

**Committee on Energy and Natural Resources**

**May 18, 2021**

**Questions for the Record Submitted to Ms. Shannon A. Estenoz**

Questions from Ranking Member Barrasso

**Question 1: In December 2016, the National Park Service issued its Record of Decision (ROD) for the Moose-Wilson Road Final Comprehensive Management Plan. The Moose-Wilson Corridor is a 7.1-mile stretch of road at the southern end of the Grand Teton National Park. Public access to the corridor is highly valued by locals, state residents, and national and international visitors alike for the unique opportunity it provides to view wildlife and enjoy the natural setting and beauty of the Grand Teton National Park.**

**The 2016 ROD represents a dramatic shift in the management approach for the Corridor from the 2007 Final Transportation Plan by severely limiting the public's access to this national park. It forces a 30-plus mile rerouting; eliminates a multi-use pathway from the southern entrance despite 2 tragic deaths from vehicle-cyclist collisions in this park; and reverses course on the 2007 decision to realign the northern segment of the Road out of important wildlife habitat and wetlands. The Park Service has decided to limit access to the Corridor to no more than 200 vehicles—a threshold that lacks any rational scientific or factual basis, and will require new construction of 3-lane queuing station on both ends of the Corridor essentially cutting off public access to the Park.**

**Given the dramatic shift from the 2007 Final Transportation Plan, will you commit to working with me resolving these deficiencies in the 2016 ROD?**

**Response:** As I stated at my hearing, I am committed to working with you and the committee to address issues related to the Moose-Wilson Road planning and improvement effort, including addressing the increase in visitor use. I know that there are several phases to the project, and that the National Park Service is currently implementing phase one and phase two and initiating a traffic study so that visitor use management approaches may be informed by data. If confirmed, I look forward to working with you on this important issue for local residents and visitors to Grand Teton National Park.

**Question 2: On January 22, the National Park Service issued a memorandum addressing the subject of managing filming activities after the Price v. Barr decision issued by the U.S. District Court for the District of Columbia. With regards to permitting filming activities in Wilderness, park superintendents are directed to work with permit applicants to identify substitute filming locations outside of Wilderness, if there are suitable locations.**

- a. Please explain why the National Park Service believes first amendment rights should be treated differently in Wilderness areas.**

**Response:** I understand that the National Park Service issued interim guidance regarding the management of filming activities in national parks due to the litigation you reference. The issue you raise is important and I appreciate you raising it with me. If confirmed, I commit to working with the NPS to ensure that any management of filming in Wilderness Areas in national parks is done in accordance with all laws.

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**Question 3: NPS has the largest maintenance backlog of all DOI agencies. In addition to using Great American Outdoors Act funds, are there other actions that NPS takes to reduce deferred maintenance? Is disposal of federal assets an option in certain circumstances?**

**Response:** The Great American Outdoors Act is a much-needed funding infusion that will help us make meaningful progress in improving condition of high priority assets. The Legacy Restoration Fund portion of GAOA is supplemental to other important facility project funding sources available to the NPS, and we are focused on making strategic investments across all funding streams to maximize the benefit to the American public. Divestiture, including disposal of federal assets, is an option for assets that are obsolete or have exceeded the useful life expectancy.

**Question 4: What role should partnerships with private organizations play in reducing the deferred maintenance backlog at NPS and FWS? Are there opportunities to increase participation of nongovernmental partners?**

**Response:** I support working with gateway communities, nongovernmental partners and stakeholders across the landscape in a variety of ways to address the challenges we face, including those related to the maintenance backlog. If confirmed I would look forward to engaging with our partners and stakeholders, and with Congress, to explore opportunities to ensure that our national treasures are available for this and future generations.

**Question 5: Please describe the process of prioritizing Great American Outdoors Act funds for NPS and FWS projects. How does this process differ when the funds come from different sources? How do you ensure that NPS and FWS maximize the return on all funding for deferred maintenance projects?**

**Response:** As I stated at my hearing, the effective implementation of the Great American Outdoors Act is one of my highest priorities. Each bureau has established criteria, consistent with the Act, to prioritize use of these funds to meet the intent of Congress and reduce deferred maintenance in a lasting way. In addition, I believe that the National Park Service and the Fish and Wildlife Service can best address the maintenance backlog by making strategic investments utilizing all available sources of infrastructure funding at their disposal in addition to funds available from the Great American Outdoors Act. In doing so, the agencies must comply with all laws regarding to the use of the available funds.

**Question 6: The Secretary of the Interior apportions funding for traditional grants in accordance with a formula set out in the Land and Water Conservation Fund (LWCF) Act. The formula calls for a portion of the appropriation to be divided equally among the states. The remaining appropriation is to be apportioned based on need, as determined by the Secretary. Under the law, the determination of need includes the population of the state relative to the population of the United States, the use of outdoor recreation resources within a state by people outside the state, and the federal resources and programs within the states.**

- a. Do you think the requirements in law for apportioning appropriations for traditional grants are suited to the current operation of the program?**
- b. How would you advise the Secretary to determine need in order to allocate the funds?**

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**c. What factors should the Secretary weigh most in determining need?**

**Response:** As I stated at my hearing, the effective implementation of the Great American Outdoors Act is one of my highest priorities. I understand that the current formula, as amended over the years, has remained adequate and efficient in allocating funds. State programs have on occasion raised the issue of administrative overhead for the grantees to ensure that they have the ability to take care of staffing and program costs relative to their recreation projects. Providing funds for administrative overhead is one way to enhance the timeliness of projects. The State Comprehensive Outdoor Recreation Plans continue to assist in determining recreation needs, and evaluating the use and demand for recreation and watching for population trends in urban and rural communities would also be relevant. If confirmed, I look forward to engaging with Congress on these issues in greater detail.

**Question 7: States can use grant monies for outdoor recreation planning, acquisition of lands and waters, and facility development. Federal payments to states are limited to 50% or less of a project's total costs. The state project sponsor bears the remaining cost.**

- a. Have states used grant funds to acquire lands through condemnation or only through voluntary acquisition?**
- b. Should NPS policies governing state acquisitions specifically allow or prohibit grants to be used for acquisitions through condemnation?**
- c. Some states may have difficulty providing the required match. Should something be done to assist states? For instance, should the maximum federal payment for project costs be increased? Should there be more flexibility for states in meeting the matching requirement, and if so how? Alternatively, should the federal payment be lower to perhaps stretch federal dollars generally and allow more payments to individual projects?**

**Response:** The goal of the LWCF Act is to create outdoor recreation spaces and opportunities in local communities. It is my understanding that states use the LWCF grant funds for voluntary acquisition with a willing seller, not for acquisition through condemnation. With respect to the state share of a LWCF project, the state's matching requirement is established by law. Options for consideration to address the revenue concerns of states may include reducing the cash match requirement for a specific period of years in order for states to qualify for funding and complete projects, or allowing states to meet their match requirements through other means, such as in-kind services or staffing and valuation of currently-owned land. If confirmed, I look forward to engaging with Congress on ideas to make the LWCF more effective.

**Question 8: Under the National Park Service Concessions Management Improvement Act of 1998, NPS manages almost 500 concessions contracts and over 6,000 commercial use authorizations (CUAs). Concessions contractors are authorized to provide lodging, food, camping, transportation, or other services using government-owned facilities and resources, for terms of up to 10 (or in some cases 20)**

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**years. CUAs are shorter-term agreements of up to two years, used for activities that begin and end outside park boundaries (such as some guide and outfitter tours) or meet other specified criteria. NPS commercial visitor service providers generally pay a franchise fee to the federal government.**

**In July 2020, NPS issued a proposed rule revising regulations for its concessions program, in order to “reduce administrative burdens and expand sustainable, high quality, and contemporary concessioner-provided visitor services in national parks.” Do you support the proposed changes, such as changes to provide new types of concessions opportunities, changes affecting contract lengths, and changes affecting the determination of leasehold surrender interest (LSI)?**

**Response:** The operators that provide lodging, food, camping, transportation, and other services to visitors are a critical part of the visitor experience in national parks. I agree that up-to-date, high quality, and necessary and appropriate services should be available for our visitors. The proposed rule is currently under review at the Department. If confirmed, I will work with the NPS and stakeholders, including the concession contractor community, to ensure that visitors have a quality experience when visiting our parks.

**Question 9: Under both the Obama and Trump Administrations, NPS proposed a significant reduction of federal financial support for national heritage areas, and encouraged heritage areas to move toward self-sustainability with nonfederal investments. Do you support a reduction in funding for federal heritage areas?**

**Response:** National Heritage Areas tell nationally important stories that celebrate our nation’s diverse history. Although these areas are not managed or maintained by the National Park Service, the National Park Service does provide technical and financial assistance as the Heritage Areas move toward self-sustainability. Decisions about funding will be made taking into consideration the needs of the core operations of the national park system. If confirmed, I look forward to working with Congress on this issue.

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Questions from Senator Risch

**Question 1: Last week, the BLM announced plans to review the updates made to the 2015 sage-grouse management plans. If confirmed, you would oversee the Fish and Wildlife Service's coordination in this review. The announcement commits that "the Department will work closely with the states, local governments, Indian Tribes, and many stakeholders who have worked in a collaborative and bipartisan fashion for more than a decade." However, in the past, we have seen such promises still result in sweeping one-size-fits-all management policies. If confirmed:**

**Can you assure me that this won't simply be a return to the 2015 plans?**

**Response:** The Bureau of Land Management is the lead agency for the plans. While I do not have jurisdiction over that bureau, if confirmed I will ensure that the FWS will do its job by coordinating with BLM, including providing the best available scientific and commercial data on the conservation status of the species to inform BLM's review and any updates of those plans.

**What specific steps will you take to ensure states are partners in this process?**

**Response:** I have a deep appreciation for the importance of close communication and transparency with states, localities, Tribes, and other stakeholders affected by Departmental actions. If confirmed as Assistant Secretary, I would work closely with the Assistant Secretary for Land and Minerals Management's Office and with the BLM to ensure state and tribal wildlife agencies, which are primary managers of wildlife with significant expertise, are engaged and consulted with during the process of reviewing the plans.

**Question 2: In your view, is the goal of the Endangered Species Act to delist a species?**

**Response:** The goal of the Endangered Species Act, one of our most important environmental laws, is to recover species.

**Question 3: What role do you believe science should play in the determination to list or delist a species under the Endangered Species Act?**

**Response:** Science plays a fundamental role in the determination to list or delist a species pursuant to the ESA.

**Question 4: Do you support delisting a species if prescribed population targets have been achieved?**

**Response:** I believe that a species should be delisted when science supports that it meets its recovery criteria and it no longer meets the standards for listing under the ESA.

**Question 5: Do you support recognizing Distinct Population Segments in listing and delisting determinations?**

**Response:** Yes. I understand that the ESA provides for the designation of distinct population segments of species of vertebrates and that FWS has promulgated policy regarding the designation of these segments for the

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purposes of listing, delisting, and reclassifying species under the ESA. I support recognition of a DPS when consistent with the law and supported by science.

**Question 6: In January, the U.S. Fish and Wildlife Services (FWS) and the National Marine Fisheries Service (NMFS) published a proposed rule to amend Section 7 consultation regulations under the Endangered Species Act. Current regulations have unnecessarily halted conservation and management projects in Idaho, New Mexico, and many other states. Moreover, these changes have been supported on a bipartisan basis in Congress, as well as by the last two administrations. If confirmed, would you finalize this rulemaking?**

**Response:** As I stated in Tuesday's hearing, the FWS, NMFS, and U.S. Forest Service are currently in discussions on how to proceed with this rulemaking. If confirmed, I would actively encourage that dialogue to move forward and commit to keeping Congress updated on this rulemaking.

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Questions from Senator Daines

**Question 1: Ms. Estenoz, I understand the Fish and Wildlife Service is reviewing comments received on the draft rulemaking pertaining to consultation requirements on completed forest plans. If confirmed, how will you weigh the comments received in determining how to proceed and will you provide my office with a summary of those comments?**

**Response:** I am aware that many comments have been received and, as I said at the hearing, the Department should take into account the voices of those who weigh in during its proceedings and will do so in this case. Regarding a summary of comments, the final rule will include a summary of public comments and FWS's response to those comments. I will consult within the Department to determine if this type of information can be shared outside of the rulemaking, and if so, I am happy to provide that information to your office, once available. I am always committed to finding collaborative, science-based approaches to conserving wildlife and managing our public lands and forests.

**Question 2: Ms. Estenoz, since 2016, it has been the position of the Department of Justice, Forest Service, Fish and Wildlife Services, and National Marine Fisheries that a forest plan is not an ongoing action requiring initiation of consultation. Are you aware if the Administration has changed positions?**

**Response:** I understand how important this issue is for you and your state and I am committed to working with you and others to find way forward. As I noted at the hearing, the relevant bureaus are talking through the proposed rule and finding a way forward. If confirmed, I commit to encouraging this dialogue to continue until a resolution is found.

**Question 3: Ms. Estenoz, the U.S. Forest Service has felt the impact from the Cottonwood decision more than any other agency. If confirmed, will you lean on and collaborate with the Forest Service when determining how best to proceed with the draft rule mentioned above?**

**Response:** Yes, I will seek to ensure that the FWS works cooperatively with the Forest Service. As I stated at my hearing, well managed forests are important to wildlife. If confirmed I commit to working with Congress and other stakeholders, including the Forest Service, in determining the best path forward.

**Question 4: Ms. Estenoz, last month, the Fish and Wildlife Service published a species review that concluded that grizzly bears had recovered in the Greater Yellowstone Ecosystem Area and the Northern Continental Divide Ecosystem. The delisting of the grizzly bear in the GYE has been litigated in the courts for two decades. If the agency were to move forward with a delisting decision, what would you do differently to prevent further litigation?**

**Response:** I know this is also a very high priority for you. The 2017 delisting rule was vacated based on certain deficiencies the court identified in its ruling. If I am confirmed and the FWS were to take action in the future, I would work closely with the agency to understand the deficiencies identified by the court and make sure that a new rule, utilizing the best available scientific and commercial information, would fully address those deficiencies to ensure it is a legally defensible rule. I know there are challenges, but I am committed to finding a path forward on this issue that follows the science and the law.

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**Question 5: Ms. Estenoz, last month, the Fish and Wildlife Service announced that they will consider in coming years whether to reintroduce wild bison to the Charles M. Russell National Wildlife Refuge in central Montana. Will you commit to communicating and collaborating with the ranchers and landowners, State, Tribes, and affected counties prior to taking any action? Will you commit to only move forward with a plan that has the support of local stakeholders, the State of Montana and Tribes?**

**Response:** I am aware that the Service is committed to a transparent, inclusive, and deliberative engagement process on the topics of bison and bighorn sheep reintroduction, and other wildlife and wildlife habitat management issues on the Charles M. Russell National Wildlife Refuge. That process would include engaging with Tribes, the State, local landowners, and all other potential stakeholders.

If confirmed, I commit that any proposal on bison reintroduction would include full engagement with the public under the National Environmental Policy Act and development of a cooperative bison management plan. I would also ensure that the Service follow the established goals and principles of bison conservation found in the DOI Bison Conservation Initiative Framework developed by the Bison Working Group, a leader in bison conservation planning and collaboration with Tribes and other partners. I understand that Montana citizens are very interested in this issue, and I assure you that I would communicate on this issue with you.

**Question 6: Ms. Estenoz, passing the Great American Outdoors Act was a major win for our National Parks. As we move to implementation of this important act it is important that we are fiscally responsible and that we are funding maintenance in all are parks, both big and small.**

- a. If confirmed what steps will you take to ensure a smooth and transparent implementation of the Great American Outdoors Act?**
- b. What metrics do you believe DOI should use in prioritizing projects?**
- c. Will you commit to ensuring that project lists and the metrics used to choose what projects will be funded will be transparent and made available to Congress?**

**Response:** As I stated at my hearing, the effective implementation of the Great American Outdoors Act is one of my highest priorities. Each bureau has established criteria, consistent with the Act, to prioritize use of these funds to meet Congressional intent and reduce the backlog as much as possible. In addition, I believe that the National Park Service and the Fish and Wildlife Service can best address the maintenance backlog by making strategic investments utilizing all available sources of infrastructure funding at their disposal in addition to funds available from the Great American Outdoors Act. In doing so, the agencies must comply with all laws regarding to the use of the available funds. Projects proposed for 2022 funding will be sent to Congress as part of the regular budget process and will be included in the Department's budget request. I am committed to ensuring that the prioritization process is carried out in an objective way, and I am willing to work to inform your office as that moves forwards.

**Question 7: Ms. Estenoz, increasing visitation to lesser visited and small parks has been a priority of mine while Chairman and Ranking Member of the National Parks Subcommittee. What step will you take to help spread visitation to parks like Grant Kohrs Ranch, Little Bighorn Battlefield, Big Hole, and others?**



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**Response:** I agree with you that our parks and public lands are national treasures to be visited by this and future generations. You are correct that much of the visitation is concentrated at a small number of parks and others would benefit from a greater distribution of visitation. I believe in working with local communities and in collaboration with stakeholders to highlight the wonderful breadth of resources and stories that our parks and public lands offer. If confirmed, I will support collaboration with tourism agencies, event planners, and schools, and greater development of online information that is easy to access, as ways to encourage visitors to these treasures.

**Question 8: Ms. Estenoz, there is an ongoing dispute between Glacier National Park and Montanans who own private inholdings within the Park about fair access to their private property. It is important that Glacier National Park and DOI live up to their good neighbor commitments and the original Glacier Park establishing act that states “provided, that nothing herein contained shall affect any valid existing claim, location, or entry under the land laws of the United States or the rights of any such claimant, locator or entryman to the full use and enjoyment of his land.” If confirmed will you commit to working with my office and local landowners to resolve their concerns about access to their property?**

**Response:** Yes, I commit to working with you and the NPS to better understand the issue and the concerns that landowners there have with regard to access to their property. I understand from the NPS that there have been some recent discussions between the park and landowners to address access issues. I would support continuing those discussions, if I am confirmed.

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Questions from Senator Murkowski

**Question 1: What interactions has the Department or FWS had with Kaktovik Inupiat Corporation since May 11, 2021, in regard to the issues surrounding their Incidental Harassment permits?**

**Response:** The Department is committed to building strong relationships with all of our Alaska Native partners. Senior staff has reached out to Kaktovic Inupiat Corporation over the past several weeks on various topics. As recently as May 13, Senior staff had calls with the leadership of Kaktovic Inupiat Corporation and the Native Village of Kaktovic. Various topics were discussed including, for example, polar bear viewing and access to inholdings. If I am confirmed, I will promote and participate in regular communications with Kaktovic Inupiat Corporation and the Native Village of Kaktovic to discuss issues of shared interest and concern.

**Question 2: Hunting and fishing are two quintessential pastimes that are as deeply ingrained in Alaskan culture as it is possible to be. What are your personal and professional opinions of hunting, fishing, and trapping on Federal lands?**

- **Many Alaskans move from smaller more rural communities to cities like Anchorage and Fairbanks for a variety of reasons, including jobs, economies, education, healthcare, and more. Yet they remain deeply connected to the places where they came from, and in the case of Alaska Natives, where their family has lived since time immemorial. How do we ensure that people in these circumstances are able to access subsistence resources and hunting, fishing, and trapping opportunities if and when they return home?**

**Response:** As I said at my hearing, some of my earliest memories of being on the water are with my grandfather fishing. I respect and recognize the connection with the land, water and wildlife that hunting and fishing brings and I appreciate the strong support that these activities provide for conservation programs. For the Alaska Native people that you describe above, I would be interested to learn more about the barriers that they face in these circumstances. I commit to working with you and other leaders in the Department to ensure that Alaska Native subsistence rights are respected and those resources are accessible whenever appropriate under the law.

**Question 3: The President continues to push forward with his so-called “30 by 30” program, to conserve 30 percent of the nation’s waters and lands by 2030. ANILCA, passed in 1980, put nearly a quarter of Alaska’s land – 100 million acres – into new or expanded conservation units. Nearly 30 percent of Alaska is already conserved. With that being said, can you define what the administration considers “conservation” status? What considerations are being given to communities that rely upon resource development, subsistence, and other uses of nearby public lands for their livelihoods? What tribal consultation, including with Alaska Native Corporations, has occurred in Alaska in the course of developing this plan?**

**Response:** I understand that President Biden has challenged all Americans to pursue the goal of conserving at least 30 percent of our lands and waters by 2030. The preliminary report to the National Climate Task Force has been published recommending a 10-year locally-led America the Beautiful Campaign to conserve and

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restore the nation's lands and waters. This report is intended to be a starting point for additional public input to help inform the nation's progress. In moving forward, my role will be to ensure that the actions of the Department are consistent with federal law and policy, including ANILCA and ANCSA. The Biden Administration has committed to engagement and consultation with Alaska Tribes and Alaska Native Corporations in this effort.

**Question 4: One of the pieces of legislation that many of the members of this committee, including myself, were happy to pass into law last year was the Great American Outdoors Act (GAOA). One of the most important provisions was addressing the nation's deferred maintenance backlog, particularly in the National Park System.**

- **Where would you rank addressing deferred maintenance on your list of priorities?**
- **Since assuming your role at the Department, can you please outline the progress that has been made on the implementation of GAOA, specifically as it pertains to maintenance?**
- **What projects are next up to receive deferred maintenance funding?**

**Response:** Implementation of the Great American Outdoors Act, and addressing deferred maintenance, is one of my highest priorities. Since my arrival, I have worked with the NPS team to obligate over \$200 million in GAOA funds for parks projects alone, such as completing the restoration of the exterior of the Jefferson Memorial in Washington, DC, the repair and replacement of 70KV Transmission line at Yosemite National Park, and the rehabilitation of the north section of the George Washington Memorial Parkway. Projects proposed for 2022 funding will be sent to Congress as part of the regular budget process and will be included in the Department's budget request. I look forward to working with you on the implementation of the FY 22 program.

**Question 5: The 2016 Work Environment Survey revealed that nearly 40% of the NPS workforce suffered some form of harassment in the previous 12 months. Almost 40% of the workforce reported being the victim of some form of harassment during their career.**

- **Will you commit to making this issue a priority and continuing the good work from the Trump Administration on this issue?**
- **Yale University is currently conducting a NPS Work Experience Study title "Views from the Field: Conditions Supporting an Employee-First Work Environment at the National Park Service," Are you familiar with this study?**
- **Do you know why the Alaska Region was left out of this study? It seems strange that an NPS region as isolated as Alaska would be left out of a study such as this. Can you commit to looking into this and get back to me?**

**Response:** Working to eliminate harassment is a top priority throughout the Department of the Interior, including at the NPS. It is my understanding that for the past few years NPS has worked diligently on anti-harassment training for the entire workforce. Recent survey results demonstrate that employees know how and where to report harassment. In FY21, I am making sure that NPS has placed an increased focus on training around inclusion, productivity, and civil behavior, which are often at the heart of complaints from the

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workforce. I am not familiar with the Yale study, but I commit to looking into it and getting back to you as this issue relates to Alaska.

**Question 6: I believe DOI career staff in Alaska are some of the finest in the nation, and they have had great working relationships with Alaskans, with myself and my staff, and other members of the delegation across administrations. Can you commit that you will rigorously consult with DOI career staff and experts in Alaska to understand impacts prior to making decisions that will effect Alaska?**

**Response:** Yes, I spent seven and half years as a career Senior Executive with the Department, and I believe that communication and consultation with the Department's dedicated career staff is of fundamental importance given their expertise and technical knowledge. This is particularly important in Alaska. I look forward to working closely with these career professionals as we address the challenges before us.

**Question 7: The Covid-19 pandemic has had multiple impacts across the National Park Service, but nowhere has the impact been more evident than National Parks in Alaska. The canceled cruise season and the still closed border with Canada, caused visitation numbers to the State to plummet last summer, and will continue this year.**

**Although we are nearing the end of the COVID pandemic, the summer 2021 season is still under reduced visitation numbers due to Park Service policies as a result of COVID, causing fee receipts to be reduced for a second year in a row. Knowing that next year's ability to hire seasonal workers is being affected by NPS policies this year, what is the National Park Service doing to ensure that parks will have sufficient funds to hire needed season staff for next year?**

**Response:** The decline in last year's revenue was driven in large part by parks being closed for several months during the early stage of the pandemic, which resulted in suspension of fees. This year, because of the progress we have made against COVID-19 and the resulting increasing demand for travel, we anticipate that revenue in most places will be significantly higher than 2020, but not entirely back to their 2019 levels. As such, we are confident that NPS will have the funds necessary to hire seasonal staff for the 2022 season.

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Questions from Senator Hoeven

**Question 1: Our public lands are a tremendous resource for North Dakota as they support recreational activities, energy development, grazing, and a habitat for wildlife. As the Interior Department weighs policies regarding the multiple uses of our public lands, we must maintain access for our sportsmen. If confirmed, will you work with Secretary Haaland to commit to a no-net-loss policy for hunting and fishing access on public lands?**

**Response:** If confirmed I will work with Secretary Haaland to look for opportunities to increase access for hunting and angling including by implementing the Great American Outdoors Act and by working cooperatively with our stakeholders, including hunters and anglers. On May 4, 2021, the U.S. Fish and Wildlife Service announced a proposal for new or expanded hunting and sport fishing opportunities for game species across 2.1 million acres at 90 national wildlife refuges and on the lands of one national fish hatchery. This proposed rule would open or expand 939 opportunities for hunting or sport fishing (an opportunity is one species on one field station). The expansion proposed in this rule is the largest in recent history – including last year’s proposed rule which itself was larger than the previous five rules combined.

**Question 2: Similarly, will you commit to a no-net-loss policy on lands eligible for grazing permits?**

**Response:** I understand there are many ways we use our public lands, not just for recreating, energy development, or mining – but for other productive uses, including farming and ranching. While I understand the majority of grazing permits managed by the Department are issued by the Bureau of Land Management, if confirmed, I commit to working cooperatively on issues within my portfolio with all stakeholders to strike the right balance, in accordance with the law, on matters related to uses such as these going forward.

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Questions from Senator King

**Question 1: As we discussed in the hearing, the passage of the Great American Outdoors Act (GAOA) last year was monumental for land conservation. Implementation of this law will be critical, and I want to ensure that the agencies and Congress are funding projects in a transparent manner. I understand that both the U.S. Fish and Wildlife Service and National Park Service have developed their own criteria for prioritizing projects for funding—and while these criteria might be different from each other, they both are reflections of the missions of the respective agency.**

**To ensure that there is appropriate transparency and accountability, I request the agencies prepare a short report that outlines the criteria they used to create that project list. This will help this Committee and the Appropriations Committee better understand how these determinations were made and provide guidance for stakeholders.**

**Response:** I welcome the opportunity to communicate with you and the Committee on the criteria and process for selection of the projects that will be released with the President's budget request. The effective implementation of the Great American Outdoors Act is one of my highest priorities. If confirmed, I am committed to transparency in the implementation of the Great American Outdoors Act. The Department has briefed this Committee on implementation of the GAOA in 2021 and I am committed to doing so, including providing you with concise information pursuant to this request.

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Questions from Senator Cassidy

**Question 1: A few weeks ago, at the Virtual Leaders' Summit on Climate Change, the White House announced a new greenhouse gas reduction target revising the U.S. "Nationally Determined Contribution" under the Paris Climate Agreement. President Biden's target is to achieve a 50-52% reduction from 2005 levels of economy wide greenhouse gas emission. This is no doubt a lofty goal and to achieve it will require massive carbon sequestration projects, along with a reduction in emissions.**

- **Given the Federal government owns a lot of land, 23.5 % of conterminous lands; including national parks and wildlife refuges which will be under your purview if you are confirmed, and that these lands can be potential pore space for carbon sequestration, what actions is this Administration taking to look into carbon sequestration on our Federal assets?**
- **Do you believe the Federal Government could be a working partner with industry looking for pore space to sequester carbon?**
- **Do you see any causes for concern in using Federal lands pore space to sequester carbon?**
- **Can you please describe the process the Department would undertake to evaluate whether Federal pore space is suitable for carbon sequestration projects?**

**Response:** The Biden Administration is committed to tackling the challenges of climate change. I understand that the potential for long term carbon capture and storage is an important issue that is part of the ongoing nation-wide conversation of how to best address this challenge. I believe that the federal government will be an active participant and partner and will be exploring all options available. If confirmed I look forward to engaging with you and members of this committee to support this effort to address climate change. When it comes to the specific questions about the suitability of pore space on federal lands for carbon sequestration, I will consult with colleagues at the Department and look forwards to engaging with you further.

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Questions from Senator Lankford

**Question 1: The role to which you have been nominated oversees the agency responsible for implementation of the Endangered Species Act, a law that has good intentions but can cause a wide array of projects to incur significant costs if they are in the range of a listed species. Like most of the country, Oklahoma has a few species that receive federal protections. One such species is the American burying beetle, a bug about an inch and a half long that is found across portions of the Midwest. It was originally listed as endangered in 1989, and at the time was only found in two states. It is now found in eight states and the population has grown. Despite this, when the Fish & Wildlife Service reviewed the species for delisting, they determined that they would delist it, except that the species might be threatened by climate change – not now, but at some point in the future.**

**a) Do you believe that species should maintain protection because of a threat they may face 20 years into the future even if they have hit their population targets now? 50 years into the future? 100 years into the future?**

**Response:** I am committed to implementing the ESA in an effective way to achieve its goal of recovering species and to using the flexibilities provided under the law. If I am confirmed, I will work with FWS to ensure that these decisions are made based on science and the law. I do understand that FWS promulgated a special rule when the beetle was reclassified from endangered to threatened that eliminated the prohibition against take in the Southern Great Plains region, which includes Oklahoma, except in a narrow circumstance on defined conservation lands. Accordingly, there is no longer a need for developers to obtain take permits and to provide mitigation for take of the species going forward.

**b) Do you believe that species should be de-listed if they've reached their population target? If not, what type of success metrics would you propose to set at the time of a listing decision?**

**Response:** I believe that a species should be delisted when science supports that it meets its recovery criteria and it no longer meets the standards for listing under the ESA.

**Question 2: Undoubtedly there were many cases where infrastructure development was delayed due to the bug's listing, even though it was clear to communities in the state that a listing was no longer needed due to population levels. While the downlisting is a welcome development, it occurred years after it should have due to the length of time it takes the Fish & Wildlife Service to review these listings. In one such case of a delayed project, a small community in Oklahoma wanted to increase the size of their water reservoir, but the cost of beetle mitigation was simply too much for the community to afford.**

- **Do you believe this mitigation cost should be imposed on local communities because a federal agency hasn't gotten around to reviewing whether a species should be delisted, as was the case with the American burying beetle for years?**
- **If confirmed, would you work to find flexibilities for communities in this situation so that needed infrastructure projects are not stalled indefinitely due to the glacial pace of our bureaucracy?**

**Response:** I have a deep appreciation for the importance of close communication and transparency with states, localities, Tribes, and other stakeholders affected by Departmental actions. If confirmed as Assistant Secretary,



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I will work with FWS and Congress to identify the resources needed to support more timely action when a species warrants listing or delisting under the ESA, recognizing that this workload can be significantly affected by available resources. I will also work with FWS to ensure that affected communities and stakeholders understand the tools, flexibilities, and resources available under the ESA to assist them with compliance.

**Question 3: Prompted by the mitigation efforts surrounding the American burying beetle in Oklahoma, I asked the GAO to investigate how the Fish & Wildlife Service uses compensatory mitigation strategies for endangered species and examine if these strategies are successful. GAO reported back that the Fish & Wildlife Service regional and field offices did not track information about in-lieu fee programs, which establish sites to be conserved for particular species or habitats “in-lieu” of other compensatory mitigation strategies, such as conservation banks. Because of this, FWS could not evaluate the effectiveness of these programs, leading to confusion and little to no guidance in the field and regional offices, and ultimately, an unclear understanding of whether these programs were even a useful strategy for conservation. And in Oklahoma’s case, conservation for a bug that is at present only facing a “theoretical threat” many years in the future. If confirmed, how would you propose to better monitor this type of program and ensure they have more robust accountability and metrics for accomplishing their stated purpose?**

**Response:** I would want to know more about the program and the reasons why the FWS took these actions in order to provide an informed response to this question. Regarding the American burying beetle, I do understand that FWS promulgated a special rule when the beetle was reclassified from endangered to threatened that eliminated the prohibition against take in the Southern Great Plains region, which includes Oklahoma, except in a narrow circumstance on defined conservation lands. Accordingly, going forward there is no longer a need for developers to obtain take permits and to provide mitigation for take of the species.

**Question 4: Congress has continued to maintain the Hyde Amendment on a bipartisan basis each year in annual funding bills since 1976. If confirmed, will you continue to uphold and enforce the restrictions of the Hyde amendment – that no federal funding can pay for abortions except in the case of rape, incest or to protect the life of the mother – as enacted by Congress?**

**Response:** If I am confirmed, I will follow the law.

**Question 5: A report from the Obama administration in 2010 reinforced the importance of faith-based partnerships. Among the recommendations put forward in the report was to draw more on the local expertise and relationships of faith-based organizations as a way of filling gaps in the provision of essential services. Faith-based organizations are excellent, effective, and efficient at meeting the needs of our most at-risk populations. The report also highlighted the need to ease overly-burdensome reporting and regulation requirements placed on social service agencies. Do you agree that it is important to continue pursuing ways to engage and expand faith-based partnerships as a way of effectively addressing some of the most critical social service needs in our country?**

**Response:** As I stated at my hearing, I have a passion for collaboration and for meeting big challenges in partnership. If confirmed, I look forward to effectively addressing these challenges together.

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**Question 6: The Supreme Court has, in multiple decisions, reiterated that religious organizations cannot be discriminated against in the distribution of a public benefit for which they otherwise qualify because of their religious beliefs or identity. Will you commit to ensuring that no policy of your Department will disqualify a religious organization from receiving aid or participating in grant programs simply because of the organization's religious beliefs or because the organization receives statutory protections for religious freedom like those in Title VII and Title IX?**

**Response:** If I am confirmed, I will follow the law.

**Question 7: An important part of prompting and expanding faith-based partnerships is providing clarity on the legal obligations that will be expected of faith-based organizations when they partner with the government. Title VII of the Civil Rights Act of 1964 protects the ability of religious organizations to hire employees that support its religious beliefs and mission. Do you agree that it is both logical and appropriate that religious organizations should be able to hire employees that support the religious mission and beliefs of the organization? Do you agree that it is inappropriate for the federal government to dictate to a house of worship or a religious organization what tenets of the faith should be observed? Will you commit to ensuring that any nondiscrimination policy implemented by your agency will reinforce the hiring protections that Congress has passed in Title VII for religious organizations?**

**Response:** If I am confirmed, I will follow the law.

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Questions from Senator Hyde-Smith

**Question 1: Will you work with Secretary Haaland to commit to a no-net-loss policy for hunting and fishing access on public lands?**

**Response:** If confirmed I will work with Secretary Haaland to look for opportunities to increase access for hunting and angling including by implementing the Great American Outdoors Act and by working cooperatively with our stakeholders, including hunters and anglers. On May 4, 2021, the U.S. Fish and Wildlife Service announced a proposal for new or expanded hunting and sport fishing opportunities for game species across 2.1 million acres at 90 national wildlife refuges and on the lands of one national fish hatchery. This proposed rule would open or expand 939 opportunities for hunting or sport fishing (an opportunity is one species on one field station). The expansion proposed in this rule is the largest in recent history – including last year’s proposed rule which itself was larger than the previous five rules combined.

**Question 2: One of the Administration’s priorities in the Conserving and Restoring American the Beautiful plan is “Expanding collaborative conservation of fish and wildlife habitats and corridors.” If confirmed, how will you propose to collaborate with foreign range countries and particularly those in Africa with the largest populations of wild elephants and lions, who depend on the contributions of U.S.-based hunters to support their successful sustainable-use conservation model?**

**Response:** The focus of the America the Beautiful initiative is here, at home. As noted in the question, the preliminary report identified six priority areas for the administration’s early focus, including expanding collaborative conservation of fish and wildlife habitats and corridors.

Internationally, I will work to support the U.S. Fish and Wildlife Service in strong and effective international conservation partnership efforts, including in Africa, and if confirmed I will work to support those efforts, in collaboration with Members of Congress. Hunters and anglers provide significant support for conservation both at home and abroad and I will continue to bear that fact in mind.

**Question 3: If confirmed, you will oversee the U.S. Fish and Wildlife Service, which is responsible for administering the import of sport-hunted trophies of African species. Range countries have repeatedly complained about delays in the USFWS approving imports, and how those delays are detrimentally impacting their national conservation strategies and rural community development programs. How will you address the concerns of these range countries and ameliorate delays in approving import permits?**

**Response:** I recognize that the FWS has a history of administering a permitting program that recognizes the benefits to conservation of legal hunting. If confirmed, I look forward to supporting FWS’s efforts to improve its permit programs through modernization of technology, processes, and regulations, where needed. At this time, FWS continues to develop a new permitting system that should see improved processing times and communications with applicants. I am also committed to supporting FWS’s international activities that benefit species and communities, including in range countries where hunting is part of species management programs.

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Question from Senator Hickenlooper

**Question: When the Aspinall Unit was created, it flooded some of the best fishing on Colorado's Western Slope. Section 8 of the Colorado River Storage Project Act of 1956 (PL 84-485), which authorized the Aspinall Unit, directed Interior to mitigate losses from the creation of the Aspinall Unit and improve conditions for fish and wildlife. The BOR has failed to follow through on their commitment to expand fishing access in the basin, despite multiple requests from Gunnison County and the Upper Gunnison Water Conservancy District. Do you agree that the Bureau of Reclamation should uphold their longstanding commitment to expand fishing access in the region?**

Response: I know this is an important issue for you and for sportsmen and women in Colorado. While I am not aware of the specific history of this issue, I am aware that there is language addressing sportsmen access for fishing in the Colorado Outdoor Recreation and Economy Act, including in the version of H.R. 803 that passed the House of Representatives in February. The Bureau of Reclamation would not be under my jurisdiction if I am confirmed for this position, but I look forward to learning more about the project and its history and to working with all interested parties toward a resolution.