfere with any Federal, state, local, and tribal government jurisdiction or applicable law including interstate compacts relating to water or the laws of any state or tribe relating to the control, appropriation, use or distribution of water or water rights."

Participation in the National Blueways program is locally-led, voluntary, and non-regulatory. The NBS recognizes and supports diverse stakeholder partnerships that have come together to pursue a common vision for their river system. A National Blueway designation is a prestigious award for a river system and its stakeholders. Private landowners within a watershed recognized as a National Blueway may choose to not participate in any assistance programs or initiatives undertaken by the stakeholder partnership.

State, local, and tribal governments determine their own level of participation. The Department will not designate National Blueways that lack diverse support from government agencies within the watershed. Similarly, local communities and businesses will be valued members of successful stakeholder partnerships and will determine their own roles and extent of engagement.

One of the key criteria for being recognized as a National Blueway is that a diverse stakeholder partnership representing interests from across the watershed come together to seek the recognition. It will be the work of the stakeholder partnership to pursue broad public awareness of the nomination. Creating ample opportunities for public engagement is key to presenting a strong case for recognition and support as a National Blueway.

Stakeholder partnerships seeking a National Blueway designation will be evaluated based on their efforts to reach out and incorporate the views of a diverse array of individuals and public entities. The support of state, local, and tribal governments will be sought by the stakeholder partnership as part of the process of nominating a river and its watershed as a National Blueway. Successful nominations will include statements of support from businesses, organizations, Federal and state agencies, and local and tribal governments within the watershed.

The Department is committed to a National Blueway nomination process that will require the recruitment of a state sponsoring agency. If a nominated river and its watershed include land in more than one state, the nomination process will also require a letter of support from all states with a significant portion of the watershed within their borders.

With regard to BLM Manuals 6310 and 6320, BLM representatives have contacted appropriate congressional staff to schedule a briefing on this matter. We look forward to the opportunity to more fully explain these issues to members of the House and Senate Western Caucuses.

I value your comments. Please do not hesitate to share with me any further thoughts you have on Secretarial Order 3321. A similar reply has been sent to the other signatories of your letter.

Sincerely,

A handwritten signature in black ink that reads "Ken Salazar". The signature is written in a cursive, slightly slanted style.

Ken Salazar



THE SECRETARY OF THE INTERIOR
WASHINGTON

MAR 27 2013

The Honorable John Barrasso
United States Senate
Washington, DC 20510

Dear Senator Barrasso:

Thank you for your letter of February 14, 2013, regarding Secretarial Order 3321 establishing the National Blueways System as part of America's Great Outdoors, and Bureau of Land Management Manuals 6310 and 6320. I appreciate you taking the time to share your concerns on these important matters.

On March 22, 2013, I responded to your letter of February 14, 2013, co-signed by Senator Michael Enzi and Representative Cynthia Lummis, specifically addressing Secretarial Order 3321. I have enclosed a copy for your convenience.

With regard to BLM Manuals 6310 and 6320, BLM representatives have contacted appropriate congressional staff to schedule a briefing on this matter. We look forward to the opportunity to more fully explain these issues to members of the Senate and House Western Caucuses.

Please do not hesitate to share with me any further thoughts you have. A similar reply has been sent to the other signatories of your letter.

Sincerely,

Ken Salazar

Enclosure

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON D.C. OFFICE:
1032 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-2611

BISMARCK OFFICE:
220 EAST ROSSETT AVENUE
ROOM 328
BISMARCK, NORTH DAKOTA 58501
701-224-0355



522377

CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20545

FARGO OFFICE:
3217 FIECHTNER DRIVE SOUTH, SUITE D
FARGO, NORTH DAKOTA 58103
701-356-2216

MINOT OFFICE:
506 MAIN STREET SOUTH, SUITE 203
MINOT, NORTH DAKOTA 58701
701-839-0255

GRAND FORKS OFFICE:
CENTER FOR INNOVATION FOUNDATION BUILDING
4200 JAMES RAY DRIVE, OFFICE 600
GRAND FORKS, NORTH DAKOTA 58202
701-738-4880

RECEIVED

2013 APR 30

AM 10:38

April 29, 2013

Kevin Washburn
Assistant Secretary Indian Affairs
Indian Affairs
MS-4141-MIB
1849 C Street, N.W.
Washington, D.C. 20240

Re: Request for Information

Mr. Washburn,

I have been apprised of several recent incidents on the Standing Rock Indian Reservation whose seriousness require immediate, further inquiry. Although I have not pre-judged the conduct of your law enforcement officers, absent adequate response, it is my intention to explore these matters further to the extent that the jurisdiction of my House Natural Resources Subcommittee on Indian and Alaska Native Affairs membership will allow.

The first purported incident involves a multi-vehicle accident in early March, 2013. It is my understanding that on March 2, 2013 the Bureau of Indian Affairs investigated a two-vehicle collision on North Dakota State Highway 1806 near the Prairie Nights Casino. One of the drivers, a Dawn Ulmer, received serious injuries. The second driver died at the scene. It does not appear that a report was prepared by the BIA Police Officer until April 3, 2013, which was hand written, and contained minimal information.

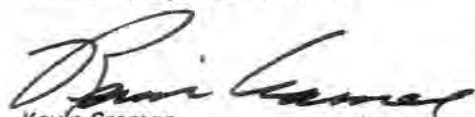
A second incident occurred in early April, 2013, close to the same site, whereby a young man rolled his vehicle, and sustained injuries. The BIA Police Officer who arrived on scene purportedly drew his gun, investigated, then left, without addressing the medical, or other, concerns of the individual. It is my understanding that a complaint has been filed in regard to this incident.

Both of these occurrences raise serious concerns relating to the BIA and their discharge of duties on the Standing Rock Indian Reservation.

Please convey to me all information within your possession, including police reports, squad videos, pictures, and all other discovery, regarding the two incidents. If such dissemination is precluded by statute, rule or guidance, please specify the provision you predicate your position upon. If redaction is necessary, please likewise provide such documents and explanation.

Please convey to me all guidance your agency issues to your investigating personnel when conducting such investigations to adjudge whether appropriate protocols have been issued and have been followed.

Please provide the requested information within 7 days. If you have any questions, please contact my Chief of Staff, Mark Gruman.

A handwritten signature in black ink, appearing to read "Kevin Cramer". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kevin Cramer
Member of Congress



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

MAY 24 2013

IN REPLY REFER TO:

The Honorable Kevin Cramer
House of Representatives
Washington, D.C. 20515

Dear Representative Cramer:

Thank you for your April 29, 2013 letter regarding the recent accidents that occurred on the Standing Rock Indian Reservation.

We understand you were hoping to receive police reports and other information regarding the two incidents. However, we are bound by the Privacy Act and the system of records notice maintained for Bureau of Indian Affairs (BIA) law enforcement records, which do not permit release of the documents under these circumstances. *See* 5 U.S.C. Section 552a(b)(9) ("No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains, unless disclosure of the record would be-- (9) to either House of Congress, or, to the extent of matter within its jurisdiction, any committee or subcommittee thereof, any joint committee of Congress or subcommittee of any such joint committee."). The relevant system of records notice is attached. Privacy Act of 1974, as Amended; Amendment of an Existing System of Records, 70 Fed. Reg. 1264 (Jan. 6, 2005). We regret that we are not able to satisfy your request for information related to the two incidents.

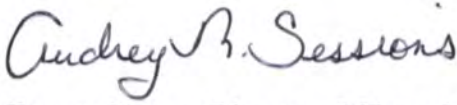
You also requested that we convey the guidance that the BIA issues to investigating personnel when conducting investigations of vehicular accidents. The Office of Justice Services (OJS) Law Enforcement Handbook, Section 2-21 (enclosed), provides guidance to BIA-OJS officers on conducting accident investigations. The protocols for investigating fatality accidents include, but are not limited to, BIA-OJS officers responding and providing assistance to the injured, contacting an ambulance if necessary, gathering evidence that could be destroyed, assisting with traffic control, and, if necessary, issuing citations related to the accident. The on-duty supervisory police officer ensures proper protocols are followed. The North Dakota State Police and South Dakota State Police are contacted to investigate the traffic accident and re-construct the accident scene, if necessary. The State Police provide BIA-OJS with a forensic mapping report after the reconstruction is completed.

The North Dakota State Police were involved in the investigation of the first accident described in your April 29, 2013 letter, so you might consider consulting that entity for additional information about that particular accident.

If you have further questions, please do not hesitate to contact the BIA, Office of Justice Services at 202-208-5787.

Thank you for your concern in this matter.

Sincerely,

for 

Deputy Bureau Director, Office of Justice Services

Enclosures

contractor) of DOI that performs, on DOI's behalf, services requiring access to these records.

(2) To another agency with a similar "smart card" system when a person with a "smart card" requires access to that agency's facilities on a "need-to-know" basis.

(3) To the Federal Protective Service and appropriate Federal, State, or local agencies responsible for investigating emergency response situations or investigating or prosecuting the violation of or for enforcing or implementing a statute, rule, regulation, order or license, when DOI becomes aware of a violation or potential violation of a statute, rule, regulation, order or license.

(4)(a) To any of the following entities or individuals, when the circumstances set forth in (b) are met:

(i) The Department of Justice (DOJ);
 (ii) A court, adjudicative or other administrative body;
 (iii) A party in litigation before a court or adjudicative or administrative body;
 or

(iv) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(b) When

(i) One of the following is a party to the proceeding or has an interest in the proceeding:

(A) DOI or any component of DOI;
 (B) Any DOI employee acting in his or her official capacity;

(C) Any DOI employee acting in his or her individual capacity if DOI or DOJ has agreed to represent that employee or pay for private representation of the employee;

(D) The United States, when DOJ determines that DOI is likely to be affected by the proceeding; and

(ii) DOI deems the disclosure to be:

(A) Relevant and necessary to the proceeding; and

(B) Compatible with the purposes for which the records were compiled.

(5) To a congressional office in response to a written inquiry an individual covered by the system has made to the congressional office about him or herself.

(6) To an official of another Federal agency to provide information needed in the performance of official duties related to reconciling or reconstructing data files, in support of the functions for which the records were collected and maintained.

(7) To representatives of the National Archives and Records Administration to conduct records management inspections under the authority of 44 U.S.C. 2903 and 2904.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Records are stored in electronic media on hard disks, magnetic tapes and the ID authentication card itself and on paper records stored in file cabinets in secured locations.

RETRIEVABILITY:

Records are retrievable from Active Directory by organization, agency point of contact, security access category that describes the type of access the user is allowed, date of system entry, time of entry, location of entry, time of exit, location of exit, ID security card issue date, ID security card expiration date, and ID security card serial number.

ACCESS SAFEGUARDS:

The computer servers in which records are stored are located in computer facilities that are secured by alarm systems and off-master key access. Active Directory access granted to individuals is password-protected. Access to the certificate issuance portion of this system of records is controlled by a digital certificate in combination with a personal identification number (PIN). Each person granted access to the system must be individually authorized to use the system. A Privacy Act Warning Notice appears on the monitor screen when records containing information on individuals are first displayed. Backup tapes are stored in a locked and controlled room in a secure, off-site location. A Privacy Impact Assessment was used to ensure that Privacy Act requirements and safeguard requirements were met.

RETENTION AND DISPOSAL:

Records relating to persons covered by this system are retained in accordance with General Records Schedule 18, Item No. 17. Unless retained for specific, ongoing security investigations:

(1) Records relating to individuals other than employees are destroyed two years after the ID security card expiration date.

(2) Records relating to date and time of system entry and exit of employees are destroyed two years after the date of entry and exit.

(3) All other records relating to employees are destroyed two years after the ID security card expiration date.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Information Resources Management Center, Bureau of Land Management, Denver Federal Center,

Building 40, P.O. Box 25047, Denver, Colorado 80225-0047.

NOTIFICATION PROCEDURES:

An individual requesting notification of the existence of records on himself or herself should address his/her request to the local office Information Technology Security Manager. The individual requesting notification must provide their full name and social security number. Interior bureaus/offices are listed at the Department of the Interior Web site at <http://www.doi.gov>. The request must be in writing and signed by the requester. (See 43 CFR 2.60.)

RECORDS ACCESS PROCEDURES:

An individual requesting access to records maintained on himself or herself should address his/her request to the local office Information Technology Security Manager. The individual requesting access must provide their full name and social security number. The request must be in writing and signed by the requester. (See 43 CFR 2.63.)

CONTESTING RECORD PROCEDURES:

An individual requesting amendment of a record maintained on himself or herself should address his/her request to the local office IT Security Manager. The individual requesting the amendment must provide their full name and social security number. The request must be in writing and signed by the requester. (See 43 CFR 2.71.)

RECORD SOURCE CATEGORIES:

Individuals covered by the system, supervisors, and designated approving officials, certificate issuing authority, network system administrators.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 05-292 Filed 1-5-05; 8:45 am]

BILLING CODE 4310-RK-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Privacy Act of 1974, as Amended; Amendment of an Existing System of Records

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Proposed amendment of an existing system of records.

SUMMARY: Under the Privacy Act of 1974, as amended (5 U.S.C. 552a), the Office of the Secretary is issuing public notice of our intent to change an existing Privacy Act system of records notice entitled, Interior BIA-18 "Law

Enforcement Services." The revisions will change the name of the system to Interior BIA-18, "Case Incident Reporting System." Other changes to Interior BIA-18 include updating data in the following fields: System Locations, Categories of Individuals Covered by the System, Categories of Records Maintained in the System, Categories of Users and the Purposes of Such Uses, Policies and Practices for Storing, Retrieving, Accessing, Retaining and Disposing of Records in the System.

The Department of the Interior is issuing public notice of its intent to amend portions of an existing Privacy Act system of records subject to the Privacy Act of 1974 (5 U.S.C. 552a). This action is necessary to meet the requirements of the Privacy Act to publish in the **Federal Register** notice amendment of an existing records systems maintained by the agency (5 U.S.C. 552a(e)(4)).

EFFECTIVE DATE: 5 U.S.C. 552a(e)(11) requires that the public be provided a 30-day period in which to comment on the agency's intended use of the information in the system of records. The Office of Management and Budget, in its Circular A-130, requires an additional 10-day period (for a total of 40 days) in which to make these comments. Any persons interested in commenting on this proposed amendment may do so by submitting comments in writing to the Privacy Act Officer, Bureau of Indian Affairs, U.S. Department of the Interior, P.O. Box 247, Albuquerque, New Mexico 87103. Comments received within 40 days of publication in the **Federal Register** will be considered. The system will be effective as proposed at the end of the comment period unless comments are received which would require a contrary determination. The Department will publish a revised notice if changes are made based upon a review of comments received.

FOR FURTHER INFORMATION CONTACT: Deputy Bureau Director, Bureau of Indian Affairs (BIA), Office of Law Enforcement Services (OLES), Washington, DC at (202) 208-5787.

SUPPLEMENTARY INFORMATION: The intent of amending this system notice is to accomplish the mission of the BIA, OLES to better clarify previous language, to address administrative changes, and to address the current needs of the agency. The following changes are being proposed to BIA-18: The system location will be changed to reflect an agency reorganization and realignment. The name of the system will

be changed to more accurately define the information that is contained in the records of this system. The categories of individuals covered by the system will be amended to address both criminal and non-criminal records that the agency collects to perform our law enforcement responsibilities. The categories of records in the system will be amended to be a more complete listing of the information located in our records. The primary purposes of the system will be updated to meet new reporting requirements.

Purposes have also been added that we believe will allow greater access to individuals who need BIA, OLES reports to adjudicate a claim for a loss. The following "Routine Uses" have been changed in order to satisfy the purpose of the system, and to allow greater access to records that are needed by citizens who are served by BIA, OLES programs.

In Routine Use (3), we have added the word "written". The Routine Use will now read: "To a congressional office in response to a written inquiry an individual covered by the system has made to the congressional office about him or herself."

Routine Use (4) we have changed to read: "to Federal, State, local, or tribal agencies or contractors where necessary and relevant to the hiring, retention, removal, or processing of a personnel action of an employee or the issuance of a security clearance, contract, license, grant or other benefit." We added this section to benefit our tribal contract programs that request an Internal Affairs Investigation to take place when a personnel action is required. Routine Use (6) was deleted and subsequent routine uses were renumbered accordingly. Routine Use (6) was deleted because it stated that records could be disclosed to a guardian or guardian ad litem of a child named in the report without differentiating sensitive investigations with material that should be withheld to protect the privacy interest of parties identified in the report. The Privacy Act allows a legal guardian to act on behalf of an individual minor child.

New Routine uses were added to address the recent increase in requests for BIA, OLES reports.

Routine Use (8) says that disclosures outside the Department "for the purpose of providing information on traffic accidents, personal injuries, or the loss or damage of property may be made to: (a) Individuals involved in such incidents; (b) persons injured in such incidents; (c) owners of property damaged, lost or stolen in such incidents; and/or (d) these individuals'

duly verified insurance companies, personal representatives, and/or attorneys. The release of information under these circumstances should only occur when it will not: (a) interfere with ongoing law enforcement proceedings, (b) risk the health or safety of an individual, or (c) reveal the identity of an informant or witness that has received an explicit assurance of confidentiality. Social security numbers should not be released under these circumstances unless the social security number belongs to the individual requester." The intent of this use is to facilitate information flow to parties who need the information to adjudicate a claim.

Routine Use (9) "to Federal, State, local, tribal organizations and contractors for the purpose of incident cause identification and to formulate incident prevention programs for improvement of public safety." The intent of this routine use is to allow tribal governments the opportunity to develop strategic plans that will address the public safety issues within their respective jurisdiction.

Routine Use (10) "to Federal, State, local, and tribal organizations responsible for the formulation of statistical reports necessary for the continued operation of the program." This routine use was added to address the need for complete and accurate crime data that is necessary to respond to the Government, Performance, and Results Act.

Routine use (11) "to tribal governments when necessary and relevant to the assumption of a program under Public Law 93-638, the Indian Self-Determination and Education Assistance Act, 25 U.S.C. 450 *et seq.*" The intent of this routine use is to allow the BIA to transfer files when a tribal government assumes a law enforcement program under the authority of a Public Law 93-638 contract.

Dated: January 3, 2005.

Michael D. Olsen,
*Acting Principal Deputy Assistant Secretary—
Indian Affairs.*

INTERIOR/BIA-18

SYSTEM NAME:

Case Incident Reporting System.

SYSTEM LOCATION:

(1) All District, Agency, and Field Offices of the Bureau of Indian Affairs (BIA), Office of Law Enforcement Services (OLES); (2) BIA, OLES, 1849 C Street, NW., MIB, Washington, DC 20240. (For a listing of specific locations, contact the Systems Manager.)

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individual complainants in criminal cases, individuals investigated or arrested for criminal or traffic offenses, or certain types of non-criminal incidents, or any person involved in or witnessing incidents requiring the attention of BIA, OLES.

CATEGORIES OF RECORDS IN THE SYSTEM:

The files include accident reports and incident reports which may contain any of the following: Name, address, social security number, date of birth, telephone numbers, and other personal identifiers; date and case numbers; related correspondence; fingerprint information; vehicle description and license data; passenger data; insurance data; emergency contact information; law enforcement officers' names; agency identifiers; sketches and/or photographs; hospital and other medical records.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

25 U.S.C. 1, 1a, 13; 18 U.S.C. 3055; Act of May 10, 1939, 58 Stat. 693; 53 Stat. 520.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

The primary uses of the records are: (1) To identify incidents in which individuals were involved, (2) to retrieve the report for information for the individual involved, such as accident reports and reports of damaged, lost or stolen property, (3) as a basis for criminal investigations conducted by the Bureau of Indian Affairs, Office of Law Enforcement Services, (4) to assist Federal, State, tribal, and local law enforcement agencies working in areas contiguous to areas under the jurisdiction of the BIA, (5) for the purpose of accident cause identification and to formulate accident prevention programs for improvement in traffic patterns, and (6) to formulate statistical reports necessary for the continued operation of the program.

DISCLOSURES OUTSIDE THE DEPARTMENT OF THE INTERIOR MAY BE MADE:

(1) To the U.S. Department of Justice when related to litigation or anticipated litigation;

(2) Of information indicating a violation or potential violation of a statute, regulation, rule, order or license, to appropriate Federal, State, local, foreign, or tribal agencies responsible for investigating or prosecuting the violation or for enforcing or implementing the statute, rule, regulation, order, or license;

(3) To a congressional office in response to a written inquiry an individual covered by the system has made to the congressional office about him or herself;

(4) To Federal, State, local, or tribal agencies or contractors where necessary and relevant to the hiring, retention, removal, or processing of a personnel action of an employee or the issuance of a security clearance, contract, license, grant, or other benefit;

(5) To Federal, State, local, or tribal governmental officials responsible for administering child protective services in carrying out his or her official duties;

(6) To agencies authorized to care for, treat, or supervise abused or neglected children whose policies also require confidential treatment of information;

(7) To members of community child protective teams for the purposes of establishing a diagnosis, formulation of a treatment plan, monitoring the plan, investigating reports of suspected physical child abuse or neglect, and making recommendations to the appropriate court of competent jurisdiction, whose policies also require confidential treatment of information;

(8) For the purpose of providing information on traffic accidents, personal injuries, or the loss or damage of property may be made to: (a) Individuals involved in such incidents; (b) persons injured in such incidents; (c) owners of property damaged, lost or stolen in such incidents; and/or

(d) These individuals' duly verified insurance companies, personal representatives, and/or attorneys. The release of information under these circumstances should only occur when it will not: (a) Interfere with ongoing law enforcement proceedings, (b) risk the health or safety of an individual, or (c) reveal the identity of an informant or witness that has received an explicit assurance of confidentiality. Social security numbers should not be released under these circumstances unless the social security number belongs to the individual requester;

(9) To Federal, State, local, tribal organizations, and contractors for the purpose of incident cause identification and to formulate incident prevention programs for improvement of public safety;

(10) To Federal, State, local, and tribal organizations responsible for the formulation of statistical reports necessary for the continued operation of the program;

(11) To tribal organizations when necessary and relevant to the assumption of a program under Public Law 93-638, the Indian Self-

Determination and Education Assistance Act, 25 U.S.C. 450 *et seq.*

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**STORAGE:**

Maintained in manual form in file folders and electronic media such as personal computers.

RETRIEVABILITY:

Cross referenced by individual's name, case number, and other information linked to the individuals in the report.

SAFEGUARDS:

Maintained in accordance with 43 CFR 2.51 Privacy Act safeguards for records. Access is provided on a need-to-know basis only. Manual records are maintained in locked file cabinets under the control of authorized personnel during working hours, and according to the manual maintenance standards identified in Department of the Interior Regulations at 43 CFR 2.51. Electronic records are safeguarded by permissions set to "Authenticated Users" which requires password logon.

RETENTION AND DISPOSAL:

Records are maintained in accordance with record retentions outlined in 16 BIAM or the current BIA Records Schedule. Records are retired to the appropriate Federal Records Center in accordance with BIA records management policies.

SYSTEMS MANAGER(S) AND ADDRESS:

Deputy Bureau Director, Office of Law Enforcement Services, Bureau of Indian Affairs, United States Department of Interior, 1849 C Street, NW., MIB, Washington, DC 20240.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Under the general exemption authority provided by 5 U.S.C. 552a(j)(2), the Department of the Interior has adopted a regulation, 43 CFR 2.79(a), which exempts this system from all of the provisions of 5 U.S.C. 552a and the regulations in 43 CFR part 2, subpart G, except subsections (b), (c)(1) and (2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11) and (i) of 5 U.S.C. 552a and the portions of the regulations in 43 CFR part 2, subpart G, implementing these subsections. The reasons for adoption of this regulation are set out at 40 FR 37317 (August 26, 1975).

[FR Doc. 05-291 Filed 1-5-05; 8:45 am]

BILLING CODE 4310-G5-P

BIA-OFFICE OF JUSTICE SERVICES

LAW ENFORCEMENT HANDBOOK

2-21 ACCIDENT INVESTIGATION

POLICY

OJS officers will investigate accidents and take any necessary enforcement action, based on circumstances.

RULES AND PROCEDURES

2-21-01 GENERAL ACCIDENT REPORTING AND INVESTIGATION PROCEDURES

A. Officers must be familiar with applicable local, tribal, state, and Federal laws regarding the reporting of traffic accidents. They should also be familiar with agency requirements for officers involved in traffic accidents.

B. Officers who investigate accidents will conduct investigations that are thorough and well documented.

C. A police officer will respond to and prepare a report of the accident and any applicable crimes when any accident involves:

1. Death or injury,
2. Hit and run,
3. Driver impairment due to alcohol and drugs,
4. Damage to either public or private property if the damage exceeds the amount designated in applicable local, tribal or state law,
5. Hazardous materials,
6. Any accident involving government property, vehicles, equipment or facilities,
7. Any accident involving disturbances between parties or which create major traffic congestion as a result of the accident or where vehicles are damaged to the extent that towing is required.
8. Any other type of accident in which a report is required by the Special Agent in Charge or applicable federal, state or tribal law.

2-21-02 ACCIDENT SCENE RESPONSIBILITIES OF THE FIRST OFFICER AT THE SCENE

A. The first officer at the scene is also the primary investigating officer and in charge at the scene, unless the supervisor deems it more appropriate to assign another officer these responsibilities.

B. Officers will administer emergency medical care (basic life support measures) pending arrival of advance medical responders.

C. Officers will identify potential fire hazards and/or hazardous materials and summon additional help as required (officers, rescue, fire equipment, Hazmat equipment, tow truck, etc.).

D. Officers will protect the accident scene.

E. Officers will preserve and photograph evidence such as, but not limited to, broken parts, skid marks, etc.

F. The primary officer is responsible for controlling property belonging to accident victims.

G. Officers will establish a safe traffic pattern around the scene.

H. Officers will locate witnesses and record key accident information (license numbers, observation of damage before vehicles are moved, etc.).

I. Officers will expedite removal from roadway of vehicles, persons, and debris (in property damage only accidents, where possible, get vehicles off roadway immediately to get traffic moving).

J. The officer assigned to an accident has the responsibility and authority to request assistance from any other officers as needed.

K. In any accident which involves a fatality and which occurs in the agency's jurisdiction, officers will notify a CI special agent to make a determination if a crime has been committed and what additional actions should be taken.

2-21-03 ACCIDENT SCENE PROCEDURES

A. Upon the receipt of a report of a motor vehicle accident that requires the services of an officer, the officer assigned will proceed directly to the scene.

B. Officers will not park police vehicles at the scene in a manner that endangers other pedestrians, motorists, or citizens.

1. The officer will consider using the police vehicle as a shield to protect the scene as well as himself/herself.

2. The officer will leave his emergency lights on.

C. During periods of reduced visibility or darkness, the officer will put on a reflector safety vest before leaving the vehicle. A reflective safety vest will be worn at all times while directing traffic or standing in the roadway. Flares or reflectors are available in each police vehicle for use in creating an illuminated warning pattern to alert other motorists.

D. Officers will have immediate access to a copy of the current emergency response guidebook that permits rapid identification of DOT vehicles, contains placards for hazardous materials, and gives information concerning the nature of the hazard, emergency procedures, and evacuation procedures.

1. Any officer arriving at the scene of such an accident and seeing hazardous materials placards will immediately request that the fire department respond.

2. The designated hazardous materials incident responder will assume control of any scene involving hazardous materials, and all officers will provide support as required. Any investigation of the accident will occur after approval by the hazardous materials incident responder.

E. Any property belonging to accident victims must be protected from theft or pilferage.

F. If the vehicle and its contents are not released at the scene, officers will conduct an inventory.

2-21-04 INCLEMENT WEATHER

A. In case of extremely inclement weather where an accident involves only property damage, the dispatcher or officer may, with the supervisor's approval, obtain information over the phone to complete the accident report and request that the involved parties come to the agency's office and file a report within the time imposed by state, local, or tribal laws.

B. The employee taking the telephone report will record the name, address, operator license number, and telephone number of all involved drivers and forward them to the commanding officer, or his designee, who will confirm the filing of the report.

2-21-05 ACCIDENT INVESTIGATION PROCEDURES

A. At the scene of the accident, the investigating officer will conduct a thorough investigation. The investigation will include, but is not limited to:

1. Interviewing principals, witnesses, and securing necessary identity and address information.

2. Examining/recording vehicle damage.

3. Examining/recording effects of the accident on the roadway or off the roadway or other property/structures, etc.

4. Taking measurements as appropriate.

5. Taking photographs as appropriate.

6. Collecting/processing evidence.
7. Exchanging information among principals.
8. Completing an accident diagram as appropriate.

Congress of the United States

Washington, DC 20510

523428

May 16, 2013

RECEIVED

2013 MAY 29 PM 4:45

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Sylvia Burwell
Director
Office of Management and Budget
725 17th Street, NW
Washington, D.C. 20503

Dear Director Burwell:

We write to you about the Department of the Interior's (DOI) recent decision to sequester revenue under the Mineral Leasing Act (MLA).

On March 22, 2013, DOI notified states that it would sequester over \$109 million in revenue under the MLA and other statutes during the remainder of FY 2013. DOI explained that its decision to sequester these funds was "in accordance with the Balanced Budget and Emergency Deficit Control Act, as amended." We have heard from our states, including the Western Governors' Association, all of whom have significant concerns about the sequestration of MLA revenues. However, we understand that current law accords these funds special status and specifically makes them available for obligation in FY 2014. We ask you to confirm that DOI will in fact make the sequestered MLA revenue available to the states in FY 2014 and to ensure that DOI does so as soon as possible.

As is the case now, the United States faced a growing debt crisis during the 1980s. In response, Congress passed the Balanced Budget and Emergency Deficit Control Act (BBEDCA) of 1985. Under this legislation, DOI sequestered revenue under the MLA in FY 1986. However, we understand that DOI made the sequestered MLA revenue available to the states in FY 1987. It is our understanding that DOI relied on section 256(a)(2) of the BBEDCA which states that:

Any amount of new budget authority, unobligated balances, obligated balances, new loan guarantee commitments, new direct loan obligations, spending authority (as defined in section 401(c)(2) of the Congressional Budget Act of 1974), or obligation limitations which is sequestered or reduced pursuant to an order issued under section 252 is permanently cancelled, with the exception of amounts sequestered in special or trust funds, which shall remain in such funds and be available in accordance with and to the extent permitted by law, including the provisions of this Act. (emphasis added).

In short, DOI determined that the BBEDCA did not permanently cancel MLA revenue owed to states but that such revenue fell within the exception provided in section 256(a)(2). In subsequent years, Congress passed a series of changes to the BBEDCA which effectively amended and redesignated section 256(a)(2) as section 256(k)(6). Section 256(k)(6) states that:

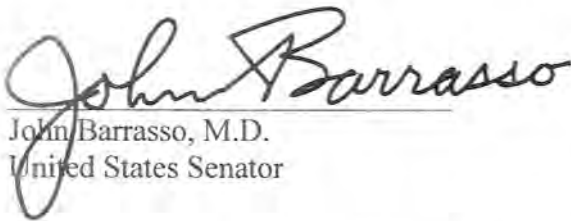
Budgetary resources sequestered in revolving, trust, and special fund accounts and offsetting collections sequestered in appropriation accounts shall not be available for obligation during the fiscal year in which the sequestration occurs, but shall be available in subsequent years to the extent otherwise provided in law. (emphasis added).

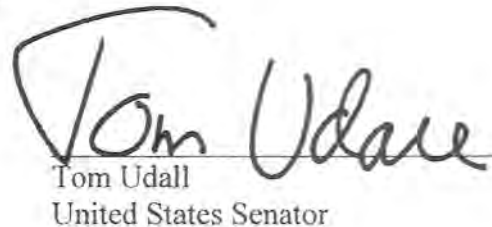
Like section 256(a)(2), section 256(k)(6) provides that amounts sequestered in trust and special fund accounts shall be made available in subsequent fiscal years. While Congress has since made further changes to the BBEDCA, there is nothing in current law that would authorize DOI to apply section 256(k)(6) any differently to MLA revenue sequestered under the Budget Control Act (BCA) of 2011. In fact, section 302 of the BCA¹ explicitly states that: "Any reductions imposed under [the March 1st sequester] shall be implemented in accordance with section 256(k)." For that reason, DOI should make available in FY 2014 MLA revenue sequestered in FY 2013, just as it made available in FY 1987 MLA revenue sequestered in FY 1986.

MLA revenue is the economic lifeblood of many states and local communities across rural America. States, such as Colorado, New Mexico, North Dakota, Utah, and Wyoming, use MLA revenue to address, among other things, impacts from energy and mineral production. If MLA revenue sequestered in FY 2013 is not returned to the states, local communities across the West will experience severe hardships. We therefore ask that you ensure that DOI makes available in FY 2014 MLA revenue sequestered in FY 2013 and that it does so as soon as possible.

Thank you for your consideration and we look forward to your prompt response.

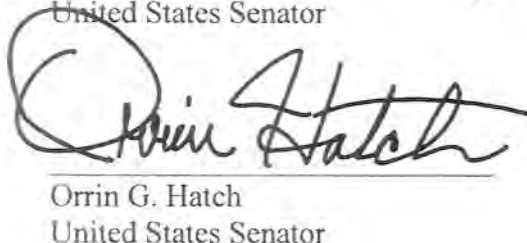
Sincerely,

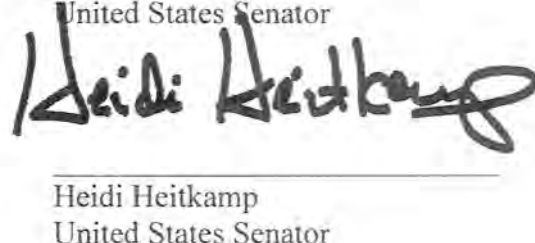

John Barrasso, M.D.
United States Senator


Tom Udall
United States Senator


Michael B. Enzi
United States Senator


Martin Heinrich
United States Senator

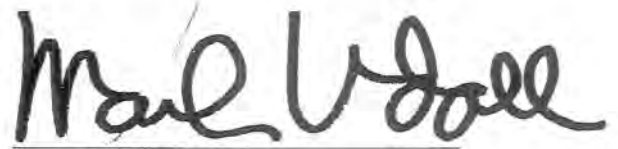

Orrin G. Hatch
United States Senator


Heidi Heitkamp
United States Senator

¹ Section 251A(10) of the Balanced Budget and Emergency Deficit Control Act, as amended.



John Hoeven
United States Senator



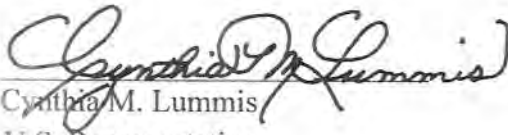
Mark Udall
United States Senator



Mike Lee
United States Senator



Michael F. Bennet
United States Senator



Cynthia M. Lummis
U.S. Representative



Ben Ray Lujan
U.S. Representative



Rob Bishop
U.S. Representative




Jason Chaffetz
U.S. Representative



Chris Stewart
U.S. Representative



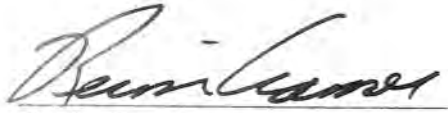
Stevan Pearce
U.S. Representative



Cory Gardner
U.S. Representative



Scott R. Tipton
U.S. Representative



Kevin Cramer
U.S. Representative



Mike Coffman
U.S. Representative



cc: Sally Jewell, Secretary of the Interior

Gregory J. Gould, Director, Office of Natural Resource Revenue, Department of the Interior

Doug Lamborn

Michelle Griston



THE SECRETARY OF THE INTERIOR
WASHINGTON

AUG 27 2013

The Honorable Kevin Cramer
House of Representatives
Washington, DC 20515

Dear Representative Cramer:

I have been asked to respond to your letter of May 16, 2013, to Office of Management and Budget (OMB) Director Sylvia Burwell regarding the treatment of Mineral Leasing Act (MLA) payments to states under sequestration. The Department of the Interior (DOI) administers and disburses these funds and is responsible for their execution under the March 1, 2013 sequestration order.

With regard to the applicability of sequestration reductions to MLA payments, exemption is determined by the terms of the Balanced Budget and Emergency Deficit Control Act of 1985 (BBEDCA), as amended. Under BBEDCA, budgetary resources are subject to sequestration unless expressly exempted by statute. The MLA payments are not exempted in the legislation, and thus are reduced pursuant to the terms of sequestration. The OMB issued a report to Congress detailing the required reductions for each non-exempt budgetary account, which included the MLA payment account. The report can be found online at: www.whitehouse.gov/omb/legislative_reports.

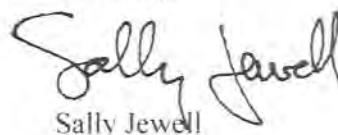
You expressed the belief that based on the treatment of MLA payments in Fiscal Year 1986, the amounts sequestered in FY 2013 should become available for payment in FY 2014. As you have noted, BBEDCA has been amended since that earlier sequestration took place. Therefore, we needed to review the current statutory framework to make a determination.

I am pleased to let you know that based on a legal review of the underlying MLA statutory authority, the amounts sequestered in FY 2013 from MLA payments will become available for payment in FY 2014. Assuming no further legislative changes affecting these payments are enacted in the interim, we will work expeditiously to make the sequestered amounts available to affected states as part of our regular monthly payment process in FY 2014.

The MLA payments are only one of many revenue and resource payments made by DOI that are affected by the FY 2013 sequester. Because of the importance of the MLA payments to the states, we made a determination as to the availability of the sequestered amounts for MLA first. We are working quickly to complete the necessary legal review to determine the availability of sequestered funds in FY 2014 for the remaining trust fund, special fund, and offsetting collection accounts we administer. We will have determinations made on the other accounts soon.

Similar letters are being sent to the co-signors of your letter.

Sincerely,



Sally Jewell

cc: The Honorable Sylvia M. Burwell, Office of Management and Budget

Congress of the United States

Washington, DC 20510

526586
August 29, 2013

RECEIVED

2013 SEP -9 PM 3: 34

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Sally Jewell
Secretary of the Interior
U.S. Department of the Interior
1849 C Street, NW, Room 5665
Washington, DC 20240

Dear Secretary Jewell:

We write today with concerns regarding the Bureau of Land Management's (BLM) proposed hydraulic fracturing rule (*Federal Register*, May 24, 2013) and request North Dakota and our tribes, and similar states, be exempted from the final rule.

We appreciate you accepting our invitation to see North Dakota's oil and gas production first hand. The unique geology, technology, and innovation in North Dakota exemplifies why a one-size-fits-all federal approach to oil and gas regulation does not work. You were correct when you noted in North Dakota that our state's resources would be affected by a national energy policy and by rules that are developed to regulate the development of federal oil and gas leases.

After seeing our development and visiting with local officials, you observed that North Dakota has a "very sophisticated" oil and gas regulatory framework and that it is a model worth studying. North Dakota's successful record in managing its energy development is becoming a model for the nation. The federal government should allow states and tribes to continue to move forward with their own sophisticated regulatory framework instead of stifling them with a generic blanket of federal regulations. We believe such federal regulations will hamper innovative approaches being developed throughout the country.

The North Dakota Industrial Commission (NDIC), made up of the Governor, the Attorney General, and the Agriculture Commissioner, directly oversee and regulate the industry through the Department of Mineral Resources (DMR). The NDIC and DMR have already put strong regulations in place requiring operators to disclose the chemicals they use in fracturing activities as well as regulations addressing hydraulic fracture stimulation, well-bore integrity, flowback, and cement bond testing. State oversight and the unique expertise and experience of our regulators resulted in the NDIC approving extensive new rules regarding well completions in 2012. States require this flexibility and primacy in regulating oil and gas production in order to make adjustments based on their expertise and on the ground assessments. The NDIC and DMR are in the best position to determine what regulations are best for oil and gas production in North Dakota.



United States Department of the Interior
BUREAU OF LAND MANAGEMENT

Washington, D.C. 20240
<http://www.blm.gov>



FEB 26 2014

The Honorable Kevin Cramer
House of Representatives
Washington, DC 20515

Dear Representative Cramer:

Thank you for your letter dated August 23, 2013, to Secretary of the Interior Sally Jewell regarding the Bureau of Land Management (BLM) proposed rule entitled "Oil and Gas: Hydraulic Fracturing on Federal and Indian Lands." Secretary Jewell asked the BLM to respond to your letter. As you know, the Secretary and I had a first-hand look at North Dakota's oil and gas development in the Bakken this summer with Senators Hoeven and Heitkamp and Lieutenant Governor Walsh. This was a valuable opportunity to learn more about your state's oil and gas industry.

We appreciate the high level of interest in the hydraulic fracturing rule, and we value your input. In keeping with the BLM commitment to work closely with our state partners, the BLM hosted a meeting in Denver last August where the Principal Deputy Assistant Secretary for Land and Minerals Management Tommy Beaudreau and I had the opportunity to meet with representatives from several of the Governors' offices, including North Dakota, to discuss current state standards and how the proposed hydraulic fracturing rule can complement state efforts. We proposed at the August meeting to host a follow-up meeting with the states once we have reviewed all of the 1.3 million comments received on the draft rule.

In the meantime, please feel free to contact me at 202-208-3801 if you would like to discuss this or other issues. A similar reply is being sent to the co-signers of your letter.

Sincerely,

Neil Kornze
Principal Deputy Director

Congress of the United States

Washington, DC 20515

RECEIVED

527834
October 9, 2013

2013 OCT 21 PM 4:27

OFFICE OF THE

Mr. Jonathan Jarvis, Director
US National Park Service
1849 C St NW, Room 7256
Washington, DC 20240

Dear Director Jarvis,

The National Park Service's (NPS) stated mission is to "preserve unimpaired the natural and cultural resources and values of the National Park System for the enjoyment, education, and inspiration of this and future generations." The NPS has a long-standing tradition of ignoring politics, and ensuring that all Americans may access their treasured landscapes. We applaud this long-established role for the NPS, and hope it will continue in the future.

We write today, however, with great concern that the NPS is violating this non-partisan tradition, and blatantly politicizing who gets access to public facilities during the government shutdown. The NPS is permitting certain political activities by special interests friendly to the White House on public lands, but ensuring that ordinary citizens are denied entry to NPS facilities in Washington, DC and throughout the country. Recently, it has come to our attention that the NPS permitted immigration activists to conduct a rally on the National Mall yesterday, but stopped others from accessing the land that they own.¹ The set up of a stage and sound equipment on the National Mall began at least one day in advance of the rally. Is it NPS policy that only those exercising their First Amendment rights in a mass demonstration may access our public lands at certain arbitrary times? Please include the specific criteria, if any, that the NPS uses to determine who is and who is not exercising their right to free speech.

The Administration has publicly blamed the government shutdown for the closure of the National Mall, even though it is open-air. The World War II Memorial is normally opened 24-hours a day with no staff supervising, and yet, you chose to lock out World War II veterans from their memorial last week. Actions taken by the NPS over the past eight days prove that the politics of the government shutdown are the paramount concern, rather than the implementation of policies that benefit the people during this interim period.

Additionally, we have seen reports of armed Park Service personnel forcing senior citizens to stop photographing wildlife at Yellowstone National Park, and then locking them in their hotel.² These same seniors were then ordered to leave Yellowstone without even stopping at privately owned restrooms throughout the park. Another news story highlighted a jogger in Valley Forge National Historical Park who was given a \$100 fine for running on the Park's publicly owned

¹ <http://blogs.wsj.com/washwire/2013/10/08/immigration-rally-goes-forward-on-mall/>

² <http://www.eagletribune.com/local/x1442580353/Gestapo-tactics-meet-senior-citizens-at-Yellowstone>

trails.³ Even worse, homeowners at the Lake Mead National Recreation Area have been forced to leave their houses because they sit on federal land.⁴ The NPS is also preventing tourists in South Dakota from simply pulling to the side of the road to take pictures of Mount Rushmore.⁵ It costs far more to place barricades and armed police around monuments and private residences than to leave these spaces open. The new precedent set by the NPS is harmful, fiscally irresponsible, and violates its non-partisan tradition.

Public lands are owned by all the people. They have a right to their continued use. Using taxpayer funded spaces as a means to advance the White House's favored interests, while closing off admission to ordinary Americans not engaged in political activities, is morally reprehensible. This behavior exemplifies what is wrong with Washington. The people of this country deserve better than political appointees dictating who wins and who loses in a government shutdown based on partisan beliefs.

We look forward to your response.

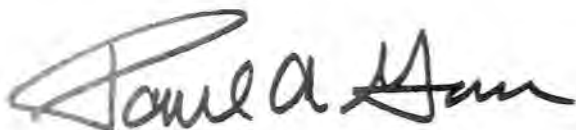
Sincerely,



Steve Pearce
Member of Congress



Cynthia Lummis
Member of Congress



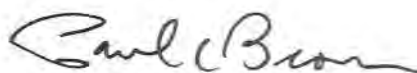
Paul Gosar
Member of Congress



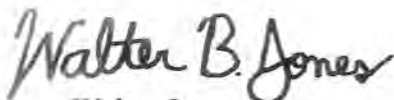
Mark Amodei
Member of Congress



Scott Tipton
Member of Congress



Paul Broun
Member of Congress



Walter Jones
Member of Congress

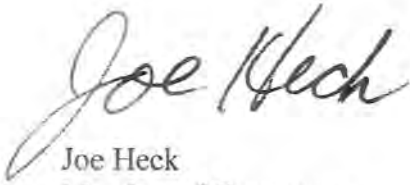


Cory Gardner
Member of Congress

³ http://www.yorkdispatch.com/breaking/ci_24260900/100-fine-running-at-valley-forge-amid-shutdown

⁴ <http://www.ktnv.com/news/local/226557661.html?lc=Smart>

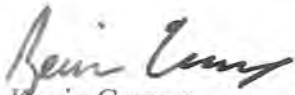
⁵ <http://siouxfallsbusinessjournal.argusleader.com/article/20131004/UPDATES/310040047/S-D-officials-object-feds-barring-visitors-from-highway-viewing-areas-near-Mount-Rushmore>



Joe Heck
Member of Congress



Doug Lamborn
Member of Congress



Kevin Cramer
Member of Congress



Chris Stewart
Member of Congress



Tom McClintock
Member of Congress

United States Congress

638564

November 13, 2013

RECEIVED

2013 NOV 13 AM 4:40

OFFICE OF THE
EXECUTIVE SECRETARIAT

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C St, N.W.
Washington, D.C. 20240

Dear Secretary Jewell,

Like you, we are committed to appropriate conservation and multiple-use management of our public lands. As elected officials, we are working closely with our constituents on efforts to improve public land management—which often include conservation designations. Given the gravity and permanence of national monuments, we believe that should these decisions be necessary, they should be made by Congress in an open, transparent, and public manner using extraordinary caution.

On October 31, 2013, during remarks at the National Press Club regarding the Antiquities Act, you said, “if Congress doesn’t step up to act to protect some of these important places that have been identified by communities and people throughout the country, then the president will take action...there’s no question that if Congress doesn’t act, we will.”

In light of this statement, we are requesting a comprehensive list of the “important places” you reference in your comments that the administration is considering for national monument designations, along with a proposed timeline. Additionally, we are seeking clarification of whether designations are being considered only for proposed national monuments or whether there are other land-use proposals the administration would consider making monuments absent Congressional action. We also request that the administration notify all members of a state’s congressional delegation at least 90-days in advance of designating a monument within that particular state.

We believe that these requests are consistent with your repeated commitment to openness, transparency, and cooperation with local and state officials in the context of land management decisions. Especially in consideration

of past controversial usage of the Antiquities Act, your statements at the National Press Club have the potential to unravel the good work done by many to develop bottom-up land management solutions. Clarification of those statements is therefore critical to the continued success of these grassroots initiatives.

We want to reaffirm our belief that public lands designations should originate in local communities where the concept enjoys broad support from elected officials, stakeholders, and other impacted individuals. Thank you for your attention to this matter and we look forward receiving your response in the near future.

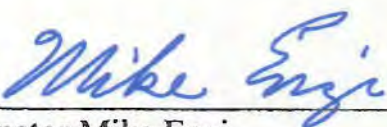
Sincerely,



Senator Dean Heller



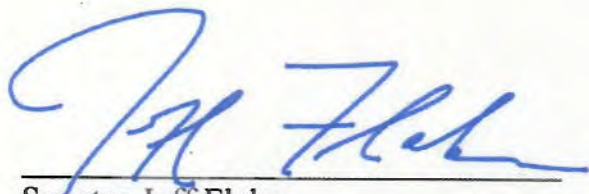
Representative Paul Gosar



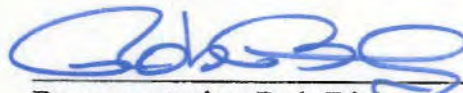
Senator Mike Enzi



Representative Steve Daines



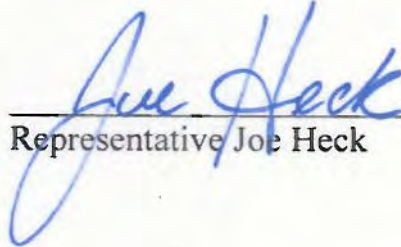
Senator Jeff Flake



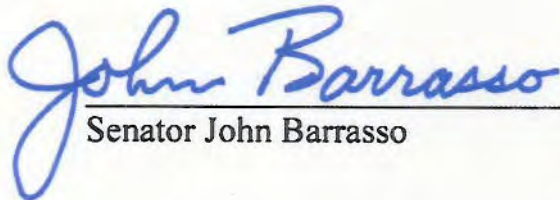
Representative Rob Bishop



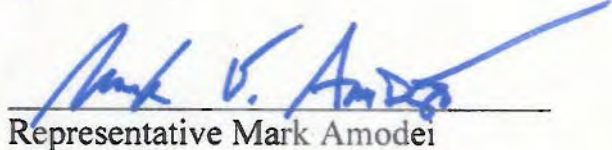
Senator Mike Crapo



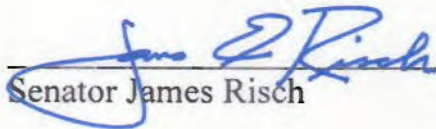
Representative Joe Heck



Senator John Barrasso



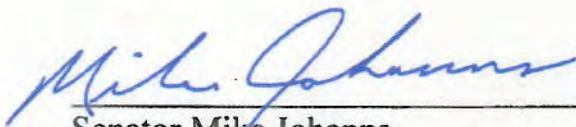
Representative Mark Amodei



Senator James Risch



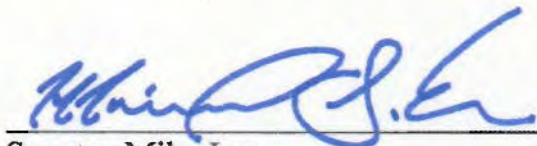
Representative Jason Chaffetz



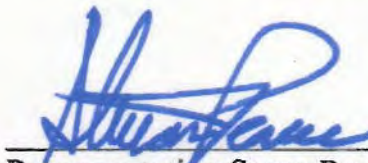
Senator Mike Johanns



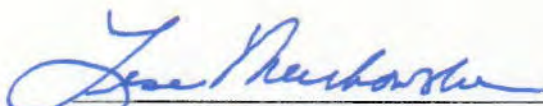
Representative Kevin Cramer



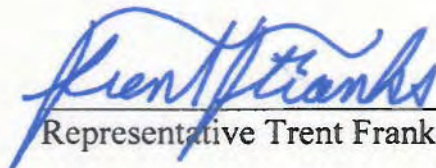
Senator Mike Lee



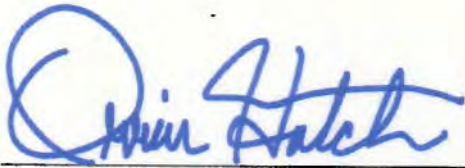
Representative Steve Pearce



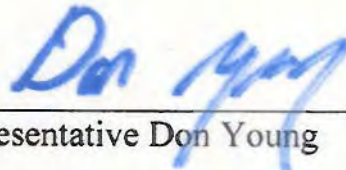
Senator Lisa Murkowski



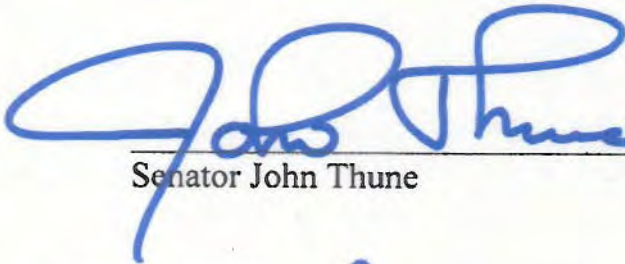
Representative Trent Franks




Senator Orrin Hatch



Representative Don Young



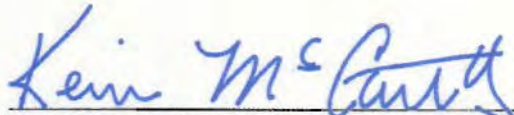
Senator John Thune



Representative Mike Coffman



Senator Tom Coburn



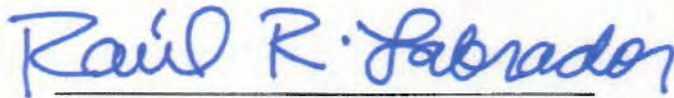
Representative Kevin McCarthy



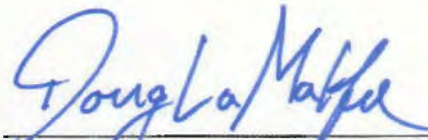
Representative Cynthia Lummis



Representative Chris Stewart



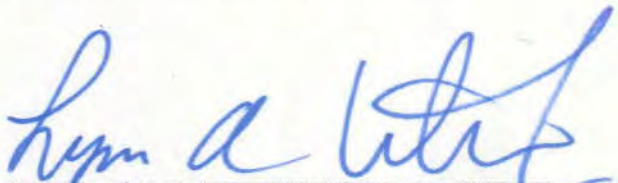
Representative Raúl Labrador



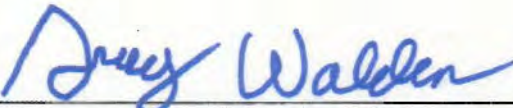
Representative Doug LaMalfa



Representative Louie Gohmert



Representative Lynn Westmoreland



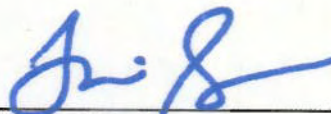
Representative Greg Walden



Representative David Schweikert



Senator David Vitter



Senator Tim Scott



Cannuscio, Lisa <lisa_cannuscio@ios.doi.gov>

Fwd: Fw: PDF of Jewell Letter

1 message

Iudicello, Fay <fay_iudicello@ios.doi.gov>
To: Lisa Cannuscio <lisa_cannuscio@ios.doi.gov>

Wed, Nov 13, 2013 at 3:28 PM

pls task to BLM for SS signature. Thanx

——— Forwarded message ———

From: **Harding, Stephenne** <stephenne_harding@ios.doi.gov>

Date: Wed, Nov 13, 2013 at 3:00 PM

Subject: Fwd: Fw: PDF of Jewell Letter

To: Fay Iudicello <fay_iudicello@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>, Sarah Neimeyer <sarah_Neimeyer@ios.doi.gov>

FYI

——— Forwarded message ———

From: **Lesofski, Emy (Heller)** <Emy_Lesofski@heller.senate.gov>

Date: Wed, Nov 13, 2013 at 2:27 PM

Subject: Fw: PDF of Jewell Letter

To: "stephenne_harding@ios.doi.gov" <stephenne_harding@ios.doi.gov>

Hi! Please see attached letter re: national monuments. I'll give you a holler to chat about this. Thanks!
Em.

From: Leavitt, Ryan (Heller)
Sent: Wednesday, November 13, 2013 09:49 AM
To: Lesofski, Emy (Heller)
Subject: PDF of Jewell Letter

Attached. Thanks.

Ryan Leavitt

Legislative Correspondent

Office of Senator Dean Heller (NV)


324Hart Senate Office Building

202-224-6244

Ryan_leavitt@heller.senate.gov

—
Stephenne Harding
Deputy Director
Congressional and Legislative Affairs
Department of the Interior
Stephenne_Harding@ios.doi.gov
202-208-6174 (desk)
202-341-8080 (cell)

—
Fay S. Iudicello
Director, Office of the Executive
Secretariat and Regulatory Affairs
1849 "C" Street NW MS-7328
Washington, DC 20240-0001
(202) 208-3181 Office
(202) 219-2100 Fax
(202) 251-0135 Cell

 **Letter to Secretary Jewell 11-13-13.pdf**
997K



THE SECRETARY OF THE INTERIOR
WASHINGTON

NOV 21 2013

The Honorable Dean Heller
United States Senate
Washington, DC 20510

Dear Senator Heller:

Thank you for your letter dated November 13, 2013, regarding your reaffirmed commitment to conservation and multiple use management of our public lands. The parks, refuges, monuments, and public lands that Congress and Presidents protected in the past safeguard our uniquely American heritage, provide our families a place to recreate, sustain watersheds and wildlife, and generate important economic activity in your State and around this Country.

I do believe, as I said in the National Press Club remarks your letter references, that we have a moral obligation to build on this legacy and to leave our lands, waters, and wildlife to the next generation in a better condition than we found them. Fulfilling that obligation could happen through legislation or may mean using the Antiquities Act, as have 16 Presidents of both parties over the course of more than a century, to protect 130 National Monuments at places like the Grand Canyon, the Statue of Liberty, and Colorado's Canyons of the Ancients.

As the Administration moves forward to determine what sorts of places may warrant protection, we will continue to focus our efforts on areas where there is a groundswell of local support. I am committed to continuing this Administration's public engagement and the involvement of local communities as an important part of considering any new designation. That is a commitment the President has made and has delivered on. Each of the nine designations made by this Administration to date was the result of strong local support and the type of "bottom-up" effort your letter endorses.

We are not driven by lists made in Washington, but respond to letters and invitations from citizens on the ground and members of Congress who have drafted legislation or invited me to their communities to see their most cherished lands and prized historic landmarks. These are places such as the Harriet Tubman Underground Railroad National Monument and the Rio Grande del Norte National Monument, which members of Congress sought to protect.

There are dozens of bills in the House and the Senate right now by members of both parties that identify special areas that they want to protect. I am equally committed to work with Congress to make another public lands bill, like the Omnibus Public Lands Act of 2009, a reality.

I look forward to working with you and all interested stakeholders as we move forward to preserve our Nation's treasures and build a conservation legacy for the next generation. A similar reply is being sent to the co-signers of your letter.

Sincerely,

Sally Jewell

KEVIN CRAMER
NORTH DAKOTA

WASHINGTON D.C. OFFICE:
1032 LONGWORTH BUILDING
WASHINGTON, DC 20515
202-225-2611

BISMARCK OFFICE:
220 EAST ROSSER AVENUE
SUITE 328
BISMARCK, NORTH DAKOTA 58501
701-224-0355



FARGO OFFICE:
3217 FIECHTNER DRIVE, SUITE D
FARGO, NORTH DAKOTA 58103
701-356-2216

MINOT OFFICE:
315 MAIN STREET SOUTH, SUITE 203
MINOT, NORTH DAKOTA 58701
701-839-0255

GRAND FORKS OFFICE:
CENTER FOR INNOVATION FOUNDATION BUILDING
4200 JAMES RAY DRIVE, OFFICE 600
GRAND FORKS, NORTH DAKOTA 58202
701-738-4880

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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515
2014 SEP 22 PM 5:08

September 16, 2014

The Honorable Sally Jewell Secretary of the Interior 1849 C St NW Washington, DC 20240	The Honorable Chuck Hagel Secretary of Defense 1400 Defense Pentagon Washington, DC 20301	The Honorable Thomas Vilsack Secretary of Agriculture 1400 Independence Ave SW Washington, DC 20250
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Dear Secretaries Jewell, Hagel, and Vilsack,

Thank you for your service to the American people, your responses to my past letters, and attendance at Congressional hearings I've participated in. The issue I bring to your attention in this letter may or may not be new to you, but is of importance to the operations of the federal government within the State of North Dakota and the surrounding region.

As I'm sure you're aware the Bakken and Three Forks geological formations most prevalent in Western North Dakota has recently been providing our nation with valuable oil and natural gas in considerable amounts, bringing jobs in a struggling economy and rewriting our energy security equation not seen in decades. With this production has come significant growth in income with the most recent US Census data showing median household income growing 12% from 2008 to 2012 in North Dakota and only 1% during the same time period for the entire United States. It would not be difficult to argue this disparity has only grown since 2012 as North Dakota's unemployment rate currently sits at 2.8% and the entire United States at 6.1%.

Significant income growth however has also come in conjunction with enormous increases in cost of living for many in the region. Reports indicate Dickinson, ND has the fourth highest cost of rent in the nation at \$1,733 per month for a 700-square-foot one bedroom apartment and Williston, ND tops the chart at \$2,394 per month. These cities are not traditionally high rent localities, but those which are, like Boston, New York, and Los Angeles, rank six, seven, and eight respectively.

You have a lot of dedicated employees working in North Dakota from the Air Force Base in Minot to the Forest Service office in Watford City to the Bureau of Land Management Office in Dickinson. The incredible responsibility these employees have over the national security of our nation and allies to managing our taxpayers natural resources demands a competitive wage to ensure these positions are filled with properly qualified individuals. I am convinced in the long-run retention of qualified employees will be a better deal for the American taxpayer than the continuous training of new employees and the impact this has on productivity.

The statistics I've mentioned are only a few to indicate the tight labor market expected to be seen for years to come in the region. Your local management working collaboratively within the "Bakken Federal Executive Group" will be able to provide you with even more in greater detail.

In Congress we've been successful to get increased wages for some jobs most closely related to the oil and gas industry, but as can be demonstrated jobs across North Dakota's economy are in high demand. In an effort to reduce federal workload I will continue to seek efficiencies to be had and redundancies to be eliminated. However, most immediately, I stand ready to work with you to institute a special pay rate for all federal employees in the Bakken region. Please do not let this issue become another example of government dysfunction and bureaucracy.

Thank you again for your service and your attendance to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Cramer". The signature is fluid and cursive, with a large initial "K" and a long, sweeping underline.

Kevin Cramer
United States House of Representatives

Cc: Katherine Archuleta, Director, Office of Personnel Management



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 11 2015

The Honorable Kevin Cramer
U.S. House of Representatives
Washington, DC 20515

Dear Representative Cramer:

Thank you for your September 16, 2014, letter regarding the significant growth in oil and gas production in North Dakota. The Secretary asked me to respond on her behalf.

Advances in drilling and extraction technology have quickly transformed the Bakken region into a prolific oil and natural gas producer. Energy development activity in the Bakken propelled North Dakota oil production to record levels, moving the State into position as the second oil producer in the United States, just behind Texas.

You state in your letter that a financial impact from this energy development activity is an exponential increase in the cost of living, where housing expenditures exceed the national average. You also indicate while private industry salaries are able to keep pace with cost of living expenses, there is a significant impact to Federal employees whose salaries increased only 1 percent from 2008 to 2012.

The Department of the Interior (Department) is acutely aware of the significant impacts that are resulting from the growth in oil and gas extraction activities within North Dakota and the Bakken region as a whole. I am pleased to inform you of the steps the Department is taking to address the challenges you highlighted in your letter. In Fiscal Year 2014, the Department requested and received Congressional authority to pay 25 percent above base salary rates for certain energy mission critical occupations, such as Petroleum engineers, within your region. In November 2014, the Department submitted a request to the U.S. Office of Personnel Management to establish and implement a special salary table for a broader set of mission critical energy occupations engaged in oil and gas activities. The special salary rate table will provide a permanent solution to help address the salary imbalances. In addition, the Department is utilizing recruitment, retention, and relocation incentives.

If you have any questions or concerns regarding the steps the Department have taken, please feel free to contact the Office of Congressional and Legislative Affairs at (202) 208-7693.

I appreciate the opportunity to respond to your inquiry.

Sincerely,

Kristen J. Sarri
Principal Deputy Assistant Secretary
Policy, Management and Budget

Congress of the United States

Washington, DC 20515

October 16, 2014

747969

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Jewell:

We write to express concerns with the lack of transparency of your Department's evaluation and use of 'best available scientific and commercial data' and lack of coordination with and assurances to affected states and other stakeholders relating to their extensive ongoing conservation efforts to avoid a listing under the Endangered Species Act (ESA) of the Greater Sage Grouse.

With less than a year to go before the Department's self-imposed September 2015 settlement deadline to determine whether to list the Greater Sage Grouse under the ESA, it appears that the Department is blatantly ignoring or downplaying significant flaws and gaps in its own sage grouse data and science, and failing to incorporate recent data that suggests sage grouse populations are stable and not declining. This undermines the Obama Administration's pledge to "ensure the public trust and establish a system of transparency, public participation, and collaboration."

We are also concerned that, at the same time, the Department has set in motion a process to mandate, through revisions to 98 resource management plans, mitigation requirements which have not been deemed necessary or helpful to sage grouse that would devastate state and local economies and severely impact private property owners' activities in portions of eleven western states. It is much more important that best available science and data, rather than mega-settlement deadlines negotiated behind closed-doors, guide this important ESA issue.

Recently, we have been made aware that the U.S. Fish and Wildlife Service (FWS), together with the U.S. Geological Survey (USGS) has scheduled an October 22-23, 2014 "workshop" in Fort Collins, Colorado to "collect information from scientific experts" on various science questions on genetic differences of sage grouse. While we concur that it is important for the FWS to reconcile the many and serious flaws and gaps of studies relied upon in federal rules and reports, such as the 2011 "*Report on National Greater Sage-Grouse Conservation Measures*" (NTT Report), and the 2013 "*Greater Sage-grouse Conservation Objectives: Final Report*" (COT Report), the purpose and structure of this workshop raises more questions than it answers. As you know, the USGS, FWS, and Bureau of Land Management (BLM) all rely on the NTT Report and COT Report which contain studies that have been shown to contain bias, mathematical flaws, misrepresentation of science and data, and erroneous opinion and

OFFICE OF THE
EXECUTIVE SECRETARY

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assumptions.¹ This issue is too important to be relying on mere opinion, and deserves to have the best available scientific and commercial data be used in determining the status of the Sage Grouse and the best way to move forward.

Without question, the American public deserves and expects the Department and FWS to foster an open and transparent process on how it receives, evaluates and incorporates sage grouse data, and determines what is or isn't "best available," as ESA requires. Reversing itself in 2010, the FWS found that listing several populations of sage grouse found in portions of eleven states "may be warranted," allegedly due to population declines. However, rather than focus on actual sage grouse population data, the workshop apparently will consist of discussions of mere "individual *opinions*" and queries of individual *professional experience and opinion* rather than sound science regarding sage grouse genetics, according to the invitation.

It is disappointing that the FWS workshop does not also include an examination of data relating to population trends in addition to questions of genetics, since many have questioned the FWS' lack of clear data that Greater Sage Grouse populations range-wide are declining, and in fact, some study data indicates populations in many areas are stable. Moreover, confusion about the FWS' policies relating to various distinct population segments of the sage grouse has been compounded by a 2013 USGS report that states the FWS "no longer considers listing consideration at the subspecies level based on the multiple lines of evidence that do not support the eastern and western subspecies delineation in sage-grouse."²

In addition, the FWS recently confirmed that the few invited must meet rigid, somewhat exclusionary criteria to participate at the Fort Collins October workshop. As a result, participants will be comprised almost entirely of federal employees, federal grantees, or individuals who helped draft, were connected with, or have some interest in either the NTT or the COT reports or with FWS' research. It is concerning that the invited participants, with the exception of a co-author of a primary source of the flawed COT Report, do not include any representatives of affected states or state fish and wildlife agencies that have been working on plans to avoid a federal ESA listing. Non-profit science researchers (such as those from litigious groups favoring a federal listing) are apparently invited, while other scientists employed by industries or non-governmental entities appear to be excluded.

Adding insult to injury, the public would not be allowed to observe or obtain any information relating to this "workshop" until well after the BLM and U.S. Forest Service finalize their resource management plan revisions and the FWS finalizes its listing decision. This runs counter to data transparency and ensuring use of best science that would benefit both the Greater Sage Grouse and millions of people in the affected area.

¹ Witnesses at multiple hearings before the Committee on Natural Resources have testified about incidences of bias, mathematical flaws, misrepresentation of science and data, erroneous opinions and assumptions found in published studies in the monograph *Greater Sage-Grouse: ecology and conservation of a landscape species and its habitats; Studies in Avian Biology (vol. 38)*, University of California Press (2011).

² p. 10, "Summary of Science, Activities, Programs, and Policies That Influence the Rangewide Conservation of Greater Sage-Grouse," United States Geological Survey (May 2013).

Additionally, the distribution materials for the workshop state that the “workshop will comply with all Federal regulations, including the Federal Advisory Committee Act (FACA), the Administrative Procedure Act (APA) and the Endangered Species Act (ESA).” As this workshop, of course, is not an attempt to form an Advisory Committee, but structured in a way to purposefully avoid triggering FACA, it is curious that compliance with FACA would be listed in the details for the workshop. As you are aware, FACA was passed with the intent to make information provided by advisory committees objective and accessible to the public, and true increased public participation and full transparency would be welcomed by those state most significantly impacted by this decision.

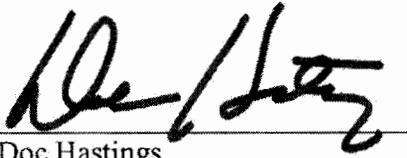
Because the FWS continues to insist on adhering to inflexible, self-imposed settlement deadlines amidst growing unanswered questions about data quality, and now specifically, the intent of and details behind how this workshop and other influential data will be used in the process to determine whether the list the Sage Grouse, we request prompt written responses to the following questions, no later than November 1, 2014:

1. Please describe how and for what purpose the October 22-23, 2014 “Expert Elicitation Workshop on the Genetics of the Greater Sage-Grouse” in Fort Collins, Colorado was arranged.
2. What specific scientific concerns with the federal agencies’ Greater Sage-Grouse data is the workshop designed to address?
3. Were any formal information quality guidelines or federal authorities used to sponsor the workshop and develop the criteria for eliciting expert opinions for this workshop? If so, please describe in detail.
4. Will the FWS schedule subsequent workshops or forums relating to the DNA or genetics of Greater Sage Grouse? If so, please outline where and when? If not, why not?
5. With regard to the Bi-State, Columbia Basin, Gunnison populations of the Greater Sage Grouse, what is the FWS’ current policy regarding separation of populations at the subspecies level, and what will this mean regarding the current process for the FWS listing determinations for each?
6. Did the FWS consult with any of the affected states, their Governors, or other state officials regarding participation in the October 22-23 workshop? If so, please describe the consultation in detail, who was consulted and whether and when they were invited.
7. Did the FWS consult with any published experts, including federal, non-federal, academic, non-profit, industry, or others before assembling a list of potential invitees? If so, please indicate who the FWS consulted with.
8. Who developed the participation criteria and invitation list relating to the workshop and how were the invitations announced and conveyed?

9. Were any public notices or Federal Register Notices published about the workshop?
10. Please explain the role of USGS facilitators at this workshop.
11. Please provide copies of current curriculum vitae or resumes of each invited participant.
12. Please list all invited participants that were team members, were cited as sources, or who had any involvement at all with the "*Report on National Greater Sage-Grouse Conservation Measures*" (NTT Report, 2011), or the "*Greater Sage-grouse Conservation Objectives: Final Report*" (COT Report, 2013).
13. Please list all invited participants that currently receive or have received federal research grants from the FWS, USGS, Forest Service, or BLM, and list all grants each received with dates and amounts.
14. As you know, the ESA requires that listings determinations be based on the "best available scientific and commercial data available." Other than "individual opinions", "professional experience" or "unpublished studies" offered by the participants of this workshop, what efforts will the FWS or the Department make to allow qualified scientists or biologists with expertise in sage grouse to submit actual data or information regarding Greater Sage Grouse populations, DNA or genetics?
15. Will interested individuals from the public be permitted to observe this workshop? If not, why not?
16. Will the workshop be recorded or transcribed, or will minutes be taken? If so, how and when will this be made available to the public? If not, why not?
17. Please describe the process on how the results of this workshop will be utilized by the FWS in its listing determination.

We look forward to your prompt response to these questions. We also sincerely encourage you to consider cancelling this workshop and instead, before proceeding with any final listing or regulatory action, initiate an independent scientific review of *all* relevant sage grouse population and genetic science, such as through the National Academy of Sciences, that will encourage all scientists with expertise in this issue to contribute through a much more inclusive and transparent process. An independent scientific review of all best available science will work to strengthen trust and credibility in the agencies' current opaque and flawed science, and better inform the Department and the American public on this important issue.

Sincerely,



Doc Hastings
Member of Congress



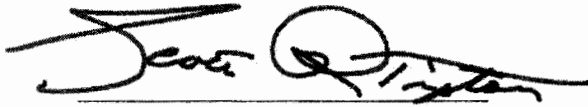
Rob Bishop
Member of Congress



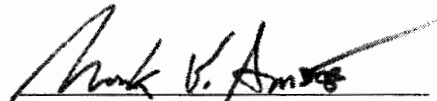
Jason Chaffetz
Member of Congress



Doug Lamborn
Member of Congress



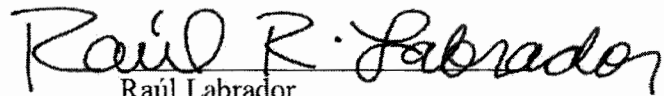
Scott Tipton
Member of Congress



Mark Amodei
Member of Congress



Cynthia Lummis
Member of Congress




Raúl Labrador
Member of Congress




Kevin Cramer
Member of Congress



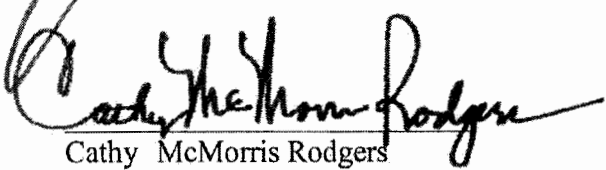
Chris Stewart
Member of Congress



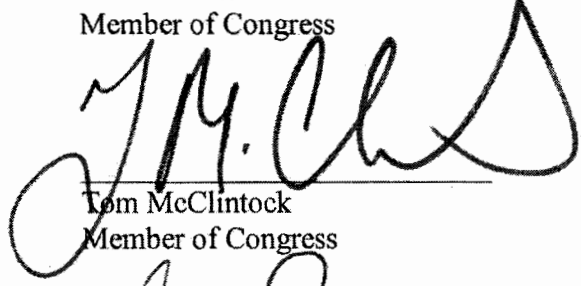
Joseph Heck
Member of Congress



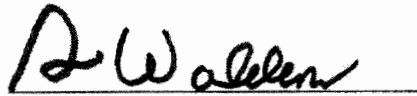
Steve Daines
Member of Congress



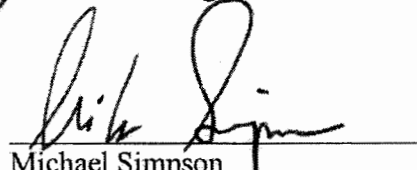
Cathy McMorris Rodgers
Member of Congress



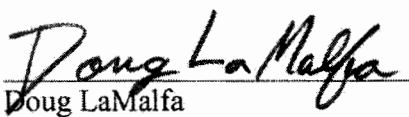
Tom McClintock
Member of Congress



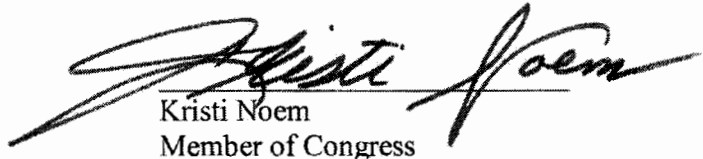
Greg Walden
Member of Congress



Michael Simpson
Member of Congress



Doug LaMalfa
Member of Congress



Kristi Noem
Member of Congress

cc: Mr. Dan Ashe, Director, U.S. Fish and Wildlife Service
Ms. Suzette Kimball, Acting Director, U.S. Geological Survey
Mr. Neil Kornze, Director, Bureau of Land Management
Mr. Tom Tidwell, Chief, U.S. Forest Service
The Hon. Brian Sandoval, Nevada Governor and Chairman, Western Governors
Association



Howarth, Robert <robert_howarth@ios.doi.gov>

Fwd: Letter to Secretary Jewell

1 message

Neimeyer, Sarah <sarah_neimeyer@ios.doi.gov> Thu, Oct 16, 2014 at 3:51 PM
To: "Iudicello, Fay" <fay_iudicello@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>, Christopher Salotti <chris_salotti@ios.doi.gov>, "Harding, Stephenne" <stephenne_harding@ios.doi.gov>, Sarah Greenberger <Sarah_Greenberger@ios.doi.gov>

Fay – please enter this letter in the mail system. thanks, sarah
—— Forwarded message ——

From: **Ungerecht, Todd** <Todd.Ungerecht@mail.house.gov>
Date: Thu, Oct 16, 2014 at 3:42 PM
Subject: Letter to Secretary Jewell
To: "sarah_neimeyer@ios.doi.gov" <sarah_neimeyer@ios.doi.gov>

Sarah—

Please make sure the Secretary sees this letter. A hard copy will also be mailed. Thank you.

Todd Ungerecht

Senior Counsel to the Chairman

Committee on Natural Resources, Doc Hastings, Chairman

U.S. House of Representatives

Washington, DC

(202) 225-2761

(202) 226-2060 direct

—

Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary

10/16/2014

DEPARTMENT OF THE INTERIOR Mail - Fwd: Letter to Secretary Jewell

Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557
Fax - (202) 208-5533

 **10.16.14 Sage Grouse Letter to Sec Jewell.pdf**
2280K



THE SECRETARY OF THE INTERIOR
WASHINGTON

DEC 03 2014

The Honorable Kevin Cramer
House of Representatives
Washington D.C. 20515

Dear Representative Cramer:

Thank you for your letter of October 16, 2014, cosigned with several of your colleagues, regarding a recent workshop that the U.S. Fish and Wildlife Service (Service) held to explore genetic issues related to conservation of the greater sage-grouse.

The Service is committed to make a finding on whether an Endangered Species Act listing of the greater sage-grouse is warranted by September 30, 2015. The expert elicitation workshop that you referenced is one small component of a comprehensive process the Service is undertaking to ensure that it possesses and understands the best scientific and commercial data available to inform that decision.

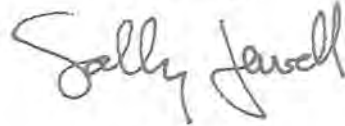
During the genetics workshop, the Service asked scientific experts to help ensure that the Service is aware of and understands relevant and recently completed or upcoming genetic studies. The Service also asked these experts to provide background on the latest laboratory and statistical techniques used by conservation geneticists to answer questions regarding barriers to gene flow, isolation, and divergence of populations. The Service consulted with the chair of the Western Association of Fish and Wildlife Agencies' Sage-Grouse Executive Committee in developing the list of invited experts. They took meeting minutes and will prepare a post-workshop executive summary as the official record of the meeting.

The Service has been actively soliciting information relevant to a listing determination since they made the 2010 petition finding that a listing proposal was warranted. At that time, and in every subsequent year through the annual Candidate Notice of Review, the Service requested that the public provide any information relevant to a listing determination. In addition, in August of this year the Service solicited all interested parties to submit information relevant to greater sage-grouse status, population trends, threats, and conservation efforts. The Service anticipates that they will benefit from an upcoming analysis by the Western Association of Fish and Wildlife Agencies that will update the 2008 report on the range-wide population status and trend of the species.

The Service is preparing to brief interested Members of Congress and staff in early December on the process they will employ this coming year to gather, analyze, and evaluate information for determining whether to propose listing of the greater sage-grouse. They will be prepared at that time to discuss the genetics workshop and the other elements of the assessment process that we will employ this year.

Thank you for your interest in the Service's review of the status of the greater sage-grouse. Please feel free to contact the Service's Director, Mr. Dan Ashe at (202) 208-4545 if you should have any additional questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Sally Jewell". The signature is written in a cursive, flowing style.

Sally Jewell

Jack Dalrymple
Governor

John Hoeven
756309
U.S. Senator

RECEIVED
Kevin Cramer
2015 SEP 16 PM 4:23
U.S. Representative
OFFICE OF THE
EXECUTIVE SECRETARY

September 14, 2015

The Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW, Room 6151
Washington, DC 20240

Lieutenant General Thomas P. Bostick
Commanding General and Chief of Engineers
U.S. Army Corps of Engineers – Headquarters
441 G Street NW
Washington, DC 20314-1000

Dear Secretary Jewell and Lieutenant General Bostick:

We are writing to follow up on correspondence and questions you received from our offices over the past several months regarding the potential transfer of excess lands around Lake Sakakawea from the U.S. Army Corps of Engineers to be held in trust by the Department of the Interior for the Three Affiliated Tribes of the Fort Berthold Reservation. We are concerned that this process is moving forward without addressing the questions and concerns that our delegation has been raising since this effort first began a decade ago.

There is continued ambiguity about what and how much land is being planned for transfer. The Corps has said it is normal for them to wait until an agreement is reached between agencies before preparing an accurate description of the lands being transferred. However, an accurate land description is necessary to fully understand the effects of a transfer on the varied management and access interests around the lake. We request that detailed legal descriptions of the land in question be available to the public for review and comment before a final decision is made. An elevation contour line, which is all that has been used so far to describe the boundary around the lake, is not a legal description necessary for a deed or other real property conveyance under North Dakota law. We would like to reiterate the point that creating a jurisdictional boundary determined by an elevation line poses difficult issues for the public and affected governments in determining civil and criminal jurisdiction on each side of the line.

We also continue to have concerns about reduced access to Lake Sakakawea, and we have received no assurances from Interior or the Corps that these concerns will be addressed. Under the current Corps management, the lands around Lake Sakakawea are public lands with public access. If these public lands are converted to trust lands, then public access could be severely restricted and subject to the discretion of the Tribe. The public must continue to have free access to the water and

to any state land, private lands and cabins, and remaining Corps lands along the shore for recreation, shore fishing, hunting, and other lawful purposes. At a minimum, sufficient public roads, trails and rights of way must be reserved by the Corps to ensure full access to Garrison project lands without requirement of access fees or other permission from the Tribe.

We are also concerned about water development and wildlife management around the lake. Access to water intakes through Corps land has already been a barrier to water development both on and off the reservation. The addition of trust lands to this geography would add one more entity through which water line easements must be negotiated and could slow down water development even more. Also, the state has invested in 7500 acres of Wildlife Management Areas in Van Hook and Deep Water Bay. These investments were made to benefit all North Dakotans and should not be included in any land transfer. However, we have received no acknowledgment or assurances from Interior or the Corps on how these Wildlife Management Areas will be treated.

It is also unclear how the proposed land transfer will affect Payments in Lieu of Taxes (PILT) to the counties bordering Lake Sakakawea. Can you outline how PILT payments will be affected in each county if this land transfer were to go through?

Finally, we are concerned with the views expressed by Assistant Secretary for Indian Affairs, Kevin Washburn, at a Senate Indian Affairs Committee hearing on July 8, 2015. Senator Hoeven asked Mr. Washburn how the BIA would ensure continued public access around Lake Sakakawea and pointed out that no public meetings have been held since 2007 on this transfer. Mr. Washburn said that P.L. 98-602 tells the Corps' that excess lands "must" be returned to the tribe. He said that the statute did not provide for public input and that this land transfer is mandatory under the law.

However, the section of the law in question, Section 206 (b), says:

"(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land within the exterior boundaries of the reservation acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation." (Emphasis added)

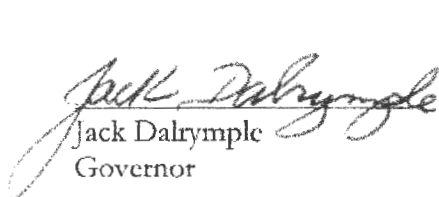
This section does not read as being mandatory. Is it the position of the Department of the Interior that this transfer is mandatory under P.L. 98-602, Section 206 (b), as Assistant Secretary Washburn stated? Mr. Washburn also stated that the tribe has a shared interest in maintaining public access around the Lake, which is encouraging. However, there is nothing in writing to ensure this will be implemented and protected if this transfer were to occur. There must be legal assurances for access to secure stakeholder support moving forward.

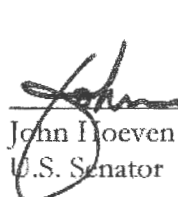
The proposal in question would transfer land to the Department of the Interior to be held in trust for the Tribe, even though the vast majority of the land was taken from individual tribal members who held it as allotted lands, or from non-tribal members who held the land in fee. Can you explain the status of the lands proposed for transfer prior to the construction of Garrison Dam? Which of these lands were held by allottee or fee ownership?

We understand the motivation of the Corps and Interior to carry out what was authorized in the Fort Berthold Mineral Restoration Act. However, there are many other interests involved that are not being fairly addressed. We urge your agency to engage the public and our delegation and address the concerns that we have raised.

We appreciate your consideration and look forward to your response.

Sincerely,


Jack Dalrymple
Governor


John Hoeven
U.S. Senator


Kevin Cramer
U.S. Congressman



Lowery, Steve <steve_lowery@ios.doi.gov>

Fwd: Letter to Secretary Jewell

1 message

Iudicello, Fay <fay_iudicello@ios.doi.gov>
To: Steve Lowery <steve_lowery@ios.doi.gov>

Wed, Sep 16, 2015 at 12:41 PM

pls task as appropriate

Fay S. Iudicello

Director, Office of the Executive

Secretariat and Regulatory Affairs

1849 "C" Street NW MS-7328

Washington, DC 20240-0001

(202) 208-3181 Office

(202) 219-2100 Fax

(202) 251-0135 Cell

----- Forwarded message -----

From: **Neimeyer, Sarah** <sarah_neimeyer@ios.doi.gov>

Date: Wed, Sep 16, 2015 at 12:20 PM

Subject: Fwd: Letter to Secretary Jewell

To: "Iudicello, Fay" <fay_iudicello@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, Kevin Washburn <kevin.washburn@bia.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>

Fay -- can you enter this in the mail system? Thanks, Sarah

----- Forwarded message -----

From: **Hamman, Kristen (Hoeven)** <Kristen_Hamman@hoeven.senate.gov>

Date: Wed, Sep 16, 2015 at 12:08 PM

Subject: Letter to Secretary Jewell

To: "sarah_neimeyer@ios.doi.gov" <sarah_neimeyer@ios.doi.gov>

Hi Sarah,

Senator Hoeven, Congressman Cramer, and Governor Dalrymple of North Dakota sent the attached letter to Secretary Jewell today. I wanted to get you the electronic copy.

Thank you!

Kristen Hamman

Regional Director

Senator John Hoeven

312 Federal Building

220 East Rosser Avenue

Bismarck, ND 58501

Tel: (701) 250-4485

Fax: (701) 250-4484



--
Sarah C. Neimeyer, Director
Office of Congressional and Legislative Affairs
Office of the Secretary
Department of the Interior
1849 C Street, NW
Washington, DC 20240

Office - (202) 208-5557

Fax - (202) 208-5533

 **Letter_Sakakawea Land Transfer_Secretary Jewell Lt Gen Bostick_9-14-15_FINAL.pdf**
711K

Jack Dalrymple
Governor

John Hoeven
756309
U.S. Senator

RECEIVED
Kevin Cramer
2015 SEP 16 PM 1: 23
U.S. Representative
SENATE OF THE
EXECUTIVE SECRETARIAT

September 14, 2015

The Honorable Sally Jewell, Secretary
U.S. Department of the Interior
1849 C Street NW, Room 6151
Washington, DC 20240

Lieutenant General Thomas P. Bostick
Commanding General and Chief of Engineers
U.S. Army Corps of Engineers – Headquarters
441 G Street NW
Washington, DC 20314-1000

Dear Secretary Jewell and Lieutenant General Bostick:

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There is continued ambiguity about what and how much land is being planned for transfer. The Corps has said it is normal for them to wait until an agreement is reached between agencies before preparing an accurate description of the lands being transferred. However, an accurate land description is necessary to fully understand the effects of a transfer on the varied management and access interests around the lake. We request that detailed legal descriptions of the land in question be available to the public for review and comment before a final decision is made. An elevation contour line, which is all that has been used so far to describe the boundary around the lake, is not a legal description necessary for a deed or other real property conveyance under North Dakota law. We would like to reiterate the point that creating a jurisdictional boundary determined by an elevation line poses difficult issues for the public and affected governments in determining civil and criminal jurisdiction on each side of the line.

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to any state land, private lands and cabins, and remaining Corps lands along the shore for recreation, shore fishing, hunting, and other lawful purposes. At a minimum, sufficient public roads, trails and rights of way must be reserved by the Corps to ensure full access to Garrison project lands without requirement of access fees or other permission from the Tribe.

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However, the section of the law in question, Section 206 (b), says:

"(b) The Secretary of the Army and the Secretary of the Interior may enter into agreements under which any land within the exterior boundaries of the reservation acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the Three Affiliated Tribes of the Fort Berthold Reservation." (Emphasis added)

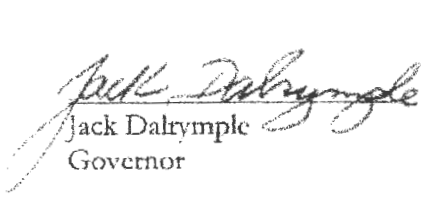
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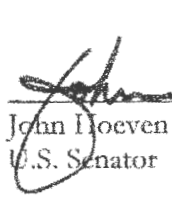
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We appreciate your consideration and look forward to your response.

Sincerely,


Jack Dalrymple
Governor


John Hoeven
U.S. Senator


Kevin Cramer
U.S. Congressman



Lowery, Steve <steve_lowery@ios.doi.gov>

Fwd: Letter to Secretary Jewell

1 message

Iudicello, Fay <fay_iudicello@ios.doi.gov>
To: Steve Lowery <steve_lowery@ios.doi.gov>

Wed, Sep 16, 2015 at 12:41 PM

pls task as appropriate

Fay S. Iudicello

Director, Office of the Executive
Secretariat and Regulatory Affairs

1849 "C" Street NW MS-7328

Washington, DC 20240-0001

(202) 208-3181 Office

(202) 219-2100 Fax

(202) 251-0135 Cell

----- Forwarded message -----

From: **Neimeyer, Sarah** <sarah_neimeyer@ios.doi.gov>

Date: Wed, Sep 16, 2015 at 12:20 PM

Subject: Fwd: Letter to Secretary Jewell

To: "Iudicello, Fay" <fay_iudicello@ios.doi.gov>, Robert Howarth <robert_howarth@ios.doi.gov>, Jeremy Bratt <jeremy_bratt@ios.doi.gov>, Kevin Washburn <kevin.washburn@bia.gov>, Lawrence Roberts <lawrence_roberts@ios.doi.gov>, Elizabeth Klein <Elizabeth_Klein@ios.doi.gov>

Fay -- can you enter this in the mail system? Thanks, Sarah

----- Forwarded message -----

From: **Hamman, Kristen (Hoeven)** <Kristen_Hamman@hoeven.senate.gov>

Date: Wed, Sep 16, 2015 at 12:08 PM

Subject: Letter to Secretary Jewell

To: "sarah_neimeyer@ios.doi.gov" <sarah_neimeyer@ios.doi.gov>

Hi Sarah,

Senator Hoeven, Congressman Cramer, and Governor Dalrymple of North Dakota sent the attached letter to Secretary Jewell today. I wanted to get you the electronic copy.

Thank you!

Kristen Hamman



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240

FEB 17 2016

The Honorable Kevin Cramer
House of Representatives
Washington, DC 20515

Dear Representative Kramer:

Thank you for your letter dated September 14, 2015, to Secretary Jewell regarding the potential transfer of up to 30,480 acres of lands within the boundaries of the Fort Berthold Reservation to the Department of the Interior (Interior) to be held in trust for the Three Affiliated Tribes of the Fort Berthold Reservation (MHA Nation). Secretary Jewell has asked me to respond to your letter on her behalf.

These lands are currently held by the U.S. Army Corps of Engineers (Corps) and are no longer needed for the Garrison Dam and Reservoir Project (Project). The Fort Berthold Reservation Mineral Restoration Act Section 206 (b) authorizes lands no longer needed for the Project to be transferred to Interior to be held in trust for the MHA Nation. The statute does not authorize the transfer of land to anyone other than Interior to be held in trust for the MHA Nation. The MHA Nation asked us to exercise this authority more than a decade ago, and we have worked since then to implement the law in a fair and transparent manner.

On May 6, 2015, Interior and the Department of the Army signed a Memorandum of Agreement (MOA) to set forth the transfer process. The MOA discusses Interior's and the Corps' commitment to continuing lawful current land use after the transfer. The MHA Nation has assured me that it intends to continue or expand public access to Lake Sakakawea to facilitate economic development and recreation. Interior will work with the Nation to ensure activities on the land are consistent with these conditions.

There are several technical efforts that must be completed before the land transfer can be finalized. Interior and the Corps have worked closely with the MHA Nation and the community throughout the process thus far and will continue to do so as we move forward. If you have any further questions, please do not hesitate to contact my office. A similar response has been sent to Governor Dalrymple and Senator Hoeven.

Sincerely,

Lawrence Roberts
Acting Assistant Secretary – Indian Affairs

cc: Assistant Secretary of the Army for Civil Works



MEMORANDUM OF AGREEMENT

BETWEEN THE DEPARTMENT OF THE INTERIOR AND THE DEPARTMENT OF THE ARMY PURSUANT TO SECTION 206(b) OF THE FORT BERTHOLD MINERAL RESTORATION ACT, PUBLIC LAW 98-602 (1984)

I. Purpose

This Memorandum of Agreement (MOA) dated May 6, 2015, is made between the Secretary of the Army on behalf of the Department of the Army, by and acting through the Assistant Secretary of the Army (Civil Works) (DA), the Secretary of the Interior on behalf of the Department of the Interior, by and acting through the Assistant Secretary – Indian Affairs (DOI) (collectively the Parties). This MOA sets forth the process by which any land within the exterior boundaries of the Fort Berthold Reservation (Reservation) acquired by the United States for the construction, maintenance, or operation of the Garrison Dam and Reservoir Project (Project) that is no longer needed for such purposes may be considered for administrative transfer to DOI to be held by the United States in trust for the benefit of the Mandan, Hidatsa, and Arikara (MHA) Nation of the Fort Berthold Reservation, also known as the Three Affiliated Tribes of the Fort Berthold Reservation.

II. Authorities

The Parties enter into this MOA pursuant to Section 206(b) of the Fort Berthold Mineral Restoration Act of 1984, Pub. L. 98-602, 98 Stat. 3152 (Oct. 30, 1984) (FBMRA), and other applicable Federal authorities.

III. Background

The DA acquired land situated within the exterior boundaries of the Reservation for construction, maintenance, and operation of the Project pursuant to the Flood Control Act of 1944, Pub. L. 78-534, 58 Stat. 887 (Dec. 22, 1944) and Pub. L. 81-437, 63 Stat. 1026 (Oct. 29, 1949) which authorized land acquisition from the MHA Nation.

Section 206(b) of the FBMRA provides that DA and DOI may enter into agreements under which any land within the exterior boundaries of the Reservation acquired by the United States for the construction, maintenance, or operation of the Project that is no longer needed for such purposes is declared to be held by the United States in trust for the benefit of the MHA Nation.

4. Finality and Appeals. No action or decision under this MOA is final for any Party until the DOI has acquired lands in trust for the MHA Nation as described in paragraph IV. 3 above. If the DOI accepts lands in trust for the MHA Nation pursuant to this MOA, the DOI will publish a notice of decision in the Federal Register.

V. Other Matters

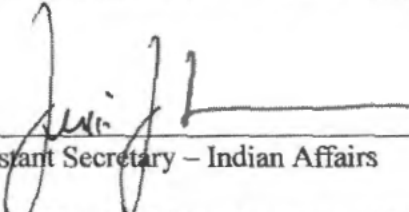
1. This MOA is not intended to create any right, benefit, or responsibility, substantive or procedural, enforceable at law by any person against the United States, its agencies, or any other person.

2. Modifications to this MOA may be submitted in writing by either the DOI or the DA, at any time and shall become effective upon the written acceptance of the Parties. Such modifications must be signed by the signatories hereto, or by their successors in office.

3. This MOA shall remain in full force until such time as DOI declares by letter to the DA and MHA Nation that: (a) the lands are held in trust by the United States for the benefit of the MHA Nation; (b) the DOI as a landholding agency accepts the transfer of custody and accountability of all the lands; and (c) the physical and system records of all the lands have been transferred from DA to the appropriate DOI office. Any provisions requiring performance after the expiration or termination of this MOA shall remain in full force, notwithstanding the expiration or termination of this MOA. If any provision of this MOA becomes invalid or unenforceable, the remaining provisions shall remain in full force and unaffected to the extent permitted by law.

4. It is expressly understood and agreed that this MOA embodies the entire agreement among the Parties and there are no understandings or agreements, verbal or otherwise, among the Parties except as expressly set forth herein.

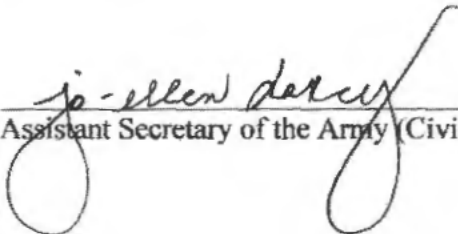
U.S. DEPARTMENT OF THE INTERIOR



Assistant Secretary - Indian Affairs

Date: MAY 06 2015

U.S. DEPARTMENT OF THE ARMY



Assistant Secretary of the Army (Civil Works)

Date: 06 MAY 2015

Congress of the United States

Washington, DC 20515

RECEIVED

860569
March 14, 2016

2016 MAR 15 PM 12:41

The Honorable Sally Jewell
Secretary
Department of the Interior
1849 C Street, N.W.
Washington DC 20240

Dear Secretary Jewell:

We write regarding the U.S. Department of Interior's January 15, 2016, Order No. 3388, the "Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program," and its potential impact on BNI Coal, based in Bismarck, North Dakota. We want to bring your attention to the attached letter that BNI sent to the Bureau of Land Management (BLM) on February 23, 2016, and we urge you to give full consideration to their requests and use your authority under the Federal Emergency Bypass provisions to complete their pending lease applications.

BNI Coal has two pending lease applications at the BLM, one submitted in 2011 and the other submitted in 2012. In their "Status of Currently Pending Leases" document released in January 2016, the BLM listed one of BNI's leases in "Table 1: Projects Potentially Covered by One of the Pause Exceptions" and one in "Table 2: Projects Potentially Subject to the Temporary Pause." These two pending leases have similar characteristics and both face imminent bypass situations, so it is unclear why they are classified in two different categories.

We request that the lease package listed on Table 2 be recognized as an emergency lease scenario and bypass potential and be moved to Table 1, giving it the potential to be covered by one of the pause exceptions. BNI's letter to the BLM provides, in great detail, the rationale for why these two lease applications should be treated under the emergency leasing exemption outlined in Section 6 of the Order.

While most coal mined in North Dakota is on private lands, there are pockets of federally-owned coal assets that are interspersed throughout existing mining operations. If these two lease applications are not processed in a timely fashion, the federal coal will be bypassed. Bypassing this coal will not only create operational issues for BNI Coal and unnecessarily increase costs to electric consumers, but it will also permanently strand the federal coal and deprive the U.S. taxpayer of the royalties on this valuable resource. All of these outcomes are contrary to the Department's mission which is, in part, to provide for the "safe and responsible development of our energy resources."

Secretary Jewell

Page 2

March 14, 2016

Because of the time sensitivity of these mining operations, we also request that the Table 1 leases, covered by a pause exception, continue in a timely fashion even while the BLM determines how the moratorium will proceed. BNI's pending leases are not "new" leases, as the BLM has had the lease requests for quite some time. At the Senate Energy and Natural Resources hearing on February 23, 2016, you told Senator Hoeven, regarding leases listed in Table 1, that: "If they were on the BLM's list which we published on the website as being grandfathered then the BLM has every intention of going through that and so do I." As such, we look forward to seeing these leases proceed in a timely manner.

Finally, we are also concerned about reports that BLM headquarters is not communicating with the state offices that process these lease applications and leasing activities have appeared to come to a standstill. We request the BLM ensure their state offices have the direction and clarification needed to proceed with Table 1 leases, Table 2 leases, and future submitted leases. In BNI's case, they have already waited years and spent hundreds of thousands of dollars in cost recovery and contractor fees to process these leases. The BLM owes these lease applicants timely responses and processing of these applications.

We respectfully request the BLM expeditiously complete the processing of these two leases. This will ensure that BNI Coal's mining operations will not be disrupted and that the federal coal leases will not be bypassed. We trust that you and your staff will give this issue your utmost consideration, and we look forward to receiving your response.

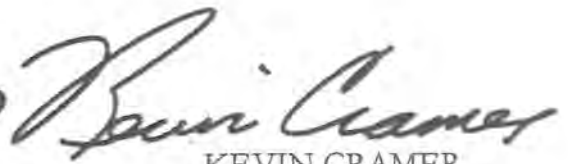
Sincerely,



JOHN HOEVEN
U.S. Senator



HEIDI HEITKAMP
U.S. Senator



KEVIN CRAMER
U.S. Congressman

Enclosure



2-23-2016

Mitchell Leverette, Division Chief
Branch of Solid Minerals
US Dept. of the Interior
Bureau of Land Management
20 M Street, SE
Washington D.C., 20003-3503

Phillip Perlewitz
Branch of Solid Minerals
US Dept. of the Interior
Bureau of Land Management
Montana State Office
5001 Southgate Dr.
Billings, MT 59101-4669

Dear Mr. Leverette and Mr. Perlewitz,

I am writing to you today concerning Order No. 3338: *Discretionary Programmatic Environmental Impact Statement to Modernize the Federal Coal Program* issued by Secretary Jewell on January 15, 2016. BNI Coal has two existing federal coal lease applications that warrant your immediate attention. While BNI Coal has several questions regarding the federal coal moratorium itself, our immediate concern centers on two existing federal coal lease applications and their treatment under Order 3338.

BNI Coal's operations in North Dakota are primarily on private lands, with small parcels of federal coal reserves managed by the BLM (approximately 5-8%), interspersed within the mining operation of vastly private and to a lesser extent state reserves. We have thoroughly reviewed the secretarial order, other relevant postings on BLM's website (<http://www.blm.gov/wo/st/en.html>), and specifically BLM's "Status of Currently Pending Leases (Updated 1-20-2016)" report. Our conclusion is that BNI Coal's two pending federal lease applications warrant consideration under the Federal Emergency Bypass provisions within (43 CFR 3425.1-4(a) (ii)). Failure to do so will affect efficient mine operation, not affect environmental impacts whatsoever, and strand the existing federal coal reserves forever, depriving the BLM and the American people the lease revenues from these lands that the BLM is entrusted to manage.

One of our pending applications, NDM 102083, illustrated on Table 1 of the Lease Status Report is potentially covered by one of the pause exceptions as a potential bypass. Our other lease application, NDM 105513, is listed within Table 2 which would be subject to the temporary lease pause. This designation deeply concerns BNI Coal.

BNI COAL, LTD.
2360 35th AVE SW, Center, ND 58530-9499

The inappropriate designation of lease NDM 105513, whether BLM's based it on the acreage size of the application, misconceptions of the leasing process delays our application experienced, lack of coordination between BLM and the State Office, or not understanding the bypass potential of these tracts is contrary to the goals of the Emergency Leasing provision. It also is contrary to BLM's management of coal leases. Without reconsideration of this lease's designation, three of the five tracts within the application will be bypassed. For these reasons we believe further review and explanation by the BLM of its placement on Table 2 is warranted.

BNI Coal provides the following information which illustrates why our Center Mine (BNI) NDM 105513 lease application should be designated as an Emergency Bypass Provision and warrants being covered by a pause exception.

The following five points illustrate the Emergency Bypass Provision of lease NDM 105513.

1. The LBA submittal dates by BNI Coal and BLM's delays in processing
2. The historic timeframes to receive federal leases and the BLM delays that could not have been foreseen
3. BNI Coals mining sequence revisions to meet anticipated timeframes
4. Four of the six federal tracts are pending bypass
5. The difference in federal coal leases with respect to the characteristic of lignite and North Dakota laws and ownerships

1. Initial mining proposed dates and federal lease application submittals

BNI Coal submitted to the State Office two applications to lease federal coal ownerships within North Dakota in 2011 and 2012 respectively. The initial 3-2-2011 submittal was for 720 acres of federal coal consisting of five federal coal tracts, all within a newly proposed mining area of about 8,500 acres. Within this application it was discussed that Tract 2 would be bypassed if we could not achieve a federal coal lease within a three year timeframe. In addition to the Tract 2 immediate need, it was illustrated to the BLM State Office that Tract 3 in this submittal would have mining initiated in 2016 as well as Tract 1 in 2017. Tracts 4 and 5 within this submittal were projected further out for mining initiation. BNI Coal received a cost recovery estimate with regarding this application on 4-8-2011 and was labeled Federal Lease NDM 102083. Following the cost recovery return with payment, no further work or correspondence was done on this application for the next year. However, BLM did request replacement of the previously submitted application, indicating that it had somehow been lost or misplaced.

On 6-28-2012 BNI Coal submitted a second federal lease package consisting of 480 acres of federal coal ownership adjacent to our active mine. This application was done under the provision that the production from this tract would be used to supply coal for contracts signed prior to July 19, 1979. This lease tract had mining disturbance projected in 2017. Multiple conversations progressed with the BLM State Office regarding this lease application and the lease application NDM 102083 previously submitted in 2011, and the potential of combining all

tracts into one application and EIS (Environmental Impact Statement). During these same conversations, the BLM requested BNI to modify the existing section 20 lease application to take into consideration the existing Highway 25 right of way and existing powerline offset. Per the BLM's request, BNI Coal resubmitted this application on 12-28-2012 and removed 40 acres affected by the right of way and powerlines resulting in the package being reduced to 440 acres instead of 480 acres. In addition to changing the right of way, BLM asked BNI to address an alluvial valley floor designation and a flood plain designation that the resource management plan had illustrated as un-minable do to the specific criterion. BNI complied with this request and submitted on 4-4-2013 the criterion response back to the BLM.

Likewise, in the same time frame, BNI's conversations continued with the BLM's State office which was now two years into the first five tract application submittal of NDM 102083, with no progress being made. Per these conversations BLM recommended that we modify the existing 720 acre lease application to under 640 acres since one of the tracts was further out in the mining sequence and could be added at a later date. This modification would then put this application under the 640 acre threshold which would be processed under an EA instead of an EIS. This is an important consideration due to the timeframe since mining was projected to occur in 2015. On 4-16-2013, BNI Coal removed Section 14 or 320 acres from the 2011 lease application resulting in a four-tract 400 acre application. Again, following this revised LBA application multiple conversations progressed with the BLM State Office over the course of the next year, yet there was no movement in the lease applications. Following these conversations with the BLM, BNI Coal again revised on 8-4-2014, the lease package to add back in the 320 acres that were removed on 4-16-2013 and reverted back to the original application submitted on 3-2-2011. This put us now 3 ½ years after the initial lease submittal to BLM.

Following this submittal the BLM office requested in October 2014 that BNI convert all maps in the LBA from AutoCAD to GIS format to save time in their staff reviewing the material and their lack of GIS positions to achieve this. In addition, the BLM requested that BNI revise the LBA packages again and rearrange the existing tracts from both applications so that the Section 18 tract would be a stand-alone application which would be reviewed as a EA and the other five tracts be moved to the other LBA application which would require a EIS to be performed. On 11-7-2014, BNI Coal again resubmitted NDM 102083 to include only Section 18, which is how the application stands today. Likewise, on 2-24-2015, BNI Coal resubmitted NDM 105513 to include four of the original LBA tracts and moved section 20 to this application. It was not until 8-5-2015, nearly 5 months later, that the BLM State Office sent two separate letters of notice to the ND governor stating that BNI was applying for federal leases NDM 102083 and NDM 105513 under federal leasing provision 3425 or the broader emergency leasing provision. The governor's letter of notification now being over four years after the original lease submittals in which the proposed lease tracts have not changed.

In summary, in 2011 and 2012, BNI submitted two lease packages consisting of 6 federal coal tracts. Since that time, BNI has responded to numerous requests by the BLM that resulted in changes to these applications - only to be changed back to the original submittals. Today, the

same 6 federal coal tracts and acreages are still applied for with “estimated” lease sale dates late in 2017 and 2019 respectfully. This timeframe represents a 7-9 year federal coal leasing timeline, recognizing that these projections were issued prior to the federal coal lease moratorium going into effect

2. The timeframes needed to receive federal leases and BLM’s delays related to these two leases could not have been foreseen

BNI Coal is mining two federal coal parcels within our active mining operation. The first tract is a 360 acre federal parcel located in section 28-142-84 and the other is a 160 acre parcel which is located within section 32-142-84. BNI has historically submitted federal lease applications to the BLM 2 – 3 years prior to predicted commencement of mining operations. During these previous submittals the BLM self-performed the respective EA’s and achieved the leasing within 18 – 24 months. However, that was before the BLM began to outsource its NEPA analysis to third party contractors. Our recent experiences with the BLM suggest we are now on a 7 year plus timeframe for similar analysis.

Taking into consideration timeframes BNI had previously associated with federal coal leasing, giving ourselves what we thought was ample “slack” in the schedule, and based on conversations we had with the State BLM Office, BNI Coal submitted our first application on 3-2-2011, with commencement of mining proposed late in 2014. Our second application assumed an even more generous timeframe for BLM application processing. That application was submitted on 6-28-2012 with commencement of mining proposed in 2017. Hence, BNI Coal submitted the respective leases 4-5 years in advance of anticipated mining – which was three years longer than BNI’s history of receiving federal leasing approvals.

Given knowledge only available today, even if one assumes that BLM’s internal projected timeframe for approval of these two federal leases (before the federal moratorium was enacted) is in the range of 7 – 9 years from the date of application, the work on both of these lease applications should have been substantially complete. This illustrates BNI Coal’s due diligence in budgeting 5 years to obtain these federal leases, and further illustrates the leasing timeframes today could not have been foreseen within the leasing guidelines at the time of application submittals in 2011 and 2012.

Beyond the circumstances previously explained, BNI had numerous conversations with the State and Field offices regarding progression of these leases. Numerous responses were given, ranging from the increased workload related oil activity in the area, staffing issues, budget constraints, and the priority focused on oil and not on coal. Additionally, it is understood that the agencies were struggling to retain, hire, and train staff to fill positions due to the oil activity, shortage of labor forces and housing costs. All reasons undoubtedly contributed to the unforeseen leasing timeframes associated with these lease applications. BNI believes it submitted these applications allowing more than reasonable timeframe prior to mining. Delays in the BLM’s ability to process leases in a timely fashion that have resulted in four out of our six federal lease tracts now pending bypass.

3. Mining sequence revisions to meet anticipated timeframes

BNI Coal has been transparent with the BLM's State Office in our mining plans since the start of this leasing process in 2011. Throughout the course of time, BNI has continued to be transparent with the BLM and has expressed concern over the possibility of bypass, and the mine plan modifications BNI has been implementing, to avoid federal bypass. BNI has undertaken the following major mine plan modifications to avoid bypassing the federal coal.

- 1) BNI continued mining in our BNCR-9702 permit one year longer than planned to slow production within our BNCR-1101 mining permit.
- 2) BNI relocated by 8 miles, at considerable expense, 2 of its 3 draglines to modify pit sequence (NDM 105513).
- 3) BNI modified the exiting new mine area box cut in a manner that would delay federal development. This modification now stranded additional federal and private coal development (NDM 105513).
- 4) BNI is modifying its most recent mine plan in BNCR-1101 to avoid section 18 (NDM 102083). This is causing BNI to develop new infrastructure to the southwest of this tract. This modification was not sequenced at this time and has significant dollar impacts and soil volume impacts to our operations and reclamation schedules.
- 5) BNI continues expanding its BNCR-9702 sequence into uneconomical strip ratios to try and avoid bypassing the federal parcel in section 20. This is causing increased reclamation costs with the exceptionally deep overburden and increased operational costs as additional use of mobile stripping fleets is needed for production.

To summarize, BNI's mine plan modifications have come at a significant cost to our mining operation in an effort to avoid federal bypass. As it stands today, 4 of our 6 federal tracts are pending bypass.

4. Four of the six federal tracts will be bypassed and stranded if not mined at this time

NDM 102083

NE4 Section 18-141-83

Mining has progressed up to the section line bordering this tract. Through our state mining permits and the privately held surface BNI has disturbed a portion of the surface to support the adjoining mining operation. To avoid bypass BNI delayed dragline operations in this area, revised the box cut digging sequence, and is now planning in 2016 to develop infrastructure to the south east of this tract in order to mine around this tract. This federal resource will be bypassed and stranded if our application continues to be delayed. The surface area is partially disturbed today and it will continue to be disturbed regardless of disposition of the federal coal in order to support the development of the adjoining fee coal.

NDM 105513

NE4NE4 Section 8-141-83

The surface of this tract is privately owned and is slated for mining in 2017. The mining relative to this tract is not the same as within our other tracts which are normally mined by draglines. This tract is being mined to remove the coal, after which an ash landfill cell for an adjacent power plant will be developed. Current plans are being developed to mine the adjoining fee coal and leave the federal coal in place. This will leave the federal coal stranded and a permanent ash landfill cell above the federal coal. This federal resource will be bypassed and stranded if not mined at this time.

SW4SE4 Section 8-141-83

Again, the surface of this tract is privately owned and mining disturbance is occurring on a portion of this tract to support coal removal from adjoining fee coal. This tract will be bypassed unless developed in relation to the new infrastructure build in 2016. BNI modified its existing box cut area to avoid bypassing this entire tract and has since modified our sequence to potentially salvage a portion of the federal coal as we develop to the south east. This federal resource will be bypassed and stranded if not mined at this time.

NE4, W2 of Section 20-142-84

This tract was scheduled to have mining disturbance in 2017. We have since modified the mine plans on two occasions to allow more time in receiving the federal lease. Our current mine plan has delayed mining until 2018 at which time we will need to begin the mining sequence or will need to relocate the dragline to another area. Extending the mining sequence into 2018 will push mining into very high strip ratios and result in significant mobile equipment pre-strip costs and high reclamation costs due to the depth of overburden. A second option is to move this dragline to our BNCR-1101 permit, which will strand the federal coal assets in section 20. This federal resource will be bypassed and stranded if mining disturbance is not possible by 2018.

5. The difference in federal coal leases with respect to the characteristic of lignite and North Dakota laws and ownerships

It should also be recognized that the BNI Coal's federal portion of our minable reserve is between 5-8% of our total tonnages. Federal ownerships are sporadically located throughout our reserve and equally important, the surface is privately owned. With that being said, mining companies can illustrate the need to disturb the private surface above federally owned coal in support of mining the vast reserves of private coal that adjoins the federal tracts. Even if BNI Coal does not mine the federal coal beneath these tracts the surface areas will be disturbed because of adjacent mining operations, just as two of the pending federal coal tracts already are, and all tracts eventually will be disturbed. It should also be noted that North Dakota lignite seams are thin, typically from 7' – 9' thick which inherently results in minimal tonnages associated with these federal coal ownerships. While the total tonnage associated with BNI's

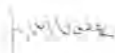
federal tracts are relatively small part of our overall mining operation, on a national level these Federal Reserve's represent only a fractional percentage of the pending federal leases today. Whether these federal coal tracts are developed or bypassed, it will not impact the future deliveries to our customers as over 90% of our reserves are State or private fee coal. However, it will impact mining efficiency and effectiveness if the federal tracts are stranded; costs that are unnecessarily passed through to the electric consumer while leaving stranded public revenues within un-mined federal mineral islands.

As Secretary Jewell pointed out in the January 15, 2016 Order; "The Department of the Interior (Department) is entrusted with overseeing Federal land and resources for the benefit of current and future generations. This responsibility includes advancing the safe and responsible development of our energy resources, while also promoting the conservation of our Federal lands and the protection of their scientific, historic, and environmental values for generations to come." We believe the timely processing of these two existing lease packages is in keeping with the mission and directive of the Department of Interior and the Bureau of Land Management as articulated in the Order.

In conclusion, BNI Coal believes both of our lease packages warrant leasing under the Emergency Leasing Provisions and should be covered by a pause exception relevant to the immediate bypass situation, lease submittal timeframe of 2011 and 2012, and delays related to the BLM's timely processing of these leases. We therefore request the BLM to expeditiously consider and approve of our NDM 102083 lease application, and reconsider and revise the status of our LBA NDM 105513 lease application.

I look forward to further discussions with you and the BLM State Office regarding BNI Coal's two federal coal lease applications.

Sincerely,



Jay M. Volk, PhD
Environmental Manager
BNI Coal

Cc: Aden Seidlitz (Acting State Director (MT, SD, ND))
North Dakota Senator John Hoeven
North Dakota Senator Heidi Heitkamp
North Dakota Congressman Kevin Cramer



Wolfe, Shane <shane_wolfe@ios.doi.gov>

Re: ND Delegation Letter to Secretary Jewell (COAL)

Richardson, Carrie <crichardson@blm.gov>

Tue, Mar 15, 2016 at 11:59 AM

To: Shane Wolfe <shane_wolfe@ios.doi.gov>

Cc: Vickie Briggs <vbriggs@blm.gov>, Patrick Wilkinson <p2wilkin@blm.gov>

Hello my friend,

Please see the letter attached below to Sec Jewell for tasking to BLM. We <3 mail! :) Carrie

*Carrie M. Richardson
Office of Communications
Bureau of Land Management
(202) 501-2634*

On Tue, Mar 15, 2016 at 9:59 AM, Wilkinson, Patrick <p2wilkin@blm.gov> wrote:
incoming letter - nd delegation/coal.

——— Forwarded message ———

From: **Aafedt, Alexis (Hoeven)** <Alexis_Aafedt@hoeven.senate.gov>

Date: Tue, Mar 15, 2016 at 9:49 AM

Subject: ND Delegation Letter to Secretary Jewell

To: "p2wilkin@blm.gov" <p2wilkin@blm.gov>

Cc: "Affolter, Shawn (Hoeven)" <Shawn_Affolter@hoeven.senate.gov>

Good morning Patrick,

Please find attached a letter to Secretary Jewell from the North Dakota Congressional Delegation regarding BLM coal leasing applications. If you could please confirm your receipt of this email it would be greatly appreciated.

Thank you,

Ali Aafedt

Ali Aafedt

Deputy Scheduler & Legislative Correspondent


U.S. Senator John Hoeven (R-ND)

338 Russell Senate Office Building

(202) 224-2551



—
Patrick Wilkinson
U.S. Department of the Interior
Bureau of Land Management
Legislative Affairs Division (WO 620)
Phone: (202) 912-7429
Fax: (202) 245-0050

 **3.14.16 - Letter to Sec Jewell - BNI Coal lease applications (1).pdf**
571K



United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

JUL 14 2016

The Honorable Kevin Cramer
House of Representatives
Washington, DC 20515

Dear Representative Cramer:

Thank you for your letter dated March 14, 2016, regarding BNI Coal, LTD's (BNI) two pending lease applications in North Dakota. The Secretary has asked that I respond to your letter. We appreciate that you took the time to share your concerns.

Secretarial Order 3338 (Order) places a pause on coal leasing activities while the Bureau of Land Management (BLM) prepares a Programmatic Environmental Impact Statement that analyzes potential reforms to the Federal coal program. The pause is, however, subject to a number of limited, commonsense exemptions to address situations that may arise. The Order also allows preparatory work on pending applications to continue, including the preparation of analyses under the National Environmental Policy Act (NEPA) and related authorities.

The BLM received a request from BNI to continue the NEPA process for its two pending applications and a determination that those applications may proceed through to a lease sale under the emergency leasing exception to the pause found in Section 6(a) of S.O. 3338. The BLM has reviewed all available information and determined that both BNI applications (Application No. NDM102083 and Application No. NDM105513), qualify for an exclusion from the Order's leasing pause based on the criteria set forth in Section 6(a). The BLM will work with the company to complete the NEPA process for each tract prior to making a final leasing decision.

We appreciate your interest in the management of the public lands and its natural resources. A similar reply is being sent to the co-signers of your letter.

Sincerely,

Janice M. Schneider
Assistant Secretary
Land and Minerals Management

Congress of the United States
House of Representatives
Washington, DC 20560-1018

RECEIVED
2016 MAR 29 PM 3:41
OFFICE OF THE
EXECUTIVE SECRETARY

March 29, 2016

The Honorable Mike Connor
Deputy Secretary
US Department of the Interior
1849 C Street
Washington, DC 20240

Dear Secretary Connor:

We have received alarming reports that the Department of Interior is directing the BLM and the National Park Service to disregard the intent of Congress with respect to a Department of Labor regulation on wage and overtime rules for federal contractors.

Section 110 of the Consolidated Appropriations Act of 2016 (Public Law No: 114-113), which was signed into law on December 18, 2015 by President Obama, prohibits the Department of Labor from using funds to implement, administer and enforce E.O. 13658 on federal contracts and permits authorizing seasonal recreation services or seasonal recreational equipment rental. This provision was specifically designed to prevent the Department of Labor contract clause enforcing E.O. 13658 from being included on outfitter and guide permits, contracts and contract-like instruments.

As you may know, E.O. 13658 sharply raised the minimum wage and overtime pay requirement for federal contractors, most of whom are paid by the federal government to provide equipment and services to various federal agencies. Unlike outfitter and guide contracts, when new procurement contracts are issued, the costs are passed on to the agency. Federal permit holders, including outfitters and guides who operate on public lands, are in a very different situation—they do not fit the traditional definition of a contractor. Instead of being paid by an agency to perform a service, they pay the agencies. Their connection to the federal government is the permit they require to operate on federal lands. The higher costs associated with E.O. 13658 will have to be paid by the public, which will cause many of the guides and outfitters to either go out of business or simply not operate on public lands.

It was clearly the intent of Congress in the Consolidated Appropriations Act of 2016 that federal agencies abate implementation of E.O. 13658 for these seasonal recreational service providers. An attempt by the Department of Interior to skirt Congressional intent would be ill-advised, harmful to the economy of many western communities, and will hurt the ability of millions of Americans to access public lands.

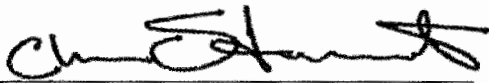
Therefore, we urge you to advise those agencies under your authority to recognize the intent of Congress and to abate inclusion of the Department of Labor standard contract clause implementing E.O. 13658 on new outfitter and guide permits issues in 2016 and to cease making that clause a condition of permit compliance for any permits in which the clause was included in 2015.

For your convenience the language included in P.L. No. 114-1134 can be found below.

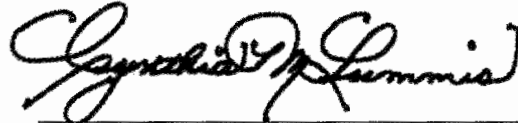
SEC. 110. None of the funds made available by this Act may be used to implement, administer, or enforce the Establishing a Minimum Wage for Contractors regulation published by the Department of Labor in the Federal Register on October 7, 2014 (79 Fed. Reg. 60634 et seq.), with respect to Federal contracts, permits, or other contract-like instruments entered into with the Federal Government in connection with Federal property or lands, specifically related to offering seasonal recreational services or seasonal recreation equipment rental for the general public: Provided, That this section shall not apply to lodging and food services associated with seasonal recreation services.

We look forward to hearing your response.

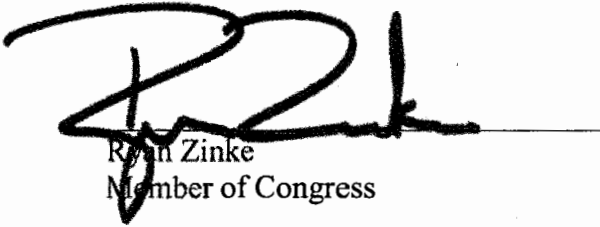
Thank you,



Chris Stewart
Member of Congress



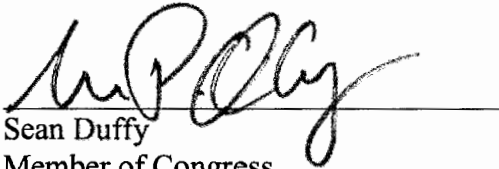
Cynthia Lummis
Member of Congress



Ryan Zinke
Member of Congress



Doug Lamborn
Member of Congress



Sean Duffy
Member of Congress



Bruce Westerman
Member of Congress



Matt Salmon
Member of Congress



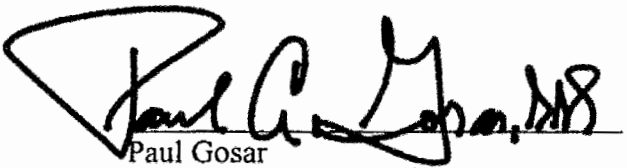
Scott Tipton
Member of Congress



Rob Bishop
Member of Congress



Doug LaMalfa
Member of Congress



Paul Gosar
Member of Congress



Kevin Cramer
Member of Congress



Vaught, Daniel <daniel_vaught@ios.doi.gov>

Fwd: Letter to Deputy Secretary Connor RE: Implementation of DOL rule on wage and overtime

Callaway, Catherine <catherine_callaway@ios.doi.gov>

Tue, Mar 29, 2016 at 3:36 PM

To: Daniel Vaught <daniel_vaught@ios.doi.gov>

Hello Dan,

Please process in DTS.

Thanks,

Cathy

*Catherine Callaway
Secretarial Assistant
Office of the Assistant Secretary,
Policy, Management and Budget
Department of the Interior
1849 C Street, NW, Room: 7213
Washington, DC 20240
Office: 202-208-1927
Fax: 202-513-0734*

----- Forwarded message -----

From: **Larsen, Gordon** <Gordon.Larsen@mail.house.gov>

Date: Tue, Mar 29, 2016 at 3:03 PM

Subject: Letter to Deputy Secretary Connor RE: Implementation of DOL rule on wage and overtime

To: "Jeremy_Bratt@ios.doi.gov" <Jeremy_Bratt@ios.doi.gov>, "catherine_callaway@ios.doi.gov" <catherine_callaway@ios.doi.gov>

Cc: "Frischknecht, Daryn" <Daryn.Frischknecht@mail.house.gov>

Hi Jeremy and Catherine,

Thanks for your help scheduling a phone call two weeks ago between Rep. Stewart and Assistant Secretary Kristen Sarri. Rep. Stewart appreciated the chance to talk with her.

Please see attached a letter from Rep. Stewart and 11 other House members to Deputy Secretary Mike Connor. The letter emphasizes the same points Rep. Stewart highlighted in the phone conversation with Ms. Sarri, namely that Congressional intent in the omnibus appropriations bill was clear that all agencies should abate implementation of Executive Order 13658 with respect to seasonal recreation businesses.

Please let me know if I should be sending the letter to someone else.

Best,

Gordon

Gordon Larsen

Legislative Director

Rep. Chris Stewart (UT-2)

323 Cannon House Office Building

(202)225-8066



3-29-2016 Letter to Mike Connor, DOL Rule.pdf

151K

Congress of the United States

Washington, DC 20510

October 17, 2016

The Honorable Loretta Lynch
Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue
Washington, DC 20530

The Honorable Sally Jewell
Secretary
U.S. Department of the Interior
1849 C St, NW, Room 5665
Washington, DC 20240

Lieutenant General Todd Semonite
Commanding General and Chief of Engineers
U.S. Army Corps of Engineers
108 Army Pentagon
Washington, DC 20310

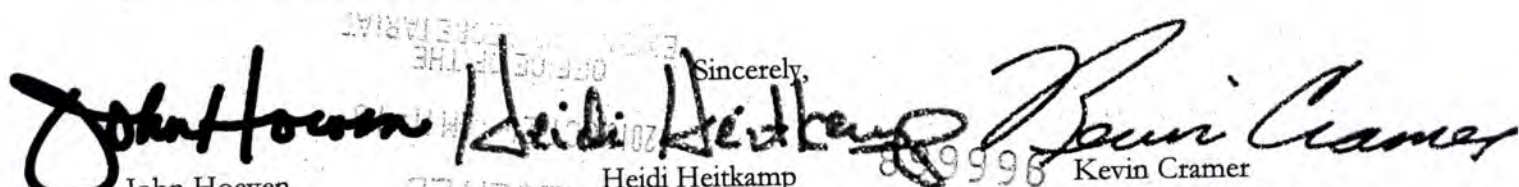
Dear Attorney General Lynch, Secretary Jewell, and Lieutenant General Semonite:

We are writing to request additional support from the Department of Justice, Department of Interior, and the Army Corps of Engineers for state and local law enforcement in North Dakota. With increased protests over the Dakota Access Pipeline, it is essential that law enforcement has the resources they need to ensure public safety.

Over the past several months, the increased protest activity in Morton County has sparked growing concern over the well-being of the community. While we recognize Americans' right to protest, we believe everyone also has a responsibility to follow the law. Construction workers and local residents have expressed concern for their personal safety. Furthermore, there have been reports of theft and damage to personal property. Increased support for law enforcement is necessary to ensure the protests do not escalate to a situation in which lives are in serious danger.

To address this precipitous increase in activity, our state and local governments have spent a considerable amount to keep the communities safe. Our county sheriffs have spent \$1.8 million; our state law enforcement has spent \$3.75 million. Going forward, it is estimated that the state will spend between \$750,000 and \$1 million every week on law enforcement capabilities. It is our concern that this level of funding is not sustainable for our state to maintain.

With this in mind, we urge the Administration to provide additional support for our law enforcement so they can continue to ensure the safety of all involved in the protests. Thank you for your consideration. We look forward to your response.


John Hoeven
U.S. Senator

RECEIVED
Sincerely,
Heidi Heitkamp
U.S. Senator

Kevin Cramer
U.S. Congressman